M.R. O. 1—22,000—1-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 2908. Press ~~Mis.~~

353-54

Dated 19-11-~~19~~1868.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
19th November 1868.

No. 353. Read the following Proceedings of the Madras Government in the Public Department :—

Communicating the rules laid down by the Government of India, regarding the sale of property to Natives by British Officers. } (Here enter 6th November 1868, No. 1,386.)

No. 354. ORDER THEREON, 19th November 1868, No. 2,908.

Miscellaneous.

Communicated to the Board of Revenue, with reference to their Standing Orders, Nos. 385 and 413.

(True Extract.)

(Signed) H. SEWELL,
Acting Under Secretary to Government.

To the Board of Revenue, with Proceedings Public Department, No. 1,386.

Erd. F. R. Bantleman.

Wise Pol Ref/75

Govt. of {1868} Madras.

REVENUE.

To

THE BOARD OF REVENUE.

Dated November, 19th.

Recd.

G. O., 19th November 1868, No. 2,908.

NOVEMBER.

Nos. 353-354.

Sale of property to Natives by British Officers.—Rules laid down by Government of India on this subject, communicated to Revenue Board.

Proceedings of the Madras Government, Public Department, 6th November 1868.

No. 39. Read the following Extract from the Proceedings of the Government of India in the Foreign Department, (General,) under date Simla, 30th September 1868, No. 1667.

Read the following correspondence regarding the sale of property to Natives by British Officers:—

From Secretary to Government, North-Western Provinces, No. 237, dated 16th January 1868.

Circular to all Governments, Administrations, and Political Agencies, No. 382, dated 27th February 1868.

Read also the undermentioned replies:—

From the Agent to the Governor General with the King of Oudh, dated 29th February 1868, No. 14.

" the Director General of Telegraphs in India, dated 6th March 1868, No. 8048.

" the Agent to the Governor General, North-East Frontier, dated 7th March 1868, No. 58.

" " " in Rajpootana, dated 7th March 1868, No. 170G.

" the Junior Secretary to the Chief Commissioner of Oudh, dated 11th March 1868, No. 951.

" the Political Agent at Munnipore, dated 18th March 1868, No. 25.

" the Agent to the Governor General in Central India, dated 27th March 1868, No. 18-34.

" the General Superintendent of Operations for the Suppression of Thuggee and Dacoity, dated 28th March 1868, No. 272.

" the Resident at Nepal, dated 6th April 1868, No. 6.

" the Commissioner of Coorg, dated 6th April 1868, No. 11-1.

" the Secretary to the Chief Commissioner of the Central Provinces, dated 8th April 1868, No. 1083-104.

" the Political Agent in Turkish Arabia, dated 8th April 1868, No. 9.

" the Chief Secretary to the Government of Fort Saint George, dated 18th April 1868, No. 488.

" the Secretary to the Chief Commissioner of British Burmah, dated 18th April 1868, No. 76.

" the Commissioner of Mysore, dated 8th May 1868, No. 783-34.

" the Officiating Resident at Hyderabad, dated 16th May 1868, No. 15.

" the Secretary to the Government of the Punjab, dated 19th June 1868, No. 242-1720.

" the Acting Chief Secretary to the Government of Bombay, dated 28th July 1868, No. 231.

" the Officiating Additional Secretary to the Government of Bengal, dated 5th August 1868, No. 3845, with enclosures as follows:—

From Commissioner of Cooch Behar, No. 456, dated 16th March 1868.

" " of Bhaugulpore, No. 84, dated 28th March 1868.

" " of Assam, No. 72, dated 23rd March 1868.

" " of Dacca, No. 56, dated 6th April 1868.

" " of Chittagong, No. 341, dated 6th April 1868.

" " of Cuttack, No. 35, dated 14th April 1868.

" " of Burdwan, No. 57, dated 20th April 1868.

" " " No. 69, dated 30th April 1868.

" " of Rajshahye, No. 491 Ct. dated 22nd April 1868.

" " of the Presidency Division, No. 93, dated 1st May 1868.

" " of Chota Nagpore, No. 1389, dated 29th May 1868.

" " of Patna, No. 179, dated 1st July 1868.

Resolution.—His Excellency the Viceroy and Governor General in Council observes that these references originated with a case which occurred at Allahabad, where an officer wished to part with his house to a native, under circumstances not open to any suspicion, and with a remark from the Home Department to the effect that some change or relaxation of the rule which prohibits the sale of property to

natives by public servants under any circumstances, seemed desirable. At present, under the Notification of the 3rd of December 1858, drawn up in consequence of the orders of the late Court of Directors, sales of property to natives are strictly prohibited, and officers are thereby directed to refer all transactions, in regard to which they have any doubts, for the orders of superior authority.

2. His Excellency in Council observes that the weight of authority on the part of the various Administrations and Departments which have lately been consulted on this subject, is decidedly in favor of some modification of the existing rule, or, at least, of more clearly and accurately defining the course to be pursued in such cases. There can be no doubt that the restrictions imposed hitherto on such transactions have been, to a certain extent, beneficial, and that the Government of India, though it can place a full reliance on the fair dealing, honor, and integrity of its civil and military services, has a right to expect, not only that all such transactions shall be correct and unimpeachable in themselves, but that they shall not run any risk of misconstruction at the hands of designing, ignorant, or credulous persons.

3. The Government of India is also well aware, as pointed out by some of the high authorities consulted, that many officials who, on joining their stations, have become the owners of houses either under an absolute necessity, or from laudable motives of convenience and comfort, may, on quitting the district or province to which they have been for some time attached, literally find no purchasers for their property, except natives of wealth or substance. When such transactions openly and avowedly take place no evil consequences, His Excellency in Council thinks, need ever ensue under proper precautions.

4. The following rules have, therefore, been drawn up in supersession of the existing rule, and are hereby published for general information. They must be considered applicable to European public servants of all descriptions—Civil, Military, and Uncovenanted :—

5. I.—Whenever a public servant wishes to dispose of a house, bungalow, elephant, horse or carriage, or other valuable property, to any native within his jurisdiction, or within the limits of the district in which he is employed on the public service, and from which he is not about to remove, he must report his intention to the Local Government to which he is subordinate, stating the facts and circumstances, and the price offered for the article to be sold. The Local Government will then pass such orders on the reference as may seem fit and proper.

II.—Whenever a public servant is about to quit his station or district permanently, or for a considerable period, and wishes to dispose of his house, bungalow, elephant, carriages and horses, and the like property of value, to native purchasers, he shall report his intention to the Commissioner or the head local authority to which he may be immediately subordinate, and that authority will use its discretion in allowing the transaction, or in reporting the circumstance to the Local Government for further orders.

III.—Whenever a public servant, on quitting his station or district, wishes to dispose of his furniture, household goods, live stock, &c., he is at full liberty to do so either by circulating lists of such property amongst the community generally, or by having the same put up to public auction, without reference to any authority whatever. All that is necessary is, that the transaction should be open and patent to everybody on the spot.

IV.—Rule No. I. is to be considered applicable to purchases equally with sales.

6. The observance of the above rules will, His Excellency in Council thinks, fully meet the inconveniences and exigencies to which gentlemen of acknowledged honor and probity would be put on many occasions if debarred from such transactions; while, at the same time, they will be a sufficient safeguard against any abuse, any imputation of unfair or interested dealings, or any possibility of misconception on the part of the non-official community.

ORDER.—Ordered that a copy of the above Resolution be sent to all Governments, Administrations, and Agencies, for information and guidance.

Ordered, further, that a copy of the above be sent to the Departments noted in the margin for information.

Home Department.
Financial ,,
Military Department.
Public Works ,,

(True Extract).
(Signed) W. S. SETON-KARR,
Secy. to the Govt. of India.

To the Chief Secretary to Government, Fort Saint George.

No. 40. ORDER THEREON, 6th November 1868, No. 1386.

Ordered that the foregoing Extract from the Proceedings of the Government of India be published in the *Fort Saint George Gazette.*

2. The report required in Rule II will, in this Presidency, be made, in the cases of officers holding the appointments of Judges and Collectors, to the Government.

(True Extract).

Chief Secretary.

To the Revenue Department
,, Military do.
,, Public Works do.
,, Collector of
,, Civil Judge of
,, Commissioner for the Neilgherry Hills.

W. 2908.
Communicated to the Board of Revenue with reference to their Standing Orders Nos. 386 & 418.

Ed. J. Tulloch.

14 Copies to the Hon'ble Revenue Dept. G.O. No. 1386. Dept. 20

Revenue Dept.

Govt. of {1868} Madras.

Pr. 3592

PUBLIC.

To

THE REVENUE DEPARTMENT.

&c., &c., &c.

Dated November, 6th.

Recd. 17*th* *Encl.*

G. O., 6th November 1868, *No.* 1386.

NOVEMBER.

Nos. 39-40.

Communicating the rules laid down by the Government of India regarding the sale of property to Natives by British Officers.

Rc 3853-54

No 2908 19 Nov

with Order