

Public (1896) Department.

Press

ORDINARY ~~MS.~~

G.O., No. 1138

DATED 21. Oct. /96

INDEXED.

[Despatch Abstract.]

Passing orders on letter from the D.P.I.
submitting a statement of landed pro-
perty possessed by Mr Marsden, Inspector
of Schools, Central Circle, within his
jurisdiction and reprimanding Mr Marsden
for acting in the manner reported
without the previous orders of Govt.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
C	955 of 1897						

Public
Educational (1896) Department.

CURRENT No. 2051

From

The Dir. of Pub. Instruction,
 Madras.

Order

No. 9818

Dated 7 September 1896.

Received 110 SEP 96

Registered 11 - Sept 96

Enclosures two

Spare copies nil.

SUBJECT.

Submitting a state-
 ment of landed property possessed
 by Mr. Marsden, Inspector of Schools,
 Central Circle, within his juris-
 diction together with his explana-
 tion in support of his action and
 requesting that a definite ruling
 may be passed on the subject.



G.O.	No.	Department.	Re.
	813	Pub	6-8-96
	Conduct of Pub Servants Moral There have been no		

G.O.	No.	Department.	Date.

2. In reply to para 2, I beg to state that the Civil and Military Station of Bangalore is within

It or by an ~~examining~~ the houses I
fully looked up the rules on the subject and they
seemed to be very clear and to permit the purchase.

4. Article 2 of the rules prohibits the acquisition
in the district in which an officer is employed, of
"landed property for agricultural purposes". In
the second sentence the word "land" is used as
synonymous with landed property.

5. Article 8 expressly states that:-

"The prohibition contained in article 2 will not
be held to apply to houses or other buildings for residence
and their usual appertinances e.g. vegetable or fruit
gardens"

Article 9 states that

"Previous sanction is not necessary for acquisition
of property under these rules"

6. I beg to submit that these rules clearly permit
the acquisition of houses provided the land on
which they are built is not used for agricultural
purposes. As stated above my houses are used for
residence only and no cultivation of any kind is
carried on in any one of them.

7. I beg further to state that Educational officers
before me possessed houses situated within their
circles and no objection as far as I know was ever
made to their doing so. The late Mr. Bradshaw had

a house in Gericand, ~~and~~ ^{and Mr. Flanagan has a house in}
Boonoo and Mr. Flanagan has a house in
in Ocamund. They were rented by these gentlemen
to ten ~~to~~. I am under the impression that the last
head of the Department Mr. Grigg had a house in
Ootac ~~and~~ which he rented on certain occasions.

8. I beg also to point out that if the
spirit of the rules be considered there can be
no possible objection to an Educational officer
like myself investing his money in the purchase of
houses. Government objects to three things, which
these rules are framed to prevent. They are
(1) Speculation (2) the spending of time, for which
Government pays, on the management of property
such as a Coffee estate or the cultivation of
fields (3) the exercise of influence, which a Revenue
or judicial officer usually possesses, in the acquisition
of landed property at a rate below the market
value.

None of these objections can possibly apply to me

(1) The purchase of these houses is as far removed
from speculation as it is possible for a transaction
to be. They were all bought at high prices, with the
object of securing an absolutely safe investment. The
return is scarcely 5 per cent.

(2) The ownership of these houses involves the
spending of no time whatever on them. They are rented
on leases. Repairs are by agreement executed by

its or by an agent whom I pay for management. The rent is paid into the local bank. I have absolutely nothing to do with the management of these houses.

(3) As an Educational officer, I have no influence of any kind. These houses were bought from independent gentlemen, all wholly unconnected with me officially.

I can conceive nothing more unobjectionable, whether the letter or the spirit of the rules be considered, than my investment in the purchase of these houses.

I have, Sir,
Yours obedient servant,

Central Circle.

Encls. I to Director's
letter No. 9878
17-12-86

No. 9878

From

THE HONORABLE MR. D. DUNCAN, M.A., D.Sc., J. I. D.,

DIRECTOR OF PUBLIC INSTRUCTION,

Madras,

To

THE HONORABLE THE CHIEF SECRETARY TO GOVERNMENT,

FORT ST. GEORGE.

SIR,

I have the honour to submit a statement of landed property sent to this office by Mr. Marsden, Inspector of Schools, Central Circle, in accordance with article 12 of the Rules regulating the personal conduct of Government servants, together with his explanation of the apparent breach of the rules in his holding house property in Bangalore, which is within his official jurisdiction. His explanation is that the prohibitions contained in article 2 of the Rules apply only to landed property intended for agricultural purposes, and that article 3 expressly states that the above prohibitions do not apply to houses or other buildings for residence. It would appear that all the houses shown in the enclosed statement as being rented by tenants have been purchased by Mr. Marsden at high prices with the object of securing a safe investment, and that the return is at present only 5 per cent. He further declares that no portion of his time is spent on these houses as repairs are, in some cases, by agreement, executed by the tenants themselves and in others, by his agent who is paid for management. So far, Mr. Marsden's explanation appears to me to be satisfactory; but I am not certain whether article 3 above referred to permits any the purchase of a house or houses to be used as a residence or residences by the Government servants themselves or whether

allows such large investments in houses as the Government
at present has made. The individual instances cited
by him in support of his action are none of them similar to this
case; for they do not appear to have been intended as an invest-
ment of capital as Mr. Marsden's purchases avowedly are. My own
opinion is that no objection need be raised to what Mr. Marsden
has done. I beg, however, to request that a clear ruling on the
point may be given.

I have the honour to be,

Sir,

Your most obedient servant,

L. Duncan

Director of Public Instruction.

Public DEPARTMENT.

C. No. 2951

Possession of houses by Govt Officials

[G.
25 A.]

1,000-21-3-39.

Note

Delayed for papers from Madras.

FOR ORDERS.

*H.M. [unclear]
at [unclear]*

* vide G.O. 402 Educl. dt 6.6.94

* Rules regulating the personal
conduct of public servants -
(pamphlet put up.)

It appears that Mr. Marsden,
Inspector of Schools, Central Circle,
purchased in 1895, with the
intention of renting them, the
houses specified in the state-
ment flagged A. They are in
Bangalore which is within his
official jurisdiction. With
ref. to this fact Mr. Marsden
says that before purchasing
houses he carefully looked
up the rules on the subject
that they seem to be very
clear as to permit the purchase.

He argues that the pro-
visions contained in article 3)
the rules apply only to landed
property intended for
agricultural purposes,
and that article 8 expressly
states that the above prohi-
bitions

prohibitions do not apply to houses or other buildings for residence. He states that all the houses were purchased at high prices with the object of securing a safe investment, and that the return is at present only five per cent; and further that no portion of his time is spent on them ^{repairs are,} as in some cases, by agreement, executed by the tenants themselves, and in others by his paid agent.

So far the D.P.I. considers Mr. Marsden's explanation satisfactory, but he is uncertain as to whether article 8 permits ^{only} the purchase of houses as residences for the foot servants themselves, or whether it allows such large investments in houses for the occupation of tenants as Mr. Marsden has made.

In support of his action Mr. Marsden cites several instances of Educational officers having rented houses owned by themselves

FOR ORDERS.

H. E. THE GOVERNOR.

THE HON'BLE MR. H. W. BLISS, C.I.E.

THE HON'BLE MR. J. GROSE, C.I.E.

This is not for Mr. Marsden to discuss - He must obey orders. H.A.

been made thereto. But, D.P.I. points out these cases are not similar, as they do not appear to have been intended as an investment of capital as Mr. Marsden's purchases avowedly are.

The D.P.I. is of opinion that no objection need be raised to Mr. Marsden's action but requests a clear ruling on the point.

It is submitted that according to the letter of the rule Mr. Marsden is right. He submits however that even if the spirit of the rule be considered, there can be no possible objection to an Educational officer like himself investing money in houses. For, he argues, there is (1) no speculation (2) no spending of time, for which foot pays, in the management of the property and (3) no exercise of influence as, such as a Rev. or Judl. officer usually possesses, in the acquisition of landed property at a rate below the market value.

Attention

attention is solicited to
the cases in fds 176 d/12.3.94
1898 d/19.6.95 flagged ~~by~~
respectively, especially to
Col Pennycook's note in
the latter. It would appear
that it has all along been
the intention of Govt that
rule 8 should permit
the purchase of a house
by a Govt servant only
when he intends to reside
in it himself. Here Mr. Maroden
explicitly states that he
purchased the houses in
question in view to rent
them out to others. Please
see portions marked in blue ink
on pages 6 and 8 of f.d. 1357 Rev d/1
1.12.82 ()

It is submitted that, how
ever the matter may be decided,
rule 8 should be worded more
explicitly.

Mr. Maroden did not ask for
the sanction of Govt to the purchases
in question, but if his view
is correct then previous
sanction is not necessary
under rule 9.*

C.O.
2.10.96

*This is taken to mean
buildings less pretentious
than houses.

*This rule has been cancelled.
The pamphlet given me
was not up to date.
C.O.
23.11.96

It has always been
understood here that
with the sanction of
Govt: an officer could
buy a house to live in
himself. but that he
could not buy property
to rent out to others.

All houses are natur-
ally for residence, and
the insertion of the
words "for residence"
after "houses or other
buildings" in the rule
has been taken to mean
for residence by the
officer himself.

In the present case
it is subd: there is no
objection to Mr. Maroden
holding the property,
but he shd: ^{in the office} have applied
for sanction first. His
jurisdiction as an Educl
officer is a very different
thing to that of a judicial
or revenue official.

His return "is scarcely
5%". so it seems probable
there was no "undue
influence" when pur-
chasing.

C. No. 2931.

ORDER:-No 1138 of 21-10-96.

The Govt. is surprised that the Director of Public Instruction should hesitate to reject Mr. Marsden's interpretation of the expression "houses or other buildings for residence" which occurs in ^{Article} 8 of the "Rules regulating the personal conduct of public servants". Art. 28 puts "house" ^{together} with ^{other} valuable property ^{clearly required for} in personal use, and Art. 29 anticipates that ^{an officer} leaving a station permanently ^{he} will want to sell his house together with the rest of his property, which he would ~~certainly~~ not desire to do if he had acquired several houses as an investment.

2. To render the first sentence of Art. 8 more precise the following will be substituted for it:-

"The prohibitions in Art. 3 will not be held to apply to a house or houses for personal residence, with the usual out-houses, stabling and appurtenances (e.g. vegetable or fruit gardens), ~~or~~ to public to be planted under the town-rules".

3.

Logue, though I think all these rules utter anachronisms

200 22

he must be able to buy property to be an officer when the houses come under the prohibition as a holder of houses in a military cantonment is very different from that of a house or houses of an officer owning houses within his jurisdiction

8/10/96

An officer might have a house in more than one place - e.g. at Secunderabad, at his station and at his station in the plains.

Thy for the Educ. Dept. I think

8/10/96

I don't think he is to be transferred to another division. He is exactly suited to his division. I know of no one who could better his place. As an Education Officer

question whether any one before Mr. Marsden has had doubt that the rule was meant for an officer to buy a house to live in & for no other purpose, and it is surprising that the D.P.I. should ~~have~~ ^{hesitate to reject} Mr. Marsden's interpretation of the rule. ^{Art} 28 puts house along with other valuable property in personal use, and ^{Art} 29 anticipates that when an officer leaves his station permanently he will want to sell his house together with the rest of his property - wh. he would not desire to do if he possessed a number of houses as an investment.

The wording of ^{Art} 8 is however loose and may be made more precise by altering it into "8. The prohibitions in Art. 2 will not be held to apply to a house or houses for personal residence with the usual out-houses, stabling & appurtenances (e.g. vegetable or fruit-gardens)"

Mr. Marsden ought to submit to be reprimanded for acting as he has done without previously taking the orders of Govt. and it might further be desirable to transfer him to another division as there might be a difficulty in the way of his selling the houses.

Atty. G. S. 20.

3. Mr. Arundel will be re-
minded for acting ^{in the manner now reported}
without previously taking the orders
of Govt.

from orders

503
20/10/96

11/10/96

Mr. D. P. I.

Revenue Dept.

P. W. D.

Marine Dept.

Other Depts.

All Heads of Depts.

Depd
11/10/96

note
only D.P.I. to
get para 2-1 and 3
all others p 2 only, with suitable
leading to show what para 2
refers to.

H.C.

Issue correction slips

No. 1138, PUBLIC, 21st OCTOBER 1896.

GOVERNMENT OF MADRAS.
PUBLIC DEPARTMENT.

READ—the following extract from Article 8 of the Rules regulating the personal
conduct of Government Servants :—

8. The prohibitions contained in Article 2 (regarding the acquisition of landed
property in a district in which one is employed) will not be held to apply to houses or
other buildings for residence and their usual appurtenances (e.g., vegetable or fruit
gardens), nor to public topes planted under the tope rules.

ORDER—No. 1138, Public, dated 21st October 1896.

2. To render the first sentence of Article 8 more precise, the following will be
substituted for it :—

“The prohibitions in Article 2 will not be held to apply to a house or houses for personal
residence, with the usual out-houses, stabling and appurtenances (e.g., vegetable or fruit gardens),
or to public topes planted under the tope rules.”

(True Extract.)

A. T. ARUNDEL,
Ag. Chief Secretary.

To the Director of Public Instruction.
„ the Revenue Department.
„ the Public Works Department.
„ the Marine Department.
„ other Departments under the Chief Secretary.
„ all Heads of Departments under the Chief Secretary.

Ed. C. M. Thambuswamy.

Government {1896} of Madras.
PUBLIC.

No. 1138, PUBLIC, 21st OCTOBER 1896.

Recd.

Enclosures

Regd.

1896.

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G.O., No. 1138, 21st October 1896.

OCTOBER.

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PUBLIC DEPARTMENT.

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“The prohibitions in Article 2 will not be held to apply to a house or houses for personal residence, with the usual out-houses, stabling and appurtenances (*e.g.*, vegetable or fruit gardens), or to public topes planted under the tope rules.”

(True Extract.)

Ag. Chief Secretary.

To the Director of Public Instruction.
„ the Revenue Department.
„ the Public Works Department.
„ the Marine Department.
„ other Departments under the Chief Secretary.
„ all Heads of Departments under the Chief Secretary.

Rules regulating the Personal Conduct of ~~Public~~ ^{Government} Servants.

Directing the substitution of a revised sentence in Article 8 of the —.

Exd. C. M. Thumbarwamy.

Government { 1896 } of Madras. PUBLIC.

[G]
34
203-17-6-96

DEPARTMENT.

List showing the distribution of the Proceedings of Government
No. dated

Recd. } 1896. Enclosures
Regd. } Spare copies

G.O., No. 1138, 21st October 1896.

OCTOBER.

Rules regulating the Personal Conduct of Public Servants.
Directing the substitution of a revised sentence in Article 8 of the —.

	Revenue Department	..	..	..	30
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	Marine Department	..	..	..	5
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	Pension Department	..	..	..	..
JUDICIAL.	Honourable the Chief Justice with C.L.	..	..	..	30
	Inspector-General of Police	..	..	..	22
	Do. of Prisons	..	..	..	15
	Do. of Registration	..	..	..	6
	Chief Presidency Magistrate	..	..	..	1
	Commissioner of Police	..	..	..	1
	Judges of the Madras Court of Small Causes	..	..	..	1
	Advocate-General	..	..	..	1
	Government Solicitor	..	..	..	1
	Administrator-General	..	..	..	1
	Sheriff of Madras	..	..	..	1
	Government Pleader	..	..	..	1
PUBLIC.	Crown Prosecutor	..	..	..	1
	Registrar of Joint Stock Companies	..	..	..	1
	Surgeon-General	..	..	..	6
	Meteorological Reporter	..	..	..	1
	President, Board of Examiners	..	..	..	1
	Private Secretary to His Excellency the Governor	..	..	..	1
	Government Astronomer	..	..	..	1
	Protector of Emigrants	..	..	..	3
	Superintendent, Government Press	..	..	..	1
	Tamil Translator to Government	..	..	..	1
	Telugu do. to do.	..	..	..	1
	Malayalam do. to do.	..	..	..	1
POLITICAL.	Canarese do. to do.	..	..	..	1
	Hindustanido. to do.	..	..	..	1
	British Consular Agent, Pondicherry	..	..	..	1
	Superintendent, Archaeological Survey	..	..	..	1
	Government Epigraphist	..	..	..	1
	Resident in Travancore and Cochin	..	..	..	1
POLITICAL.	Paymaster, Carnatic Stipends	..	..	..	1
	Political Agent, Pudukkottai (Trichinopoly).	..	..	..	1
	Do. Sandur (Bellary)	..	..	..	1
	Do. Banganapalli (Kurnool)	..	..	..	1
	Government Agent, Tanjore	..	..	..	1
ECCLESIASTICAL.	Special Agent, South Arcot	..	..	..	1
	The Right Reverend the Bishop of Madras	..	..	..	2
	Venerable the Archdeacon of Madras	..	..	..	2
FINANCIAL.	Senior Chaplain, Church of Scotland	..	..	..	2
	Accountant-General	..	..	..	4
	Commissioner of Paper Currency	..	..	..	1
	Superintendent of Stationery	..	..	..	1
	Postmaster General	..	..	..	1

EDUCATIONAL

Director of Public Instruction ..
Commissioner for Government Examinations ..
Superintendent, Government Museum ..

36 Despatch 6/11
13 Despatch 10/11

When for copying *21/10*
When *21/10*
When *21/10* 189*6*

AIN G.O., No.
189

DATE:

THE DISTRICT MAGISTRATE OF

Anantapur ..
North Arcot (Chittoor) ..
South Arcot (Cuddalore) ..
Bellary ..
South Canara (Mangalore) ..
Chingleput (Saidapet) ..
Coimbatore ..
Cuddapah ..
Ganjam (Chatrapur) ..
Godavari (Gocanada) ..
Kistna (Masulipatam) ..
Kurnool ..
Madura ..
Malabar (Calicut) ..
Nellore ..
Nilgiris (Ootacamund) ..
Salem ..
Tanjore ..
Tinnevely ..
Trichinopoly ..
Vizagapatam ..

CURRENT No.

THE DISTRICT AND SESSIONS
JUDGE OF

North Arcot (Chittoor) ..
South Arcot (Cuddalore) ..
Bellary ..
South Canara (Mangalore) ..
Chingleput ..
Coimbatore ..
Cuddapah ..
Ganjam (Berhampore) ..
Godavari (Rajahmundry) ..
Kistna (Masulipatam) ..
Kurnool ..
Madura ..
North Malabar (Tellicherry) ..
South Malabar (Calicut) ..
Nellore ..
Nilgiris (Ootacamund) ..
Salem ..
Tanjore ..
Tinnevely (Palamcottah) ..
Trichinopoly ..
Vizagapatam ..

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B.—

A = Copy in full.
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