

Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 2808

DATED 3 June 1897

[Despatch Abstract.]

Recording with remark
B.P. passing orders on letter from the
Clerk of Godavari re. return to service
of a convicted ^{prisoner} artisan

BACK PAPERS.

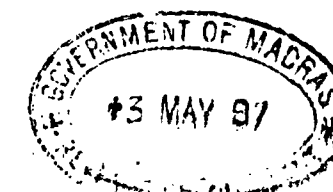
G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Revenue (1897) Department.

CURRENT No. 3681



From The Board of Revenue,
Land Revenue.

Order *Mis*

Recorded.

No. 99.

Dated 29th March 1897.

Received 5 57

Registered 4 5 57

Enclosures

Spare copies

SUBJECT.

Passing orders on letter
from the Collr. of Godavari
re: the return to service
of a convicted village
artisan.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

2 BOARD OF REVENUE (LAND REVENUE), No. 99, 29TH MARCH 1897.

PROCEEDINGS OF THE BOARD OF REVENUE (LAND REVENUE).

READ—the following letter from R. H. SHIPLEY, Esq., Acting Collector of Górávari, to the Secretary to the Commissioners of Land Revenue, dated Cocanada, 18th January 1897, Ref. on C. No. 3484-Ver.:—

I have the honour to request Board's orders whether a village artizan servant convicted of a grave offence under the Indian Penal Code and sentenced to imprisonment may be permitted to take up his service again on his return from jail.

2. Section 10 of Act III of 1895 lays down that a person, who has been convicted by a Criminal Court of any offence which, in the opinion of the Collector, disqualifies him from holding the office, shall not be eligible for holding any salaried hereditary village office in a Government village. But no such restriction is imposed by section 12 which says that the succession to artizan service shall devolve in accordance with the law or custom applicable thereto on the date on which the Act came into force. Cases of this nature are very rare, and it cannot be said for certain if it was the custom under the old regulation to dismiss artizan servants convicted by a Criminal Court of a grave and heinous offence. The emoluments of artizan servants consist of unenfranchised inam lands, but not of salaries, and the Madras Village Cess Act of 1893 does not extend to them. These servants render service to the village community and have nothing to do for Government.

RESOLUTION—No. 99, dated 29th March 1897.

The Collector of Górávari enquires whether a village artizan, who has been convicted of a grave offence under the Indian Penal Code and has been sentenced to imprisonment, may be permitted to take up his service again after his return from jail.

2. It is clear that as the law now stands, a Collector cannot interfere in the matter of appointments to the offices of village artizans, unless a suit is filed under the Act. In a case such as that put forward by the Collector of Górávari, the Revenue officers have no power either to permit, or to refuse to permit, the ex-convict to resume his village service. It would, however, appear from section 13 (2) of the Act that such a person is debarred from filing a suit for the office, and it may be presumed that, during his absence in jail, the post which he has vacated will have been otherwise filled up.

(True Copy and Extract.)

Reel
Secretary.

To the Collector of Górávari.

Copy to all other Collectors.

„ to the Secretary to Government, Revenue Department. ✓

Erd. Md. Pahlavan.

REVENUE DEPARTMENT.

1897.

Board of Revenue

(Land Revenue)

MADRAS.

Printed April 29th.

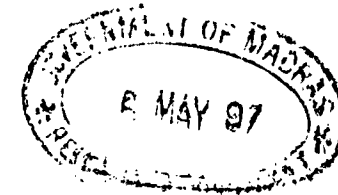
Proceedings, No. 99, 29th March 1897.

MARCH.

Passing orders on letter from the Collector of Górávari regarding the return to service of a convicted village artizan.

Revenue (1897) Department.

CURRENT No. 3815



From The Board of Rev:
L.R.

Order ~~Mis~~

~~Recorded.~~

No. 115

Dated 7 April 1897

Received 5.5.97

Registered 7.5.97.

Enclosures

Spare copies

SUBJECT.

Passing orders on a reference from the Collr. of Godavari in regard to the power of appointing artizan servants in proprietary estates.

BACK PAPERS.

G.O.	No.	Department.	Date.
	120	37-29	2-3-7

FURTHER PAPERS.

G.O.	No.	Department.	Date.

2 BOARD OF REVENUE (LAND REVENUE), No. 115, 7TH APRIL 1897.

PROCEEDINGS OF THE BOARD OF REVENUE (LAND REVENUE).

READ—the following letter from M.R.Ry. A Krishnamacharyulu Garu, B.A., Deputy Collector, General Duties, Gódávári district, Narsapur, to the Collector of Gódávári, dated Narsapur, 22nd February 1897, Ref. on Cur. No. 111-Col. :—

I have the honour to submit the following for your orders :—

Section 12 of Act III of 1895 lays down that the succession to village officers forming class 4 in section 3 shall devolve in accordance with the law or custom applicable thereto at the time this Act came into force. This provision is a general one and it is not specifically laid down anywhere in the Act by whom this succession in the proprietary villages should be regulated, whenever a vacancy occurs in them. The question to be decided now is whether it is the proprietor or the Collector who should fill up vacancies occurring in this class of servants in the proprietary villages. Section 11 of the Act which vests the proprietors with the power of filling up vacancies in the proprietary villages is confined only to the class of servants specified in clause 3 of section 3 of the Act.

Endorsement by the Collector of Gódávári, dated 13th March 1897, Ref. on Cur. No. 872-Ver.

Submitted to the Secretary to the Commissioners of Land Revenue for orders. Unless the proprietors can show that they have in the past exercised the powers of appointing the village artizans referred to in clause 4 of section 3 of Act III of 1895, the power may be exercised by the Revenue Divisional officer.

RESOLUTION—No. 115, dated 7th April 1897.

The Collector is referred to Board's Proceedings, No. 99, dated 29th March 1897. Succession to the offices of village artizans, whether in Government villages or in proprietary estates, has, under section 12, Act III of 1895, to be determined with reference to the law or custom prevailing locally, but the Collector cannot interfere in the matter of such appointments unless a suit is filed.

(True Copy and Extract.)

Reem
Secretary.

To the Collector of Gódávári.

Copy to all other Collectors.

„ the Secretary to Government, Revenue Department. ✓

Ed. A. F. Eoleston.

REVENUE DEPARTMENT.

1897.

Board of Revenue

(Land Revenue),

MADRAS.

Printed May nd.

Proceedings, No. 115, 7th April 1897.

APRIL.

Passing orders on a reference from the Collector of Górávari in regard to the power of appointing artizan servants in proprietary estates.

NOTE FOR THE SECRETARY.

For order as to whether this
should not be circulated to
the Honble Mr. Kees before
issue. The Secretary has marked
for the Honble Member on
the first page.

C.D.V.
31/5/97.
Wm. J. Nis.

to provide.

So far the Board

NOTE FOR THE SECRETARY.

For orders as to whether the
draft, at the last page, as amended
by the Hon Member may issue.

C.R.
3/6/97

Yrs. H. H. H.

C.R.
3.6.97

your service.

S. L. H. A.

C. Nos 3681 and 3815 of 1877

For orders.

In the first of the Proceedings read above the question is raised whether a village artisan servant who has been convicted of a grave offence under the Indian Penal Code, and has been sentenced to imprisonment, may be permitted to take up his service again after his return from jail.

2. The Board considers that as the law now stands a collector cannot interfere in the matter of appointments to the Offices of village artisans until a suit is instituted under the Act and that in a case such as that raised above the Revenue Officers have no power either to permit or to refuse to permit the convict to resume his village service.

So far, the Board

The Hon. Mr. G. P. C. & C.

San. Int. Min. C. & C.

I agree with my hon. colleague. But what a mess we shall get into about these artisan matters. I knew it wd. be so, but was overruled.

BD
1/6/97

Dept. Secy. 1/6/97

2/6/97 N. C. 345/97

Board appears to be correct. But it further says "It would appear from section 13(2) of the Act that such a person (ex-convict) is debarred from filing a suit for the office, and it may be presumed that, during his absence in jail, the post which he has vacated will have otherwise been filled up."

Section 13. cl. 2 directs that when it appears that the plaintiff is ineligible for the place he seeks, the Collector may not go into the merits of the case; and may summarily reject the plaint. But it will be seen from a perusal of this clause that it clearly refers only to Officers falling under the first three classes specified in section 3 of the Act. Suits brought under section 12 i.e. by persons falling under the 4th class of that Section are not included in section

This para is in my opinion in error and the B. is quite right. Sec 13 applies to all the village officers specified in Sec 3 & to the members of the committees of such officers and cl. 2 contains the same words. The fact and it seems to me - fact that there are no recognised names in this qualification in the Act in the case of officers falling under cl 4 of Sec 3. can not limit the scope of the Section. It may be questioned whether in any manner but those mentioned in Sec 13. cl. 2 the suits of such officers. Probably

the B. means such a person may be presumed to be "incapable of discharging the duties" (Sec 10. cl. i) May 17/97.

It seems to me that the B. is right. The Collector can only reject under cl 2 of Sec 13 if the Plaintiff is not eligible for appointment under certain sections & none of them apply to Village Artizans, so it cannot be held that they are not eligible for appointment under them. If there is any doubt, the Bd might be asked their reasons.

Jg
27/5/97

Section 13(2) certainly applies to Village Officers forming class (A) in Section 3. It applies to any of the village officers specified in Sec 3 (vide clause 11) The question arises how the word "under" is to be read. The Section is contradictory unless it means "In the manner set out in"

Jg
27/5/97
29/5/97.

section 13 clause 2, because there are no recognised ^{prescribed by the Act} disqualifications in the case of such officers.

3. It is submitted, therefore, that section 13(2) does not govern the case, and plaints by ex-convicts cannot be summarily rejected thereunder.

4. Lu. C. No. 38/5, the Board informs the Collector of Godavari, on a reference made by him, that succession to the Offices of Village Artizans - whether in Government Villages or in proprietary estates - has, under section 12, Act III of 1895, to be determined with reference to the law or custom prevailing locally but that the Collector cannot interfere in the matter of such appointments unless a suit is filed. This view is, as already observed, correct.

5. The following draft is submitted. L.O.

G. O. N° 2808 of 3.6.97
Recorded.

2. With reference to the concluding portion of para 2 of the first of the Proceedings read above, it is observed that section 13(2) of the act applies from its terms only to the Officers falling within the first three classes mentioned in section 3 of the Act, and does not therefore debar a claimant to the office of a village artizan i.e. one falling under the fourth class of that section, from filing a suit.

gives two cases from which a principle may be deduced that if the Plaintiff is not eligible for employment under certain acts & they are not applicable to Village Artizans.

JG
27/5/97

24/7/97. *[Signature]*
28/5/97. *[Signature]*

To the B^d of Rev (Ld) des. 10.6.97

(R)
24 May 97

When given for copying _____
When copied _____
When examined _____
When signed _____

189

Read again G.O. No. 189

DATED

CURRENT No.

ENCLOSURE TO G. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.

N.B. -

A = Copy in full.
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