

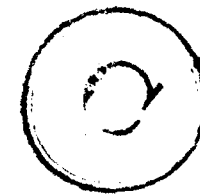
Public (1898) Department.

ORDINARY MS.

G.O., No. 632

Dated 6-5-88

INDEXED.



[Despatch Abstract.]

Passing orders on
certain questions raised by
the Collector of the Nilgiris
in connection with the rules
for the personal conduct of
Govt servants.

BACK PAPERS:

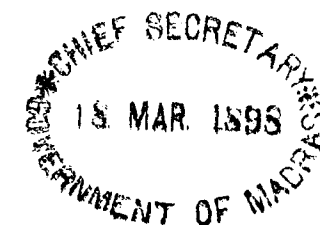
G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

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

Public (1898) Department.

CURRENT No. 1049



From The Board of Revenue
Land Revenue
Madras

No. 768 Mys.

Dated 15th March 1898.

Received 18 } 3. 98

Registered 19 }

Enclosures 1.

Spare copies

SUBJECT.

Submitting to Government,
with remarks, letter from the
Collectors of Nilgiris soliciting
orders on certain points relating
to the Rules for the Personal
Conduct of Public Servants.

Order

BACK PAPERS.

G.O.	No.	Department.	Date.
orig.	1573	Public	21-11-81
"	219	"	15-4-82
"	60	"	30-1-90
hix	575-6	"	13-8-90
"	726	"	30-10-90
orig.	899	"	20-12-90
mid	1539 40	"	17-11-87
"	375	"	7-4-88.

FURTHER PAPERS

G.O.	No.	Department.	Date.

Reference No. _____ of 1898.

NILGIRI COLLECTOR'S OFFICE,
Dated February 1898

FROM

H. Stuard Esquire

29 COLLECTOR OF

Nilgiris,

TO

THE SECRETARY TO THE

COMMISSIONERS OF

Land Revenue

Madras.

SIR,

I have the honor to solicit the orders of the Board on the following points.

2. Under Article 23 of the rules for the Personal Conduct of Government Servants "All Officers in the Subordinate Executive & Judicial Services are prohibited from lending money at interest..... to Officers in their own or other departments or to landholders, with or without security, within the province in which they are employed."

Officers specified in Article 3 are prohibited by Article 2 from acquiring or possessing landed property in the District in which they are employed, and by Article 5 this prohibition has been extended to the acquisition by them of any other property.

transfer or otherwise of any interest in
landed property.

Lending money to a landholder on
the mortgage, with or without possession,
of landed property situated outside
the district in which the officer is employed
appears to be prohibited by Article 23,
though permitted by Articles 24 & 5. I
request to be informed whether money
lending of the nature described above
is permissible under the Rules.

3. It will be observed from Article 23 -
that the Officers specified therein are
prohibited from taking loans from or
otherwise placing themselves under
pecuniary obligations to persons subject
to their official authority or influence
or residing or possessing property or
carrying on business within the local
limits for which they are appointed;
but in the case of lending money the
prohibition extends to the whole of the
Presidency. It must be admitted that the

relations or obligations between the
Officials & the borrowers in the latter case
are not so great as in the former and yet
the restriction as regards money lending
is even greater. The rule relating to money
lending quoted above, as issued in the
Second Edition of the Manual would work
great hardship in the case of native Officials
in the muzzafar owing to the absence of
banking & other facilities. It is not easy
for native Officials far away from their
native districts to purchase landed
property at once and lending money on
the mortgage of landed or other security
is the most common, if not, the only
mode of investment open to them. In this
connection I would invite the attention of
the Board to the very cogent reasons urged
by the Inspector General of Registration and
accepted by Government in para 8 of Government
Order No 6 Revenue dated 9th January 1896 embodied
in Board Proceedings N. 46 and Revenue -
dated 16th February 1896. I would suggest that
the Board may be pleased to ask Government to
consider the matter.

Collector.

on the lines suggested by the Inspector General, so to bring it into conformity with that relating to borrowing. Such an amendment will be in the interests of the subordinate native officials and will encourage straight-forward dealings on their part, while a total prohibition will lead to clandestine transactions in the names of their relatives & friends.

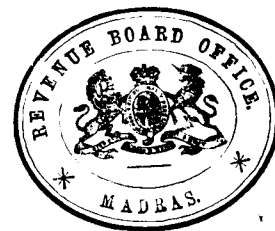
4. I beg also to enquire whether loans granted to persons residing outside the District in which the officers are employed, prior to Government Order No. 116 Public dated 6th February 1897 issuing the 2nd Edition of the Manual are affected by the rule introduced by that Edition of the Manual.

I have the honor to be

Yours most obedient servant

[Signature]

[Signature]



Proceedings of the Board of Revenue
(Land Revenue).

No. 768 Ins. dated 15th March 1898.

Read — Letter from the Collector of Nilgiris, Refou.
No. $\frac{139}{8/3}$ of 98, dated 16th February 1898.

Resolution:- Submitted for the orders of Government with reference to para 12 of G. O. 6 Revenue dated 9-1-96.
2. With reference to the suggestion in para 3 of Mr. Stuart's letter, the Board observes that a similar proposal was made by the High Court last year and was negatived in G. O. 1265 Public dated 24/7/97.

(True Extract)

Recd.
Secretary.

To The Chief Secretary to Govt. P.D.
with one letter (in original)

[Initials]

C. No 1069

SUBJECT.

Lending of money to
by Govt. Servants

FOR ORDERS.

Under Rule 2 of the Rules for the
Personal Conduct of ^{Govt.} ~~Public~~ Servants
"Officers exercising independent judicial
"revenue or other public functions...
"are not debarred from acquiring
"or possessing landed property in
"British India, ^{for agric. purposes} provided that they
"must not hold landed property
"in the districts in which they are
"employed."

Under Rule 5 -

"The prohibition against holding
"lands in art. 2 extends also to the
"acquisition by purchase, bargain,
"mortgage, transfer or otherwise,
"of any interest in landed property

Under Rule 23 -

"All officers in the subordinate,
"Executive and judicial services

are...
 at...
 or...
 in...
 the...
 subject...
 and...
 first...
 which...
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 and...
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 The...
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 of...
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 security...
 houses...
 The...
 in...
 judicial...
 from...

400.116
6.2.97

It was obviously supposed
 that nobody would lend money
 without security of some sort.
 It is the lending of the money
 that is objected to, not the
 taking of the omission
 to take security. The
 phrasing of the old rule
 shows this; the first clause
 is the general prohibition,
 and the second adds to
 it by saying "and whether".
 The present rule makes
 the thing plainer, but
 should be regarded as
 prohibiting all loans &
 not as sanctioning or
 condoning loans given
 improperly given under
 the old rule.

"to officers in their own or other
 departments or the landholders,
 with or without security,
 within the province in which
 they are employed."
 Comparing the older with the
 new rule it would seem ^{by implication} to follow
 that the lending of money to
 landholders without security
 and to officers in their own
 or other departments was
 not prohibited, although
 under the older rule and other
 circumstances cases in which
 such loans have been advanced
 loans being made under old circumstances.
 Summons are not, presumably
 affected by the new rule and
 Mr Stuart may perhaps be
 informed to this effect.
 Orders are solicited.
 14.4.98
 16/4/98
 Litch. As. ~~...~~
 The distinction seems to be - You
 must not lend in the province, but
 you may lend in the province
 if you are in the district - the extension

Let up & to para 2

of the draft order.

I am not quite

sure whether I have

rightly interpreted

the orders.

W

1/12/11

For corrections.

See also H.M.'s query
after issue.

M.H.

See.
M.

See. Issue.
H.M.'s query will be dealt
with in Dec. 11
M.

Papers to be read in Proceedings:—

Again G.O., No.	, dated	189 .
Again G.O., No.	, dated	189 .
Current No. 1065	of 1898, dated ~~7th~~ 15/3	, from <i>Ind. of Rev.</i>
" "	" 189 , "	" "
" "	" 189 , "	" "

ORDER. *No 632, of 6th May 1898.*

The Collector will be referred to G.O. No. 1235, Public, dated 24th Sept. 1897, in which it was decided that the rule prohibiting the lending of money within the Presidency should remain unaltered.

2. With regard to the question raised in para 4 of the Collector's letter, the Govt. ^{reports} considers that the present rule ~~can not be regarded as sanc-~~ ^{as absolute, and as removing} ~~tioning or condoning loans given under~~ ^{any ambiguity of meaning in} the old rule, ~~which would not now be~~ ^{and as absolute in itself.} ~~permissible.~~

Mk
3/5/98 (from orders)
Act 5-3-98

To
The Board of Rev: (C)
,, Revenue Dept. (a) ~~with the~~
~~of the~~
~~only in the~~

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