

- (1) பக்கங்களின் எண்ணிக்கை 8-12
(2) புதுக்கித் திருப்பிய நாள் _____
(3) ஆதாரங் குறிப்பவர் கருக்கொப்பம் _____

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

பெருகு துறை

அரசாணை எண். <u>660</u> மு. கோப்புத் தாள் எண்.	அச்சகம் பலவகை
நாள்: <u>4-8-1891</u>	<u>1891</u>

மடிக்கவோ தண்டப்படி கையாளவோ கூடாது.

Current No. 2033.

From The S. G. of Regu.

Dated 7th July 1891.

FOR ORDERS.

This paper has been
 sitting the return from
 re: of L.O. required for
 disposal.

It is submitted that
 the conclusions arrived
 at by the S. G. in regard
 to the 2 loans given by
 the Sub Registrar of Palni
 are correct and may be
 approved. Also that the
 question in regard to Bank
 owning lands - referred to
 in para: 6 - may be answer-
 ed in the negative as pro-
 posed (vide G.O. No. 157, dt 26.2.91.)

As to a reconsideration
 of G.O. No. 563, dt 8.8.90, atten-
 tion is invited to the remarks
 of H.M. on which the order
 was drafted, and also to the
 remarks in G.O. No. 341,
 dt 28.4.91.

H.M. stand

11/11
 25/July
 3/11

no doubt.

There is much force
 in the S. G.'s remarks in
 regard to the lending of
 money on lands lying
 outside the officer's juris-
 diction, but there seems
 no likelihood of India
 altering the terms of its
 Resolution in G.O. No. 60,
 dt

✓

2/30.1.90. The word "Province"
in the Resolution has been
interpreted to mean "Presi-
dency" in G.O. No. 575; of
13.8.90.

24 July

35B.
23/7.

Monday

Secretary
Government of India

C 25/7
11.3.8

No: 96

Office of the Sub-Registrar
of Palani, 18th May 1891.

From

S. Balasubramania Pillai,
Sub-Registrar of Palani.

To

The Registrar of
Madurai.

Sir,

With reference to your Memo No: 28, dated the 24th
March 1891, containing the Inspector General's Proceedings
No: 320, dated the 22nd January 1891, stating that sub-
-registrars are included in the class of officers prohibited
from giving loans to landholders in the Presidency in
which they are employed, I beg to state that in reply to
the registered notice sent by me to the two persons to
whom I have given loans for interest, one has written to
me that he has no land or orange or Pinnja anywhere. This
person is a Nattukottai Chetty and a native of Mandam
situated in the sub. district of Devakottai. He has
money dealings and has offices or regular places of
business. I do not know whether he has any such office
in this district. His loan may be said to be a deposit
made by me for interest at 6 per cent per annum. The
principal

principal and the interest are payable to me on demand.

Though he has written to me that he has no land in Raja or Panga, he most probably owns buildings and grounds and he may also have mortgage rights over Raja and Panga lands, being by occupation a money-lender. If necessary, I shall write to him and ascertain if he owns any such rights.

2.

If landholder is taken to mean proprietor of Raja or Panga lands, then according to his statements contained in the reply to me, he is not a landholder. I beg to be instructed ^{as to} ~~therefore~~ whether this construction is right and whether it is necessary that I should at once withdraw the money from him.

3.

The other person to whom a registered notice has been sent by me, being a landholder, I have demanded the immediate repayment to me of the loan with interest. Though more than a month has passed since the registered notice was sent to him, I have not received any reply from him. This individual is a native of Pankaramankovil Taluk in the Tirunelveli District. In regard to this loan I beg to be instructed as to whether I should at once take civil action for the recovery of the amount or may allow him some time for making the repayment.

4.

These two loans were given by me long before the receipt of the Government order prohibiting the granting of loans to landholders.

5. In this connection, I beg to be instructed
to Banks seeing lands are landholders
also as to whether Government order referred to.

for the purpose of ^{to} I further beg to state that certain sums

6. From the joint pattadars and enjoyers
are also due to me account of the assessment having been
of certain lands on ^{is} of from them. On the death of my
deceased from me ^{is} been entered in the Revenue Registry of
father, my name ^{has} that of my deceased father, without
lands in the place & have relinquished my claims over these
my knowledge. I proceeded in inducing the enjoyers of the
lands. I have ^{seen} pattas to consent to the transfer of
lands of one of the ^{to} their names and an application has
the revenue registry ^{to} the Tahildar for that purpose.
also been presented by other patta standing in my name as
In regard to the ^{one} I have sent a registered notice to the
a joint pattadar, ^{who} in a Court case with a vakalatnama
purchaser of the ^{land} of an application for the transfer
for the presentation ^{name}. He has not yet replied to
of the patta to his ^{name} who have passed away. I have
me though many ⁱⁿ this letter these details, without which
had to mention in ^{lands} as submitted by me may seem
the statement of ⁱⁿ
inaccurate.

7. In conclusion, I beg to state that I would
reference earlier than I have done, had I
have made this ^{reply} from the addressee of the
not waited for a ^{reply} referred to in para 3. To avoid further
registered notice ^{delay}

delay, I have submitted this letter without waiting
any longer for his reply.

I have the honor to be,

Sir,

Your most Obedient servant

(Signed) S. Balasubramania Pillai

Secy. Registrar

(True Copy)

Shri. Balasubramania Pillai

Secy. Registrar

End

Pub 7031/

CURRENT No. 2033

REGISTRATION DEPARTMENT.

C No. 2853

From

M.R.R. S. SRINIVASA RAGHAVAIYANGAR, AVARGAL,

DEWAN BAHADUR,

INSPECTOR-GENERAL OF REGISTRATION,

Madras

To

The Honorable J. F. Price

CHIEF SECRETARY TO GOVERNMENT,

Fort St. George
Cochin

Dated *Madras*, 7th July 1891

SIR,

I have the honor to submit for the orders of Government, copy of a letter from the Sub-Registrar of Pab in the Madras District, in which he requests instructions on certain points in connection with the rules in force, prohibiting the lending of money by public officers to landholders within the Presidency.

2. The rules referred to, which are contained in the Resolution of the Government of India communicated in G.O., dated 19th February 1890, No. R, 210, Judd prohibit all uncommissioned officers in the subordinate executive and judicial services of the Government, from lending money at interest whether with or without security within the province in which they are employed. In the letter communicated in G.O., dated 20th December 18

*Recd. 30/1/90
No 60*

delay, I have submitted this letter without waiting

8
No. 899 Public, the Government of India declared
that the rule applies to all executive and judicial
servants of Government to whom the term "officer" (e.g.
Deputy Collectors and Tahsildars and subordinate
Judges and Districts) is usually applied and that
the prohibition covers all loans to landholders,
whether the security to be given is land or houses.

3. The District Registrar,
Madras, having asked me whether the rule applies to
Sub-registrars, I replied to his question in the
affirmative. The term "officers", it seems to me,
clearly applies to them, and in the rules regarding
the holding of landed property by public servants
appended to G.O. dated 12 June 1890, No. 426, Public,
Sub-registrars have, in fact, been treated as a more
important class of officers than Tahsildars; for,
while Tahsildars are prohibited from acquiring lands
within their Taluqs, Sub-registrars are prohibited
from acquiring lands in the district in which they are
employed. Again, in G.O. dated 8 August 1890, No. 10
563, Public, the Government has negatived my proposal
to restrict the prohibition as regards Sub-registrars
to their Sub-districts; while, as regards Tahsildars, it
has been considered unnecessary in G.O. dated 28 April
1891, No. 341, Public to extend the prohibition beyond
the

9
the limits of their Taluks.

4. The Sub-registrar of Palni now receives instructions as to the action to be taken in respect of two loans given by him before the rules referred to, para 2, came into force. The first loan, the sub-registrar states, was given to a Nattukottai Chetti residing in a different sub-district, but within the Madurai district. The Chetti does not own lands devoted to agricultural purposes, but he probably owns houses and has a mortgage right over cultivated lands, as he is by profession a money-lender. The money lent is deposited with another Chetti who seems to be a sort of banker, and is repayable on demand, with interest at 6 per cent per annum. The Sub-registrar wishes to know whether he should call in his money at once. I am of opinion that, under the spirit of the orders in force, his question should be answered in the affirmative, as the Chetti in the usual course of his business might at any moment become a landholder.

5. The second loan was given by the Sub-registrar to a landholder in the Tirunelveli district. Repayment has been demanded, but without effect. In regard to this loan the Sub-registrar wants to know whether he should take civil action for its recovery. The loan having been given before the rules came into force,

9

do
10
1
Do not think that the sub-registrar can be required
to institute a suit for its recovery, unless he considers that
safe or prudent course. All that he can be expected
to do is to make bona-fide efforts to call in his
money at as early a date as possible.

2
In para 5 of his letter,
the sub-registrar asks whether Banks saving funds are
to be considered as landholders for the purposes of the
rules above referred to. In the resolution communicated
in G.O. dated 7 April 1888 No. 375, Public, the
Government of India has ruled that the prohibition of
officers to obtain loans from persons carrying on business
within the local limits, for which such Government officers
are appointed, does not extend to transactions
from the ordinary course of business with joint stock
companies and British firms; and following this rule, the
question may, I think, be answered in the negative.
The circumstances of the case are such as to bring it
within the prohibition as regards commercial speculations,
but contained in para 8 of the Resolution of the Government
of India communicated in G.O. dated 16 June 1885, No.
56, Public.

to
to
The transaction referred to
in para 6 of the sub-registrar's letter is not a loan to a
landholder under the spirit of the rule, under discussion.

891
8
I beg to avail myself
of

Printed in 1891
341828/4/91

of this opportunity, respectfully to urge a re-consideration of G.O., dated 8th August 1890, No. 563, Public, & venture to think that it can hardly be the intention of the Government of India that the rule prohibiting the acquisition of landed property should be more stringent in the case of sub. registrars than in the case of Tahsildars. The rule prohibiting the lending of money to landholders or, in other words, taking a mortgage in any part of the Presidency, is more stringent than the rule as regards acquisition of landed property which is limited to the district in which the officer is serving while often the only way of acquiring property is by a right to it by mortgage, e.g., in Malabar, where proprietary right in lands is seldom sold, and lands have to be acquired on Homam tenure. I beg to add that, as banking facilities are entirely absent in the interior parts of the country and the only form of investment of money known is investment on landed security, and as, where the officer concerned is a member of a joint Hindu family, as is often the case, the disabilities to which he is subjected operate against the other members of the family, there is hardship in extending the rule against taking mortgages to transactions lying outside the officer's jurisdiction. All such transactions must, of course, be reported by every officer to his official superiors and this, in itself, will, to a great extent,

as a preventive against the abuse of official
position for the purpose of acquiring property.

I have the honor to be,

Sir,

Your most Obedient Servant,

~~Thurman~~ *Thurman*

One for Genl. of Regt.

Ed
ms

Judicial (1891) Department

Registration

19-2-90: 210 R T.D. ✓
12-1-91: 35 R -

30-10-90: 726 m P.H. (Ab.)

13-2-90: 575 1/2 sa

15-4-92: 219 f

28-4-91: 241.5-c P.H.

12-6-90: 426.5-c P.H.

16-6-95: 1380 sc

7-4-98: 375 sc

8-8-90: 553

From

The Inspector General of

Registration,

Madras.

To The Chief Secretary

to Government,

Madras.

Dated 7th }
Received } July 1891

G. No. 2853

Enclosure - one.

No:

Copy of a

Submitting for orders, letter

from the S.B. Registrar of Palni

(Madurai Dt.) requesting instructions

on certain points in connection with

the rules in force prohibiting the

lending of money by public officers

to landholders within the Presidency.

B 4th Aug. 91 No. 660
Order

The conclusions arrived at by the Inspector General in regard to the two loans given by the Sub Registrar of Palni are approved.

The question in para: 6 as to Banks ^{which} own lands ^{may be} answered in the negative as proposed.

2. The Govt. is not prepared to reconsider G.O. No. 563, dt. 8.8.90. It must stand.

3. There is ^{no doubt} much force in the Inspector General's remarks in para: 8, but there is no probability of the Govt. of India modifying the terms of its Resolution embodied in G.O. No. 60, dt. 30.1.90.

/ From orders /

4 Aug.

20 B.
4/8

14. Registration

RECEIVED
10 AUG 91
IN M.S.

READ AGAIN ORDER OF GOVERNMENT, DATED
18, No. , MISCELLANEOUS.

ENCLOSURES.

CURRENT NO.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT.

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL (not paged).

N.B.-

A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.

BACK PAPER, No.

OF 18

FURTHER PAPER, No.

OF 18

depts 10/8/91

A A

WITH ORDER

ORDINARY, MS.

<i>Public</i> DEPARTMENT G.O., DATED <i>4. 8. 91</i> No. <i>660-</i> ✓
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INDEXED.

When given for copying

[Despatch Abstract.]

*Orders on letters
 from the Inspector Genl
 of Registration requesting
 instructions on certain
 points in connection with
 the rules prohibiting
 lending of money by pub-
 lic officers —*

13-7-07

17-1-10

24.9.15

22.3.17 m TP

2-9-21