

ORDINARY, MS.

Subhi DEPARTMENT.
G.O., DATED *14-10-92*
No. *722*

INDEXED.

When given for copying.

[Despatch Abstract.]

Accepting the recom-
mendations of the Board
of Rws. that certain alterations
be made in the list of public
holidays so far as the
districts of South Canara
I hereby are enained
that the holidays re-
commended for the latter
district be also allowed
in the office of the Resident
in Dornacore & Pochus.

BACK PAPER, No.

FURTHER PAPER, No. 3206

OF 18 94

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 FILLED UP, BEING MEANT FOR DEBATE
IN ORIGINAL (not paged)

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

Resident's Office.

Tevandrum 10 December 1891

No 138

From

J. W. Hannington Esquire
Resident in Travancore and Cochin,

To

The Honorable J. F. Price.

Chief Secretary to Government,
Fort St. George.

Sir,

In August last the Malayalee
clerks of my office petitioned me
to the effect that the holidays sanctioned
in Government Order No. 754 dated 8th
November 1890 or Hindu did not suit
their local requirements. I wrote ac-
cordingly to the collector of Malabar
asking whether in any cases extra
holidays were granted to Malayalees
in addition to those sanctioned in
the Government Order referred to above.
In reply he informed me he had
addressed the Board of Revenue
with a view to the sanction of
Government being obtained for
the

the inclusion in the list of Authorised holidays the following special

Holidays:

Onam - - - - 3 days

Vishu - - - - 2 "

Dusse - - - - 2 "

Karkataka Vam 1 "

Sivarathri - - - 1 "

which were granted in his District prior to the receipt of the Government Order, & that he had recommended

that they might be substituted for

the holidays named in the margin. As the proposed new

holidays will also fit the local requirements of the

Malayalees of my Office,

I have the honor to request

that in the event of the

holidays being sanctioned for the

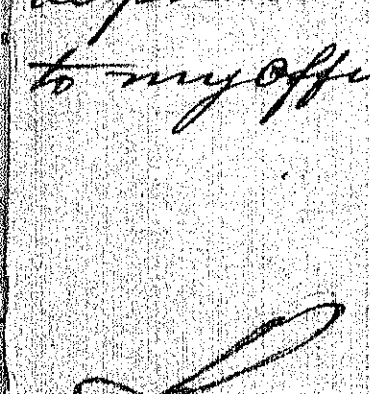
Malabar District Government may

be pleased to extend the sanction

to my office.

I have the honor to be

Your most obed^t Serv^t



Asst D^o for Resident

9 days

4 days

4 days

4 days

4 days

1891.
Pol Dept.

From The Resident in
Travancore & Cochin
To The Chief Secretary
to Government
Fort St. George.

D/10th Decr/91.
R/14

W-138.

CHIEF SECRETARY
14 DEC 91
FORT ST. GEORGE

Requests sanction
of Government for
the inclusion of
certain Holidays
for the Malayalee
clerks in the list
sanctioned by G.O.

W/7
Endorse

2
RM
1
1167

Political Department.

From
The Resident in Travancore & Cochin.
To
The Chief Secretary to Government,
Fort Saint George.

Dated
Received

No.

Enclosure.

3298
D/10 Decr/91

Referred to the
Board of Revenue
for perusal of opinion
Resubmitted
Chief Secy

16/02

BOARD OF REVENUE (LAND REVENUE), 22ND SEPTEMBER 1892, No. 534.

PROCEEDINGS OF THE BOARD OF REVENUE
(LAND REVENUE).

MR. E. GIBSON.
MR. A. T. ARUNDEL.

READ—the following letter from V. A. BRODIE, Esq., Acting Collector of South Canara, to the Secretary to the Commissioners of Land Revenue, dated Mangalore, 6th June 1891, No. 2162:—

With reference to the Board's Proceedings, No. 294, dated the 12th May 1891, I have the honour to state that Vinayakachaturti may be substituted for the Triplicane feast in this district. It is a holiday common to both Vaishnavas and Saivas and equally desired by both the sects.

2. I beg to point out that Pongal and Vaikuntayekadasi allowed to Hindus in general are not generally observed in this district, and would suggest that, if possible, Gowrivritam should be substituted for Pongal and Uttanduvadasi for Vaikuntayekadasi, the former for Saivas and the latter for Vaishnavas.

READ—the following letter from J. W. F. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to the Commissioners of Land Revenue, dated Manantoddy, 10th August 1891, No. 829 P-Gl. :—

I have the honour to reply to Board's Proceedings, dated 12th May 1891, No. 294, Land Revenue, requesting Collectors to report the local festival to be substituted for the Triplicane feast.

2. As will be seen from the list appended to Board's Proceedings, dated 25th March 1891, No. 201, three local holidays previously allowed in this district have been disallowed under the Government notification of November 1890. Any one of these holidays may be substituted for the Triplicane feast.

3. I beg, however, to point out that some of the Hindu holidays now sanctioned are not of so much importance to Malayalee Hindus as Onam, Vishu, Dasra and Karakataga Vavu which do not find a place in the revised list. In 1860, on the representation of the Collector, the Board was pleased to sanction a special list of holidays for Malabar in consideration of the special condition of the district—(vide Board's Proceedings, dated 12th March 1860, No. 1259). Onam (3 days), Vishu (2 days) and Dasra (3 days) are the most important festivals observed by the Malayalees, and should, I think, be granted above all other holidays.

4. I beg therefore to recommend that the holidays shown in column 3 of the following table may be sanctioned for Malayalee Hindus in place of those allowed to Hindus in the Government notification.

As the Onam festival, which is the great national festival of Malayalees, is approaching, I have, in anticipation of sanction, notified the holidays in connection therewith in the monthly calendar sheet published with the District Gazette.

Holidays sanctioned to Hindus as per Government notification of November 1890.	Holidays sanctioned specially for Malabar as per Board's Proceedings, of 12th March 1890, No. 1269.	Holidays now proposed.
1	2	3
Number of days.	Number of days.	Number of days.
Pongal 1	Onam 3	Onam 3
Mahalia Amavasi ... 1	Vishu 2	Vishu 2
Lunar Eclipse 1	Dasra 3	Dasra *2
Solar Eclipse 1	Karkataga Vavu ... 1	Karkataga Vavu ... 1
Vaikuntayekadasi ... 1	Sivaratri 1	Sivaratri 1
Triplicane feast 1		
Krishnajayanti 1		
Sivaratri 1		
New Year's Day 1		

* One day has been allowed to all classes.

READ—the following letter from J. C. HANNYNGTON, Esq., Resident in Travancore and Cochin, to the Chief Secretary to Government, dated Trivandrum, 10th December 1891, No. 138 :—

In August last the Malayalee clerks of my office petitioned me to the effect that the holidays sanctioned in Government Order, No. 754, dated 8th November 1890, for Hindus did not suit their local requirements. I wrote accordingly to the Collector of Malabar asking whether in any cases extra holidays were granted to Malayalees in addition to those sanctioned in the Government Order referred to above. In reply he informed me he had addressed the Board of Revenue with a view to the sanction of Government being obtained for the inclusion in the list of authorized holidays the following special holidays—

	Days.
Onam	3
Vishu	2
Dasra	2
Karkataga Vavu	1
Sivaratri	1

which were granted in his district prior to the receipt of the Government Order, and that he had recommended that they might be substituted for the holidays shown below :—

	Days.
Pongal	1
Mahalia Amavasi	1
Lunar Eclipse	1
Solar Eclipse	1
Vaikuntayekadasi	1
Triplicane feast	1
Krishnajayanti	1
Sivaratri	1
New Year's Day	1
Total	9

As the proposed new holidays will also suit the local requirements of the Malayalees of my office, I have the honour to request that, in the event of the holidays being sanctioned for the Malabar district, Government may be pleased to extend that sanction to my office.

Referred to the Board of Revenue for favour of opinion.

FORT ST. GEORGE,
18th December 1891.

(Signed) J. F. PRICE,
Chief Secretary.

READ—letter from the Collector of South Canara, dated 25th July 1892, No. 3043.

ABSTRACT.—Requesting that orders may be passed on this office letter No. 2162, dated 6th June 1891.

RESOLUTION—dated 22nd September 1892, No. 534.

Submitted for the orders of Government with reference to Government Order, dated 25th April 1891, No. 336, Public.

2. The Collector of South Canara recommends the substitution in his district of "Vinayakachaturti," "Gowrivritam" and "Uttanduvadasi" for the Triplicane feast, "Pongal" and "Vaikuntayekadasi." The Board supports the Collector's recommendation.

3. The Collector of Malabar proposes that in his district, in lieu of the nine holidays, general and special, sanctioned for Hindus in the list attached to Government Order, dated 8th November 1890, No. 754, Public, three holidays should be allowed for "Onam," two for "Vishu," two for "Dasra," one for "Karkataga Vavu" and one for "Sivaratri" for all Hindu Government servants. The circumstances of the district are so peculiar that the Board considers that the exceptional arrangement proposed by the Collector should be approved.

4. With reference to Government endorsement, dated 18th December 1891, on Current No. 1438, Political Department, the Board submits that the holidays now recommended for the Malabar district be also allowed to the office of the Resident in Travancore and Cochin.

(True Copies and Extract.)

Acting Secretary.

To the Secretary to Government, Revenue Department.

" Chief Secretary to Government, Political Department,
with Resident's letter returned. ✓

Copy to the Collector of South Canara.

" " Collector of Malabar.

Exd. J. Mosson.

Portreal

4892.

(Land Revenue),

MADRAS.

CHIEF SECRETARY
18 OCT 92

Printed October 18.

Ryät-madras 10^{te} October 1892. Enu me

Proceedings, 22nd. September 1892, No. 534.

Submitting to Government, with Board's recommendations, letters from the Collectors of South Canara and Malabar suggesting certain alterations in the list of public holidays so far as their districts are concerned, and reporting that the holidays recommended for the Malabar district should be allowed also to the office of the Resident in Travancore and Cochin.]

Plot 336. 25-4-91 Mrs
75% - 8 Nov 90. Pres.

248 17/10/94

Oct 8. 1900

Nov. 8. 14 Oct
 How. Mc Farland
 Publicophy
 4222

19 Oct 92 #7228
The Joint. accepts

the recommendations of
the Board of Revenue.

2. The holidays will be
ratified in the Port
St George Gazette,
& will ^{be allowed in} ~~be approved~~ the
Residents' office at
Prenaudum.

10/11/92
Resident in F. & C.
Ken. Dep't. of
Sd. of Ken.
Gazette III.

6/22/60

C. 13/10
R₁ 18/10

GOVERNMENT OF MADRAS.

MILITARY DEPARTMENT.

Judicial.

Read the following papers :—

No. *From the Controller of Military Accounts ; dated 25th September 1891, No. 661-G.*

No. *To the Secretary to the Government of India, Military Department ; dated 3rd October 1891, No. 5477.*

No. *From the Secretary to the Government of India, Military Department ; dated 27th January 1892, No. 212-C.*

No. *To the Controller of Military Accounts ; dated 5th February 1892, No. 839.*

No. *From the Secretary of State for India, to His Excellency the Most Honorable the Governor-General of India in Council ; dated India Office, London, the 23rd June 1892, No. 81 (Military).*

I have to acknowledge the receipt of your Excellency's Military Despatch No. 57, dated 4th May 1892, asking for

Question whether claims by Government against an officer's pay can take precedence of orders of Civil Courts. information on the question whether claims by Government against an officer in respect of subscriptions to service or regimental funds, or recoveries on account of advances of pay, should take

M 5003.

precedence of an order of a Civil Court for the attachment of a moiety of an officer's pay.

2. Your despatch refers, first, to subscriptions and donations to service and regimental funds, and public claims, such as retrenchments and disallowances by the Accounts Department. As to these, I am advised that the Advocates-General of Bombay and Bengal are correct in their view that, by the combined operation of sections 136 and 151 (8) of the Army Act, 1881, they cannot be deducted or taken into account in ascertaining the amount of any officer's pay, one-half of which is attachable by a Civil Court under the latter section, unless in the case of any such deduction it be authorised by Act of Parliament or by Royal Warrant.

3. Somewhat different considerations apply to advances of pay. The claims considered in the preceding paragraph are in the strictest sense deductions from pay, that is to say, sums never paid but kept back. Advances are sums already



paid, and are therefore not paid a second time. Under the rules governing advances of pay, the effect of such an advance is that it is a prepayment, to the extent of one-fifth of its amount, of the officer's pay for each of the five months during which the advance is to be recoverable. And, having regard to the whole language of section 151 (3), and particularly the use of the word "stopped" at its close, I am advised that, although the "pay or other public money payable to the debtor" means his whole pay, still, what can be attached in the hands of Government is what they can stop, that is, the unpaid balance of that pay. The effect of this would be that, when an order is made against half the pay of an officer under section 151 (3), if he had received an advance which was not yet cleared off, the instalment of the advance for any month provided for by the rules should be deducted, and the attachment would operate, not upon half the balance, but upon the balance to the extent of half the entire pay, if the balance were more than half that pay, and upon the whole balance if not more than half the pay.

4. It is, of course, impossible to say what view a Court of law might take of the matter, and it is one which might come before the Courts in India at any time, but the view above expressed is the one on which I think your Government might act, unless and until some other rule is judicially laid down.

From the Secretary to the Government of India, to the Secretary of State for India; dated Simla, the 4th May 1892, No. 57.

We have the honour to forward, for your Lordship's consideration, the papers noted in the accompanying schedule, in which the Government of Madras have raised the question whether a claim by Government against an officer on account of an advance of pay should take precedence of an order of a Civil Court for the attachment of one-half of the officer's pay.

2. This question has been raised in connection with the case of a military officer, who, on returning to India from furlough in England, received an advance of pay from the India Office. While the advance was in course of liquidation in this country by monthly stoppages from the officer's pay, a decree of a Civil Court was issued to stop one-half of the officer's receipts in satisfaction of debts contracted by him, and the question is what those receipts should be held to be.

8. We are advised that the decree of the Civil Court has a priority of claim against a moiety of the officer's pay, and that, under the provisions of section 151 (3) of the Army Act, 1881, no claim of Government can be considered as against that moiety until the decree of the Civil Court has been satisfied.

4. At the same time we have some doubt regarding the meaning of the term "pay" used in the section of the Army Act referred to, one-half of which may be attached to meet the award of a Civil Court. The expression used is "any pay or other public money payable to the debtor," but in the case of a Staff officer drawing staff pay, or of an officer serving with a Native regiment, it does not seem to be clear whether staff pay and allowances are included in this definition, or only "regimental pay," i.e., in the case of a Staff Corps officer staff corps pay of rank.

5. It also appears to us to be a point for consideration whether any, and if so what, deductions should be made from the "pay and public money" above referred to, before it is halved to satisfy the decree of a Civil Court.

6. It will be seen from the earlier papers which are forwarded with the case, that in 1876 a question was raised as to the interpretation to be put upon the term "half of his pay coming to" a military officer against whom a decree has been obtained, as used in article 99 of the Mutiny Act of 1875, and the Government of India were then advised by the Advocate-General, Bengal, that the words quoted meant the half of an officer's pay after deducting therefrom his subscriptions or donations to service or regimental funds, or recoveries from his pay made compulsory by Indian regulations.

7. Subsequently, however, the Government of India were advised that, according to the forms of section 136 of the Army Act, 1881, the pay of an officer, half of which may be stopped to meet the decree of a Civil Court under the provisions of section 151 (3) of the Act, meant the full pay of the officer after making therefrom the deductions specified in that section only, and that no deduction should be made on account of subscriptions or donations to service or regimental funds, or compulsory recoveries made by regulation, but not authorised by the Army Act itself, or by any other Act, or by Royal Warrant for the time being.

8. We shall be glad, therefore, to be informed what these authorised deductions are, and whether they include subscriptions and donations to service and regimental funds, and public claims, such as retrenchments and disallowances by the Accounts Department, and recoveries of advances.

No. 1653-C.

Judicial.

Copy of the above, with a copy of the Despatch to the Secretary of State, No. 57, dated the 4th May 1892, forwarded to the Secretary to the Government of Madras,* Military Department,

* In continuation of Military Department No. 212-C, dated 27th January 1892.

for the information of the Governor in Council.

(By Order.)

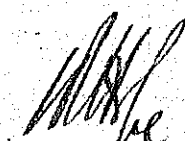
SIMLA,
19th August 1892.

(Signed) E. DEBRATH,
Asst. Secy. to the Govt. of India.

No. ORDER THEREON, /2nd October 1892, No. 6461

Ordered that the decision of the Secretary of State be communicated to Military Departments generally, and to the several departments of the Secretariat.

(True Extract.)


Brigdr.-Genl.,
Secretary to Government.

To the Adjutant-General.

- " Quarter Master General.
- " Commissary-General.
- " Inspector-General of Ordnance.
- " Superintendent, Army Clothing.
- " Superintendent of Pensions.
- " Superintendent, Reserve Remount Depot, Hosur.
- " Principal Medical Officer, Madras Army.
- " Surgeon-General with the Government of Madras.
- " Military Secretary to the Right Honorable the Governor.
- " Military Secretary to His Excellency the Commander-in-Chief.
- " Controller of Military Accounts.
- " Public, &c., Departments.
- " Revenue Department.
- " Public Works Department.

Exd. T. K. Narayana Aiyangar.

Public (1892) 1892
SECRET NO. 2/11

Gobt. of {1892} Madras.
MILITARY.

To THE ADJUTANT-GENERAL,
&c., &c., &c.

Dated October,

Issued

Recd. 13th } 20/10/92
By 14th } Encl. 2

G.O., 12th October 1892, No. 6461

OCTOBER.
Nos. 136-41

Judicial.

Attachment.—Decision of the Secretary of State regarding the question whether certain claims by Government against an officer should take precedence of an order of a Civil Court for the — of a moiety of his pay, communicated to Military Departments generally and to the several departments of the Secretariat.

WITH ORDER

W.

Order, 19th Oct/92. No. 722.

Comm: to the
Judicial & Political
depts, and to the
Surgeon General &
the Sanitary Comm.

J.S.B.

17/10

20/10

Judicial
Political & Sanitary
Surgeon General
Sanitary Comm.
20/10

DESPATCHED
26 OCT 92
IN M.S.

BACK PAPER, No.

OF 18

FURTHER PAPER, No.

OF 18

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

ENCLOSURE.

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT.

LETTERS OF GOVERNMENT.

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