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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue DEPARTMENT

G.O. No.	6270	Press.
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Dated	6. 11. 1877	197 .

Not to be folded or roughly handled.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

29th October 1877, No. 2548.

Registration.

Read the following paper:—

No. 151. *From G. HAMNETT, Esq., Officiating Inspector-General of Registration, to the Chief Secretary to Government, dated Fort St. George, 5th October 1877, No. 235.*

In 1872 certain reductions were carried out in the office of the Inspector-General of Registration whereby the services of translating clerks were dispensed with.

2. Colonel R. M. Macdonald, the then Inspector-General, considered it desirable to entrust the work of translating circular orders, forms, &c., to certain Registrars and Sub-Registrars in the provinces whom he deemed qualified for the duty, and agreed to remunerate them at the rate of 300 words (English) per rupee. "The charge thus incurred," as explained in the Hon. V. Ramiengar's letter to Government, dated 28th September 1876, No. 233, "is paid out of the Permanent Advance Fund and included in the contingent bills." The Government, in disposing of the letter in their Order, dated 5th October 1876, No. 2041, paragraph 2, authorized the Accountant-General "to admit similar charges in the contingent bills of the Inspector-General of Registration."

3. In conformity with the order charges for translating have been incurred, included in the contingent bill, and passed by the Accountant-General.

4. In the bill for August last a charge of Rupees 12-14-6 was included for translating circular orders in Tamil and sent to the Accountant-General to be passed. The Officiating Assistant Accountant-General returned the bill for the amount with "audit slip," No. 792, dated 25th September 1877, stating "that the amount thereof should be recovered and credited, as under the orders of the Government of India, No. 1576, dated 21st March 1877, Government servants are not entitled to any remuneration for extra work."

5. In my reply, No. 223, dated 26th September, I intimated that the Order cited was not communicated to this department, and compliance with the Officiating Assistant Accountant-General's request was not practicable. I then contended that the charge was not an Imperial charge, and that I could not require Registrars and Sub-Registrars (not office clerks) to perform "extra work" not sanctioned by the Registration Act or by the rules framed under that enactment, adding—

"The rules (circular orders) were translated out of office-hours—hours over which the Inspector-General has no sort of control. There is no order or regulation, so far as is known, which denies to a Government servant the privilege of employing his leisure hours on work which forms no part of his authorized duty, or of receiving therefor such remuneration as he may have agreed upon. The question is a very broad one, and it is important, in the interest of a very large number of public servants, that it should be submitted to Government for a clear exposition of their views on the subject."

6. The Officiating Accountant-General in his reply, No. 7053, dated 4th October 1877, refers "me to the well-known rule repeated in paragraph 25 of Comptroller-General's Circular, No. 175, dated 19th May 1874, that no person in receipt of a salary

Note.—Not communicated to this office.

from Government can be paid for section-writing save with the special sanction of the Government.

"The orders of the Government of India quoted in my audit slip, No. 792, dated September 25th, distinctly declare that the Government has a right to require its officers to perform any public duty as part of their proper work without extra remuneration, and these orders, coupled with the rule referred to above, seem to prohibit such payments as have been now objected to without the sanction of the Government."

7. But it will be apparent from what I have stated that it was not the Government who required the "extra work" to be performed without remuneration, but the Accountant-General who insisted that a payment made under an order of this Government should be recovered and credited; not only thus ignoring the order, but citing certain orders of the Government of India not communicated to the Inspector-General, and referring to a well-known rule about "section-writing."

8. "Section-writing" and "translating" circular orders, &c., are not synonymous terms, and I am unable to understand upon what grounds an express order of this Government on the point at issue should be set aside, and a ruling of the Government of India, unknown to this office, insisted upon.

9. I respectfully request that the Accountant-General may be set right in this matter, and that he be directed to comply with Order of this Government, dated 5th October 1876, No. 2041.

10. I have also to request instructions for the future guidance of this office, whether the Accountant-General can insist upon compliance with an order of the Government of India (not communicated by the Madras Government to this office) which is at variance with orders expressly issued for the guidance of this department.

No. 152.

ORDER THEREON, 29th October 1877, No. 2548.

The Government observe that the orders upon which the Account Department has objected to pass a charge incurred under the authority of this Government by the Inspector-General of Registration were not communicated to that officer, and that, even had they been communicated, there is nothing in them to prohibit the charge.

2. The resolution of the Government of India on which the Officiating Assistant Accountant-General required the amount (Rupees 12-14-6) paid for translating circular orders to be "recovered and credited" was issued in respect to fees for "compulsory examinations ordered by Government," and applies more to "superior officers in the service of Government, especially Covenanted Civilians." The same Resolution allows Government servants to conduct University Examinations and to "receive remuneration for their services."

3. The Comptroller-General's circular states:—"No charge may be made for section-writing, i.e., for copying manuscripts by piece-work, without the previous sanction of the authority which would sanction employment of an establishment." In the case in question the needed sanction was given, although it was not for "section-writing."

4. To translate circular orders, rules, &c., from English into the Vernaculars requires a mastery of both languages, and the labor involved cannot be compared to that of "section-writing."

5. The Governor in Council is of opinion, therefore, that the charge objected to by the Account Department should be passed, and directs that this be done.

6. It would save much needless reference if the Accountant-General would invariably ascertain from Government what orders of the Government of India communicated to him direct should be made generally applicable to all departments. Upon obtaining their opinion, the orders should be printed and circulated for general observance.

7. The Government are not prepared to lay down any hard-and-fast rule to prohibit subordinate servants from earning additional means of livelihood out of office-hours when their services are not demanded by the Head of the Department or by the Government.

(True Extract.)

for Chief Secretary.

To the Inspector-General of Registration,
with audit slip, bill, and letter from Accountant-General.
the Accountant-General.
all Heads of Departments.

To the Revenue Department.

Exd. J. W. Fischer.

5000 sent to Registration

11. Rs. 48 Revenue 7-11-77
 8. Rs. 48 Revenue 7-11-77
 5. Rs. 48 Revenue 7-11-77
 6. Rs. 48 Revenue 7-11-77

Comm^{rs} to the Board
 of Revenue Settlements &
 Forest Rights
 1862-70
 4/11

Revenue Department

104649

Govt. of 1877

JUDICIAL

To

THE INSPECTOR-GENERAL OF
 REGISTRATION,
 &c., &c., &c.

Dated October, 1877.

Item 104649

Reel 3-1000

G.O., 29th October 1877, No. 2518.

2486-11-77-6270
 OCTOBER.
 Nos. 151-152.

5/11

Registration.—The Accountant-General to pass the charge of Repeals 12-14-6 for translating circular orders in French included in the confidential bill of the Registration Department for August 1877, and to ascertain from Government in future what orders of the Government of India communicated to him direct should be made generally applicable to all departments.

W. H. B. 1877