

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1931	Press Mis.
232.235	
Dated	21.10.1869.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
21st October 1864.*

No. 234. Read the following letter from the Honorable C. PELLY, Commissioner for the Uncovenanted Civil Service Examinations, to the Secretary to Government, Fort Saint George, dated, 23th September 1864, No. 399 :—

SIR,

1. I request that you will be good enough to obtain the orders of Government in reference to the particular cases described below, the circumstances connected with them, rendering it inexpedient, if not impossible, to deal with them under the regular rules.

2. The necessity for this reference has arisen in the following manner.

- 1 Law of Evidence.
- 2 Code of Criminal Procedure.
- 3 Criminal Rules of Practice.
- 4 Indian Penal Code.

3. The Government Notification of 30th May 1862 laid down a test* in Judicial matters which all Deputy, Talook and Sub-Magistrates were in future to be required to pass.

4. In the Notification of 18th November 1862, to which was appended a revised Schedule of Judicial and Revenue Tests, it was stated that the first examination according to the Test of 30th May 1862, would take place in February 1863, and that in February 1864, the first examination according to the Revenue Tests would be held, and that after the 1st May 1864 no person who had not passed the latter would be appointed to any of the offices for which they were prescribed.

5. A question then arose whether the Sub-Magistrate Test, marginally noted above, was still in force as a *separate* Test. It was found that though the Schedule published with the Notification dated 18th November 1862, included that and the other Tests in the Judicial and Revenue Departments, by some mistake the designation "Sub-Magistrate" had been omitted. It was not clearly stated therefore that the original intention was for a Sub-Magistrate to pass an examination in Revenue subjects. And it was also alleged by numerous applicants that a "Sub-Magistrate" had often no Revenue duties to perform, and that there was therefore no necessity for such an officer to pass a Test in Revenue subjects. Mr. Arbuthnot however, who was then Commissioner, was decidedly of opinion that Sub-Magistrates, as a rule, should be required to pass in *Revenue* as well as *Magisterial* subjects; for though some few Magistrateships might exist where there was no Revenue duties to perform, an officer holding such an appointment might be called upon at any moment to act as a Revenue Officer in an adjoining Talook, or to take charge of a Tahsildar's office. On the whole it seemed clearly advisable that an employé of this description should be qualified in both respects, exceptions being made when brought forward for the special orders of Government.

6. Mr. Arbuthnot ruled on these grounds, and with reference to the original intention of Government, that "Candidates for the office of Sub-Magistrate must pass in both the Revenue and "Magisterial subjects included in the Tahsildar's Test."

7. Mr. Carmichael, the Collector and Magistrate of Vizagapatam, then brought to notice that this decision had given rise to great alarm. He pointed out that under existing orders the Test of 30th May 1862, was sufficient to qualify a man for a Sub-Magistrateship up to the 1st May 1864; that many persons had prepared themselves for a similar ordeal, and would be much disappointed if the opportunity of passing was not afforded them; that in some cases men had been appointed in the Vizagapatam District as Sub-Magistrates (without Revenue duties) in the absence of qualified Candidates, on condition of their passing at the approaching Examination; and that the present ruling if intended to supersede the old one, was so sudden that it was calculated to operate unfairly and harshly to all concerned.

8. I informed Mr. Carmichael, in reply, that no alteration of rule was intended, the decision in question being merely *explanatory*; that it was not intended to bear upon particular cases such as he had specified; and that if the individuals referred to had passed in the subjects laid down in the Sub-Magistrate Test, I would take such steps as might be necessary to enable them to retain their appointments.

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9. The individuals who had been so appointed Acting Sub-Magistrates were, as I subsequently learnt from Mr. Carmichael, *two* in number. Of these the one named in the margin has obtained a sufficient number of marks in the subjects *originally* fixed for the Sub-Magistrate Test to entitle him to a pass, and as the Examination took place in March 1864, he had, in fact, passed within the limit prescribed, viz., 1st May 1864, the Test which was sufficient to entitle him to hold the appointment of Sub-Magistrate, which had during the preceding August been bestowed upon him on probation.

Allipayalu Jaganadum.

10. I beg therefore to recommend that Mr. Carmichael be authorized to confirm this person in the post of Sub-Magistrate.

11. Two other cases, resembling in some respects those which have occurred in Vizagapatam, have been brought to my notice during the recent examination. The first is that of Mr. William Foster Hewetson, who holds the Acting appointment of Deputy Collector in the Malabar District. This gentleman enrolled himself as a candidate for the Deputy Collector and Magistrate Test, but performed only the papers in *judicial* subjects, leaving out those connected with the Revenue. On this account his name did not find a place in the list of passed Candidates, recently published, though he had obtained the required minimum in Magisterial matters. I have since learnt, however, that his omission to complete the examination arose from his belief that having been appointed to a Deputy Collectorate in June 1863, he was thereby exonerated from going up for the Revenue Test, the actual operation of which did not commence till 1st May 1864. I think under the circumstances that the plea is valid, and I therefore recommend that he be considered as fully qualified to hold the appointment which he temporarily occupies.

12. Mr. P. Cole, who holds a similar position in the Coimbatore District, might, if the Government see fit, be similarly exempted from the necessity of passing in Revenue subjects; he too was appointed in 1863, and at the recent examination obtained the number of marks in judicial subjects sufficient for a pass.

Transferred to the Revenue Department.

(Signed) C. G. WALKER,
Deputy Secretary to Government.

No. 235.

ORDER THEREON, 21st October 1864, No. 1,931.

Miscellaneous.

1. In the foregoing letter the Commissioner for the Uncovenanted Civil Service Examinations requests the sanction of Government for exempting certain officers from passing the Revenue Test.

2. In regard to Allipayalu Jaganadum and others in his position, His Excellency in Council has no objection to their being confirmed in Sub-Magistrateships to which no Revenue duties are attached, but they cannot be allowed to exercise Revenue functions without passing the prescribed examination.

3. The Government would have been prepared to exempt Messrs. Hewetson and Cole from the Revenue Test had they held the *confirmed* appointment of Deputy Collector. As, however, both are only *acting*, they must pass the Revenue Test at the next or succeeding examination.
(True Extract.)

(Signed) J. D. SIM,

Secretary to Government.

To the Commissioner, Uncovenanted Civil Service Examinations.

„ the Civil Paymaster.

„ the Public Department.

Exd. S. T. Augustin.

Revenue Department.

W-1931-

PROCEEDINGS of the MADRAS GOVERNMENT.

21st Oct 1864.

Read the following letter
from the Commissioner for
the U. C. S. Examinations

of 20th Sept 1864. No. 399.

Order thereon.

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Exd. S. T. Augustin.

Revenue Department.

W-1931-

PROCEEDINGS of the MADRAS GOVERNMENT.

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5 " Public Dept.

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Revenue 1864 Department.
 Pro: of Good for Debt?
 No. 1931.

PROCEEDINGS OF GOVERNMENT.

Amend

Pro: No. 40-41

18-11-62

204-207

305-62

Dated 21st Octbr/64.

Valuing orders on
 Commissioners of the
 Court for the redemption of
 certain officers from
 having the Court let
 of the line or wanted
 service examinations

Ch 234 & 235