

No. 329. Read the following Proceedings of the Board of Revenue, dated 12th July 1871, No. 2,883 :—

Read the following letter from the Collector of South Arcot, to the Acting Secretary to the Board of Revenue, dated Cuddalore, 16th May 1871, No. 135.

With reference to Standing Order No. 400, I have the honour to refer the following point for the consideration and orders of the Board and, if necessary, for submission to Government, in view to a definite and authoritative ruling in the matter.

2. Sea-Customs Superintendents in this district, namely, those at Old Town, Cuddalore, and Port Novo, are also Sub-Magistrates* of those places, and discharge Magisterial duties concurrently with their primary functions as Sea-Customs Superintendents at those stations. The question now submitted for solution is whether these offices can be considered as qualifying grades for the post of Tahsildar enumerated in the Circular Order quoted above.

3. The test in such cases seems to be whether the officer has discharged Magisterial or Revenue duties such as to qualify him for the post of Tahsildar, and not merely what is his official designation; and although Sea-Customs Superintendents and Sub-Magistrates do not, like other Sub-Magistrates and Deputy-Tahsildars, discharge both Land-revenue and Magisterial duties, yet this seems to be no ground of disqualification, since the Circular Order under reference includes among the qualifying grades Police Inspectors, who also are not called upon to exercise any revenue powers, and are never employed in that department.

4. In the case of the Sea-Customs Superintendents, who are vested with Magisterial powers, no additional salary is paid to them for their labours in the latter capacity, and their pay is passed and drawn as Sea-Customs Superintendents only. But as the nature of the work performed by them, and not the mere official designation or the salary drawn, would seem to be the true criterion in these cases, it has occurred to me that such officers are eligible, after three years' service, for the post of Tahsildar, but it is the absence of any express ruling on the point that has suggested the necessity of obtaining the opinion of the Board for my own guidance and that of other Collectors of maritime districts.

THE Board resolve to submit this letter for the orders of Government.

2. They are of opinion that persons who have held the post of Superintendents of Sea-Customs and exercised Magisterial powers for three years should be eligible for the appointment of Tahsildar.

3. Only five Superintendents of Sea-Customs (so far as the Board can ascertain) have Magisterial powers, namely, those mentioned by the Collector and those at Masulipatam, Pentakota, and Kotapatam.

Proceedings of the Madras Government, Revenue Department,
26th July 1871.

No. 330.

ORDER THEREON, 26th July 1871, No. 1,302.

Miscellaneous.

SERVICE in the grade of Superintendent of Sea-Customs exercising Magisterial powers for the prescribed period of three years may be accepted as qualifying service for the grade of Tahsildar in the case of men who have passed the necessary tests for that post.

(True Extract.)

(Signed) A. deC. SCOTT, Captain, R.E.,
Under-Secy. P.W.D.,
for Secy. to Govt.

REVENUE DEPARTMENT.

No. 2330.

From

Proceedings of the Board of Revenue
Dated 12th July 1871.

FOR ORDERS.

The Marginal Notes to
these Orders are very trifling
in detail - but, if they have
not passed the prescribed
tests, the same might be
all and nothing - It
may in fact be the case
for the time.

FOR ORDERS.

No. 2,883.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 12th July 1871.

Read the following letter from C. W. READE, Esq., Collector of South Arcot, to the Acting Secretary to the Board of Revenue, dated Cuddalore, 16th May 1871, No. 135:—

With reference to Standing Order No. 400, I have the honour to refer the following point for the consideration and orders of the Board, and if necessary, for submission to Government, in view to a definite and authoritative ruling in the matter.

2. Sea Customs Superintendents in this district, viz., those at Old Town Cuddalore and Port Novo are also Sub-Magistrates* of those places, and discharge Magisterial duties concurrently with their primary functions as Sea-

* Vide Government Order, 18th July 1860, No. 1,183, paragraph 3.

Customs Superintendents at those stations. The question now submitted for solution is, whether these offices can be considered as qualifying grades for the post of Tahsildar, enumerated in the Circular Order quoted above.

3. The test in such cases seems to be whether the officer has discharged Magisterial or Revenue duties such as to qualify him for the post of Tahsildar and not merely what is his official designation, and although Sea Customs Superintendents and Sub-Magistrates do not, like other Sub-Magistrates and Deputy Tahsildars, discharge both Land Revenue and Magisterial duties, yet this seems to be no ground of disqualification, since the Circular Order under reference includes among the qualifying grades, Police Inspectors who also are not called upon to exercise any Revenue powers and are never employed in that Department.

4. In the case of the Sea Customs Superintendents who are vested with Magisterial powers, no additional salary is paid to them for their labours in the latter capacity, and their pay is passed and drawn as Sea Customs Superintendents only. But as the nature of the work performed by them, and not the mere official designation or the salary drawn, would seem to be the true criterion in these cases, it has occurred to me, that such officers are eligible after three years service, for the post of Tahsildar, but it is the absence of any express ruling on the point, that has suggested the necessity of obtaining the opinion of the Board for my own guidance and that of other Collectors of Maritime Districts.

The Board resolve to submit this letter for the orders of Government.

2. They are of opinion that persons who have held the post of Superintendents of Sea Customs and exercised Magisterial powers for three years should be eligible for the appointment of Tahsildar.

3. Only five Superintendents of Sea Customs (so far as the Board can ascertain) have Magisterial powers, viz., those mentioned by the Collector and those at Masulipatam, Pentakota and Kotapatam.

(A true Copy and Extract.)

Acting Secretary.

To the Acting Secretary to Government, Revenue Department.
Copy to the Collector of South Arcot.

Encd. G. A. Foster

Recd. 1871. 29/7

BOARD OF REVENUE,
No. 2330
MADRAS.

PROCEEDINGS, 12TH JULY 1871, No. 2,883.

24th July 1871

Received 20/-

Encl.

JULY.
No. 2,883.

Sea Customs Superintendents—at Porto Novo and old town of Cuddalore in South Arcot District, who are also Sub-Magistrates.—Question raised by Collector as to whether these offices can be considered as qualifying grades for post of Tahsildar, submitted for orders of Government, with expression of Board's opinion that persons who have held post of Sea Customs Superintendent and exercise of Magisterial powers for three years, should be eligible for appointment of Tahsildar.

H. 1302.

Since in the proposed Bill the Customs Supervising Magistrate known for the present for some of 3 years. Sample receipts as per copy of which the Board of Revenue is the case of several other persons the necessary steps for the purpose of the Bill.

26 July 1871

No 329-330

22nd July 1871