

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1185	Press ~~Mis.~~
42 43	
Dated 2 6 18 65.	

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
2nd June 1865.*

No. 42. Read the following letter from R. A. DALYELL, Esq., Sub-Secretary to the Board of Revenue, to J. D. SIM, Esq., Secretary to Government, Revenue Department, dated Madras, 8th May 1865, No. 2,297 :—

SIR,

1. I am directed by the Board of Revenue, with reference to paragraph 14 of the Order of Government, under date 14th March 1865, No. 544, to report that, in the Board's opinion, the six Peons* mentioned in paragraphs 71 and 72 of Mr. Clarke's report as stating that they had given bribes, and the two officials alluded to in paragraphs 73 and 74, Seethapatty Ayen, and Gurusawmy Ayen, as having deposed to the same effect, should be dismissed from office, as well as the Peon Lalla Meyah, mentioned in paragraph 176, who was evidently guilty of gross falsehood.

* Tada Veerasawmy.
Para Raman.
Kurtha Rungasawmy.
Ramasawmy.
Govindan.
Sabapatty.

2. With reference to the concluding paragraph of the same Order of Government, I am directed to submit, for the approval of His Excellency in Council, the annexed Draft of a Standing Circular order to be issued to all Collectors.

No. 43.

ORDER THEREON, 2nd June 1865, No. 1,185.

Miscellaneous.

1. The Board of Revenue will act on the powers vested in them in regard to the officials whom they consider deserving of dismissal in this case.
2. Their draft Circular Order does not altogether meet the views of Government, and the accompanying Notification will be sent to them to be issued in substitution for it.
3. Copy will be communicated to the Officiating Conservator of Forests, the Inám Commissioner, the Director of Revenue Settlement, and the Superintendent of Revenue Survey, and also to the other Departments of the Secretariat in view to similar orders being issued where applicable.

(True Extract.)

(Signed) W. HUDLESTON,
Acting Secretary to Government.

To the Board of Revenue.

- „ the Officiating Conservator of Forests.
- „ the Officiating Inám Commissioner.
- „ the Officiating Director of Revenue Settlement.
- „ the Officiating Superintendent of Revenue Survey.
- „ the Public, &c., Departments.
- „ the Public Works Department.
- „ the Military Department.

Exd. S. T. Augustin.

NOTIFICATION.

1. Several recent cases having forced on the notice of Government the necessity of prescribing some rule in regard to the pecuniary transactions of superior officers in the Uncovenanted Service, the Government resolve to notify to all such officers in positions of trust and responsibility, that they are absolutely prohibited from entering into any money or other dealings whatever with persons resident within their official range and liable to be brought into any official relations with them, if such transactions are of a nature to place the Government officer under an obligation to the private individual, incompatible with perfect freedom and independence of official action.

2. The Government do not think it necessary or expedient to attempt to define all the transactions to which this prohibition will apply. It will clearly include all gifts of value, loans, credits, advances, supply of articles or accommodation at unduly low rates or for insufficient consideration and sales of property for inordinate prices; and while it is evident that no honest man will find any difficulty in applying the rule to his individual case, the Government will not be induced by any unworthy plea of non-violation of the letter of the rule, to pass unpunished any disregard of its spirit.

3. They will visit such cases with their severest displeasure.

4. This rule will apply in the Revenue Department to all Deputy Collectors, District and Sub-Division Sheristadars, Tahsildars, Salt Superintendents, Talook Sheristadars, Sub-Magistrates, Forest Range officers, and all Government servants in corresponding positions of responsibility and trust.

(Signed) W. HUDLESTON,
Acting Secretary to Government.

Standing.
No. 6,843.

Proceedings of the Board of Revenue, dated 13th October 1862

Read the following:-

Revenue Department

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following Proceedings of the Board of Revenue, dated 16th
August 1862, No. 5,403:-

Read Proceedings of Madras Government dated 29th May 1862
No. 1,196, Revenue Department approving of the draft Circular pro-
posed to be issued by the Board to all the Officers subordinate
to them, on the subject of opening a Register of the lands held by
public Servants with certain modifications.

(In Cons. 30th May 1862, No. 3,352.)

Ordered that the draft Circular approved by Government in the
foregoing Proceedings be revised, by having prefixed to it, as di-
rected, a summary of the existing Rules on the subject of Uncovenan-
ted servants acquiring lands, the suggestion in paragraph 2 being
likewise attended to and that the Circular, thus revised, be sub-
mitted to them for approval previous to issue.

(A true Extract)

(Signed) W. HUDLESTON,
Secretary.

O R D E R thereon, 4th October 1862, No. 2,137.

The Governor in Council approves the draft Circular with a
few alterations made in red ink.

(True Extract)

(Signed) T. PYCROFT,

Chief Secretary

Rules on the subject of Uncovenanted Servants holding, or acquiring landed property.

To the Collector of

Sir,

28th August 1849, No. 1989 page 500, of volume I.

1. The Board's Circular Order noted in the margin, on the subject of Uncovenanted Servants holding and acquiring lands, and the registration of such properties, having been since modified from time to time, I am directed by the Board of Revenue to furnish for your guidance the subjoined revised rules which have been approved by Government. You will adopt the annexed form of Register of all lands possessed by, or belonging to, any of the servants on the Revenue and Magisterial Establishments in your District.

Rule I. No Uncovenanted Servant of the Madras Government shall in future be debarred from holding, or acquiring, lands within the Presidency in which he serves, upon the conditions hereunder specified.

Rule II. No Deputy Collector shall be allowed to hold, or to acquire by purchase, bargain mortgage, transfer, or by any means, directly or indirectly, any landed property, or interest in any, landed property, --- within the District in which he may be employed; but he shall not be debarred from holding, or acquiring, such landed interests out of the --- limits of his District, provided he submits a Statement of his landed property for registry by the Collector as hereinafter provided. Special cases of lands previously acquired in the District, to which a Deputy Collector may be posted, will be submitted for the orders of Government through the Board as required by G.O., dated 17th November 1860, No. 5367.

Rule III. In like manner, no officer of the grade of Tahsildar or Sub-Magistrate shall be permitted to hold, or to acquire, lands within the limits of the Taluk over which he presides.

Rule IV. The previous consent of the Collector is not necessary to enable a Revenue or Magisterial officer, or servant, to purchase, or acquire, landed property where it may be admissible for him to do so under these rules.; but under Government Order dated 17th January 1860, No. 84, every Uncovenanted Servant on the Establishments under the Collector --- shall, on the 15th January of each year, give in, for registry in the Collector's Office, a statement of all land purchased or otherwise ---

otherwise acquired by him during the preceding year, whether within or without, the District in which he is employed, and not already registered in his name, with a declaration at foot duly signed by him to the effect that it truly represents all the landed property possessed by him, or in which he is in any way interested, in the District in which he is serving, or elsewhere. The lands included in these

statements will be entered in the District Registers of lands --- owned by Revenue servants. All such servants will be warned of the heavy penalty attached to any omission on their part to give full and correct information on this point; and the newly purchased --- lands are not to be transferred to their names in the village and District Registers until the selling parties have presented the usual deed of assent (Ra, --- to one of the Covenanted Revenue Officers of the District.

Rule V. Where Uncovenanted servants in the Departments under the Collectors shall become possessed of land, or of an interest in --- land, by individual inheritance, or as members of a family, they shall immediately upon such property devolving upon them, communicate all particulars respecting it to the Collector for registry, with a declaration as to their truthfulness.

Rule VI. When individuals holding land, or having any interest in land, may be appointed Deputy Collectors, or to situations in a Collector's or Magistrate's Huzur or Taluk Establishments, they --- shall immediately upon such appointment, communicate to the Collector, for record in the District Register, all necessary particulars of such landed interests, should they not be already fully recorded in the same District Register, with a declaration as to their --- truthfulness.

Rule VII. Failure to make the returns prescribed by the foregoing Rules IV, V, and VI, and in the manner therein laid down, shall render the individual liable to immediate dismissal from the public service.

Rule VIII. All candidates for appointments shall submit similar declarations of interest in land with their applications, on pain of summary rejection; and where the appointments have to be made by

Government

Government or confirmed by the Board, all nominations or recommendations will state whether the person nominated or recommended is possessed of landed property, and in what locality.

Rule IX. Collectors shall keep a Register in their Office of all lands referred to in the preceding rules. They will state in their -- annual Jamabundy Reports, for the information of the Board, the number of public servants who have acquired land during the Fasli, the extent so acquired, with any other important particulars that may seem necessary. This information may be furnished in a short and convenient Abstract Statement entered in the Settlement Report.

Rule X. Deputy Collectors, and Revenue and Magisterial servants who, under the rules above prescribe, acquire or retain lands, or interest in lands, shall not under any circumstances take a direct part in the cultivation of such lands, and no portion of that time and attention which ought to be devoted to their public duties, shall be applied to the management of such property, nor shall longer or more frequent leave or absence be allowed to them on that account. It will be the duty of Collectors to make such arrangements as shall, as far as possible, prevent the employment of Revenue and Magisterial Subordinate Officers in the Taluk within which their lands may be situated, or in such appointments as may enable them to interfere in the management of those lands.

Rule XI. The above rules apply to the acquisition of land by private sale, mortgage, &c. Section 20 Regulation XXVI of 1802 prohibits Revenue Officers from becoming purchasers of lands sold at public sale in the Zillahs in which they may be respectively employed, or of lands liable to public sale for arrears of revenue then due; and by Regulation VI of 1832, this prohibition is declared to extend to lands of every description sold at public sale, by, or under, the orders of a collector, whether in settled or unsettled districts. These prohibitions will remain in full force, and apply to all Revenue and Magisterial servants alike.

Rule XII. The foregoing Rules it will be understood, do not apply to lands taken up for ordinary dwelling purposes.

2. On receipt of these orders you will please to call on every servant

servant on the Revenue and Magisterial Establishments of your District to fill up a return in the amended form, and to deliver it to you with the declaration prescribed in Rule IV.

3. From these returns, which will be carefully preserved, the District Register will be prepared; and henceforward you will annually require all your subordinates, on or before the 15th January of each year to supply you with information in the same form of any alterations, or additions, or acquisitions, which may have taken place during the past year in the landed property belonging to, or obtained by, them. You will not only let them distinctly understand that failure to make a true return will render them liable to dismissal from the service, but you will invariably forthwith dismiss any servant whom you are competent to dismiss, and who may offend against the standing rules above laid down, unless for sufficient reasons you see cause for recommending to the Board a modification of the penalty. In the case of Tahsildars, or other officials, not dismissible by Collectors, you will without delay report for the Board's orders any infraction of the rules.

4. You will, as heretofore, notice the number of servants who make such acquisitions, and the extent of land acquired by them during the year, with any other necessary particulars in your annual report; and you will be careful in making appointments, or nominations, that persons are not employed in the Taluks in which their lands are situated so far as this can be done without inconvenience to the public service.

5. All the Uncovenanted Servants in your District should be called upon to make these returns to you, with the prescribed declaration on, or before, the 1st of December next; and so far as officers of the grade of Deputy Collectors are concerned, you will be good enough to forward a copy of the registry for record in the Board's Office, and will regularly transmit for the Board's information any returns of alterations which may, from time to time, take place in the property of such officers, and which will be duly made known to you by them, by the submission, on the 15th January of each year, of the prescribed annual return.

6. You will also in future be careful, previous to appointment, to require a similar Statement and declaration from all candidates for office.

(Signed) W. HUDLSTON,
Secy, Bd. of Rev.

Register of lands held by Public Servants and acquired by them prior or subsequent to their entering ^{into} the service of Government.							
Name of officer	Office and department	District and Taluq in which land is situated	Land acquired	When acquired and whether prior or subsequent to the employment in the public service	By what means acquired	Nature of interest possessed by such servant in such landed property	Remarks.

(True Extracts)

(True Copy)

To All Collectors.

" Superintendent of Revenue Survey.

2. At the end of paragraph 1 as amended by Board's Proceedings dated 27th February 1890, No.122 add the following words-"and whether the security to be given is land or houses."

" Secretary to the Commissioner of Revenue Settlement and Director
of the Department of Land Records and Agriculture
" " of Salt, Abkari and Separate Revenue

Memorandum

Remarks by the
of the Sec. in this
Office Memo.

The terms of para 14
of the order of Govt. dated
14th March 1865, No 544 ap.

I do not altogether
concur in the remarks to dismiss the subordinate
in the 18th Draft -
but the subject is
so important
that I think it right
to submit them for
consideration.

appear to leave it to the Board
servants, but they require
orders on the subject such of
the servants, as may consider
themselves aggrieved by an
order of dismissal from the
Board will be at liberty
to appeal to Government.

The order
regarding "that a stringent
interdiction should
be laid on all
business transactions
between the officers
of the higher grades
& lower or trading
firms within the
limits of the District
to have them employed."

2. The Board's draft
Circular appears to require
a few modifications. The
Hoozoot Serishtadar and
Head Clerks, English and
Vernacular, should be spe-
cifically included among
the

The Uncovenanted officers prohibited from having pecuniary dealings with the inhabitants of the District. Many of these officers possess great influence in several Districts. So should Talook Derishtadars be specified. It would be better in order to make the Circular clear, and to put it out of the power of any to so construe the order as to make it inapplicable to sub-Magistrates who receive less than 50, to fix the salary limit at 35 Rs. Many of the sub-Magistrates at present receive the latter salary.

3. The servants in the Provinces receive gifts in various shapes, and not unfrequently of much value on occasions of domestic ceremonies,

the language used being taken verbatim from Mr. Phillips Minute on Mr. Short's case.

The Bd. draft in this respect any officer of the Grade named from entering into any pecuniary dealing with any person in the District in his capacity of Magistrate or person specified as pecuniary dealing with the borrowing or lending of money or the purchase or sale of houses, lands, or carriages.

So that a Sub-Magistrate could not buy a Bullock cart in his own name without infringing the letter of the rule.

The Draft (B) is in fact meaning taken from the Draft of 12 Jan 27. The 1st is

My opinion is to which judgment further on states that some of these & possibly prohibited transactions may under certain circumstances be unobjectionable viz. when they take place without any profit being an official being in view.

It appears from that this playing fast & loose with the matter will just defeat the object of the order. It will leave an opening for a dishonest man. A honest man greatly deserves a cross without any.

I confess for that I altogether object to such attempts to make people virtuous

or visits paid to landholders or priests under the pretence of such being neither dealings nor bribes, and constituting a kind of reciprocal ceremony to be returned when similar occasions arise in the family of the giver. These may also come under the prohibition except when the parties concerned are near relations.

There is another source by which the superior servants gain, and can place themselves under obligation to persons under their authority viz, large gratuitous supplies of provisions of various kinds during the Revenue officers' travel ~~and~~ ^{with} them establishments through the District.

District. This prevails to a large extent even at the present time in many Districts. Any prohibition on this subject, if it can find a place in the present order, will afford a great relief to the ryots.

5. Even in the case of Talook servants, the ^{draft} rules prohibit dealings with the inhabitants of the entire District. Perhaps the limits of their respective Talooks would be sufficient.

b. . . . The whole of para 2 of the draft, is a verbatim copy (with a slight exception) of one of the paras of the Proceedings of Government, dated 2^d January 1827, and so is the greater part,

is the greater part
of

by Act of Parliament
The Regent baffles you.
The honest man, recasts
the suspicion implied
of the rule. & still he is
unintentionally
inconvenienced by
Larrazabal by the
letter of limitation.
Dr. his - very - excellent
colleague, writes
without difficulty
or hesitation

Now on it appears
sure that the Govt
order did not contain
plate so sweeping
a prohibition as

that of the 18th.
draft. The S.O.
specifies "Sousa-
or Trading Firm"

The 18th Sept says
"any person"

I am convinced
that in some Dismissal

(Notably present in Malacca. Since the public servant area almost all natives of the District & from all parts of the country. The natives will not go for employment elsewhere as on the East coast.)

the 800 rule could
not be applied strictly
without involving the
greatest hardship
in convenience to individuals.
The idea of prohibiting a
Canadian from buying
any house in the St. Andrew
he can prove to conviction that
he is a buyer by the transaction
is preposterous.

I submit for consideration
that the terms of the order should
be far more general: that
no attempt should be made
to prescribe any possible
attempt at fraud that
the integrity of a record require

may suggest to him - that the
intention of the Govt. order is
he expressly stated to be the
prohibition of all pecuniary
dealings & are open to this con-
struction - or 15th barronet
the imputation of corruption -
or afford a ready means
for bribing an official, either
by presenting him with the under
facilities for raising money -
or by giving him opportunity
for acquiring valuable property
for an insufficient consideration
& then to state that Sir H. Govt.
leaves it to the honest man
to judge for himself to what
cases the prohibition applies -
they will have no difficulty
in deciding where it has been
wilfully disregarded. & that
the penalty of their severed displeasure
will not be barred by any appeal
to the letter of the rule in excuse for
violation of its spirit -

I should add that I had not seen

the Govt. letter or draft
or knew of their existence
until they came before
me in the Govt. Office
L. K. D. 18th May 65.

The Board's proposed order is certainly no improvement
on the terms of the Govt. instructions. I would repeat
these and add, as proposed by the Assistant, an ex-
planation, which may properly be put in the terms
of the penultimate para of his remarks in their
name.

The Board had power given them to dismiss the
subordinates whom they now report themselves
prepared to dismiss. I don't see why there should
be any hesitation in the matter. The men really
deserve dismissal.

19.5.65.

The Govt. order appears to be a sanction
as those in which the Govt. order is applied
to have been engaged by keeping a running
account with a firm trading in salt
in his district.

The Govt. draft order appears to be
to a great extent the repetition of one
which was promulgated in regard to
Contracted Civilian - Of course the
same rule cannot be laid down for Salt
Collectors. Their case is different. There is no
in any way to be proper enough to men
in our service - I would mention it

in the manner
proposed by Mr
H. P. Williams

Super W.D. JB

May 1865
Super W.D.

154 So. Main St.

2nd June 1865

19 May 1865

Notification 117

Several recent cases
having forced on the notice
of Govt. the necessity of
preventing some such as
regard to the pecuniary
transactions of superior
officers in the Government
service. They resolve to
advise to all such officers
in position of trust and
responsibility that they are
absolutely prohibited
from entering into any
other
business dealings. Whatever
in the persons residing
within their official
capacity & looking to be
brought into any official
relations with them -
if such transactions
are of a nature to
place the Govt. officers
under an obligation
to the private individual,
the Govt. do not think
it necessary or expedient

W.D.

J. J. Williams

W.D.

incompatible with
perfect freedom
in the exercise of official
action.

I attempt to define all the
transactions & S. this
prohibition will apply -
It will clearly include
all ^{gifts of money} loans - credits - advances -
supplies of articles ^{or accommodations} at unduly
low rates - or for insufficient
consideration - and while it
is evident that no honest man
will find any difficulty in
applying the rule to his individual
case - the Govt. will not be
induced by any unworthy
claim of non-violation of the
letter of the rule, to pass
unpunished any disregard
of its spirit.

They will visit such
cases with their severe
displeasure.

This rule will apply ^{in the War Dept} to
all ^{in the War Dept} of War, S. & det. S.
Civilian ^{in the War Dept} & S. & S.
Rank Civilian ^{in the War Dept} Sub.
Staff. Do not range officers
- all Govt. servants of in
corresponding positions of

responsibility & trust.

The preceding will
be communicated to
the War Dept. of War
in view to similar
orders being issued
to them applicable.

L.H.

Draft

15 X
Standing Circular

1. Under instructions from Government, Collectors are informed that it has been deemed necessary to include Uncovenanted Officers of the higher grades in the interdiction which at present is laid on all pecuniary transactions between Covenanted Officers and the persons residing within their jurisdiction. Every Uncovenanted Officer serving in the grade of Deputy Collector, Tahsildar, or Sub-Magistrate or in any other situation the salary of which is Rs 50 per mensem or upwards, is hereby absolutely prohibited from

from entering into any pecu-
-niary dealing with any person
residing in the District in
which he may be employed.

2. Under the head of pecu-
-niary dealings prohibited are
the borrowing or lending of
money, the purchase or sale
of houses, horses, or carriages
inducing persons to build or
buy houses for the accom-
-modation of officials, and
generally every transaction
in which profit to an official
is in view. The supply of
the ordinary wants of life
by Natives or others according
to their several trades obviously does
not fall within the prohibition.

These

25 14 X
3. These instances are
merely adduced in order
that the nature of the pro-
-hibition may be distinctly
comprehended. It may be
quite possible for some of
the transactions alluded to
take place without any
profit to an official being
in view, and in such a case
they would be unobjectionable.
It is, however, by the sub-
-stance and spirit of this
prohibition and not by the
terms in which it is ex-
-pressed or explained that
the conduct of officials
should be regulated and
will be judged.

4. A copy of this order
should

should at once be published
in diglot in every District
Gazette and a spare copy
should be supplied to every
officer concerned, on his
appointment.

12-6-93

Enclose a letter from
the Sub-Collector
to the District
at D. D. 2297 & strong
Mr 2297.

Rev: 1257/65.

Draft Circular.

12-6-93
12-6-93

No. 2,297.

From R. A. DALYELL, Esq., Sub-Secretary to the Board of Revenue,
To J. D. SIM, Esq., Secretary to Government, Revenue Department.

SIR,

I am directed by the Board of Revenue, with reference to paragraph 14 of the Order of Government, under date 14th March 1865, No. 514, to report that, in the Board's opinion, the six Peons* mentioned in paragraphs 71 and 72 of Mr. Clarke's report as stating that they had given bribes, and the two officials, alluded to in paragraphs 73 and 74, Seethapatty Ayen, and Gurusawmy Ayen, as having deposed to the same effect, should be dismissed from office, as well as the Peon Lalla Meyah mentioned in paragraph 176, who was evidently guilty of gross falsehood.

2. With reference to the concluding paragraph of the same Order of Government, I am directed to submit for the approval of His Excellency in Council the annexed draft of a Standing Circular Order to be issued to all Collectors.

I have the honor to be,

Sir,

Your most obedient servant,

Sub-Secretary.

REVENUE BOARD OFFICE,

Madras,

8th May 1865.

To J. D. Sim, Esq., Secretary to Government, R. D.

with draft of Circular Order in M.S.

Ed J. Wright.

18/3/99

82-1185.

Department

Dear Sir,

No. 2,297.

Adams, E. Lane.

Whitman Order

Heater Sept. 22. 1890

Why write ~~about~~ the poem?

29 June 1868.

in relation to the other Dept. of
the Department in view to
reimburse orders being issued
there afterwards.