

Government of Madras.

EDUCATIONAL DEPARTMENT.

Recd.

Regd.

} 1909.

Enclosures

Spare copies

G.O., No. 538, 27th September 1909.

Public Service Notification.

Making certain alterations in the — with regard to the power of Divisional officers to employ unpassed men and of Collectors to exempt persons from the Revenue and Account Tests, Lower grade, for employment as Revenue Inspectors.

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GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

READ—the following papers :—

I

G.O., No. 1696, Revenue, dated 28th June 1909.

ABSTRACT.—Passing orders on Mr. Davidson's proposals for the delegation of powers falling within the scope of chapter XII of the Board's Standing Orders relating to public servants.

II

Endorsement No. 1395-1, Educational, dated 9th August 1909.

Communicated to the Commissioner for Government Examinations, who is requested to submit, at an early date, a draft of the amendments which are necessary in the Public Service Notification with reference to clauses (vii) and (viii) of paragraph 1 of the Government Order.

(By Order.)

C. A. SOUTER,
Under Secretary to Government.

To the Commissioner for Government Examinations.

III

Letter—from the Hon'ble Mr. A. G. BOURNE, D.Sc., F.R.S., C.I.E., Commissioner for Government Examinations.

To—the Secretary to Government, Educational Department.

Dated—Madras, the 30th August 1909.

No.—183/1 D.

In obedience to endorsement No. 1395-1, Educational, dated the 9th instant, I have the honour to submit a draft, in duplicate, of the amendments to be made in the Public Service Notification, with reference to clauses (vii) and (viii) of paragraph (i) of G.O., No. 1696, Revenue, dated 28th June 1909.

ENCLOSURE.

Notification.

I. In article 4 (powers of exemption) of the Public Service Notification published at pages 610 to 618 of the *Fort St. George Gazette*, dated 22nd December 1908, omit in item (6) the words "Revenue Divisional officers as regards appointments in Taluk offices or on the establishment of Sub-Magistrates' Courts but not in their own offices and", and substitute the following for item (7) :—

- "(7) Revenue Divisional officers may entertain unpassed men on their own authority—
" (a) when the vacancy does not exceed twelve months in duration ;
" (b) when the sanctioned pay of the appointment is not more than Rs. 30 per mensem."

Provided that *bonâ fide* efforts have been made without success to obtain passed candidates.

II. In article 5 of the Notification, for item (4) substitute the following :—

(4) The Agents to the Governor in Ganjam, Vizagapatam and Gôdâvari may sanction the exemption of persons who have not passed the Revenue and Account Tests, Lower grade, for employment in acting vacancies in the grade of Revenue Inspector.

Add as item (5) and renumber the remaining items :—

"(5) The Collectors of districts may sanction the exemption of persons from the Account or Revenue Tests, Lower grade, or both, to fill acting or sub. *pro tem.* vacancies among Revenue Inspectors up to a period of six months."

Order—No. 538, Educational, dated 27th September 1909.

The following amendments will be made in the Public Service Notification published at pages 610 to 618 of Part I-B of the *Fort St. George Gazette*, dated 22nd December 1908 :—

(i) In clause (6) of article 4 of the notification, omit the following words, namely :—

"Revenue Divisional officers as regards appointments in Taluk offices or on the establishment of Sub-Magistrates' Courts but not in their own offices ; and "

(ii) For clause (7) of article 4 of the notification, substitute the following :—

"(7) Revenue Divisional officers may sanction the employment of unpassed candidates in acting and sub. *pro tem.* vacancies and in temporary posts in the Revenue and Magisterial departments—

" (a) when the vacancy does not exceed twelve months in duration ;

" (b) when the sanctioned pay of the appointment is not more than Rs. 30 per mensem."

Provided that *bonâ fide* efforts have been made without success to obtain passed candidates.

(iii) In article 5 of the notification, insert the following as clause (5), namely :—

"(5) Collectors of districts may sanction the exemption of persons who have not passed the Revenue and Account Tests, Lower grade, for employment in acting or sub. *pro tem.* vacancies in the grade of Revenue Inspector up to a period of six months."

(iv) Renumber the clauses (5), (6) and (7) of article 5 into clauses (6), (7) and (8) respectively.

(True Extract.)

W. FRANCIS,
Ag. Secretary to Government.

To the Commissioner for Government Examinations.
" Revenue Department.
Gazette.
Editors' Table (order only).

4
EDUCATIONAL DEPARTMENT.

NOTES CONNECTED WITH G.O., No. 538, EDUCATIONAL,
DATED 27TH SEPTEMBER 1909.

[SUBJECT.—*Delegation of Powers proposed by Mr. Davidson and amendment of the
Public Service Notification.*]

Previous paper.

G.O., No. 1696, Revenue, dated 28th June 1909.

From the Revenue Department, No. 1696, dated 28th June 1909.

A copy of the notes connected with G.O., No. 1696, Revenue, dated 28th June 1909, is required for the disposal of this current. A requisition was sent for it on the 21st instant. It has been ascertained from the Revenue Department that the notes connected with the Government Order are still in the Press and that no copy is available.

2. Submitted that the receipt of a copy of the notes may be awaited.

P.R.—29-7-09.

Was our requisition returned by Revenue with reply?

K. RANGASWAMI AIYANGAR—29-7-09.

Submitted, no.

P.R.—29-7-09.

The Revenue Department may be asked u.o. to state when the copy of the notes may be expected.

K. RANGASWAMI AIYANGAR—29-7-09.

C. A. SOUTER—28-7-09.

To the Revenue Department.

REVENUE DEPARTMENT.

Submitted the Educational Department may be informed that a notes copy of the Government Order referred to will be sent to them as soon as copies of the notes are received from the Press. A proof copy of the notes has been furnished separately to that department.

K.A.M.—4-8-09.

S. VENKATARAMA DAS—6-8-09.

To the Educational Department.

EDUCATIONAL DEPARTMENT.

The draft endorsement placed below is submitted for approval.

P.R.—9-8-09.

K. RANGASWAMI AIYANGAR—9-8-09.

C. A. SOUTER—9-8-09.

[Endorsement No. 1395-1, Educational, dated 9th August 1909.]

From the Commissioner for Government Examinations, No. 183-1/D., dated 30th August 1909.

As required in Memorandum No. 1395-1, dated 9th August 1909, the Commissioner for Government Examinations submits for approval a draft of the amendments in the Public Service notification which are rendered necessary by clauses (vii) and (viii) of G.O., No. 1696, Revenue, dated 28th June 1909.

2. The draft notification submitted by the Commissioner for Government Examinations requires to be recast for the following reasons:—

(1) The wording of revised clause (7) of article 4 of the notification, as drafted by the Commissioner for Government Examinations, is not uniform with the remaining clauses of the same article.

(2) It is not necessary to alter clause (4) of article 5 in the manner proposed by the Commissioner for Government Examinations, as clause (viii) of G.O., No. 1696, Revenue, dated 28th June 1909, does not withdraw from the Collectors of Ganjam, Vizagapatam, Kurnool and South Canara the existing power of exempting for more than six months from the Revenue and Account Tests for the grade of Revenue Inspector—*vide* paragraph 2 of the Revenue Secretary's note, dated 20th June 1909, on page 32 of the notes with G.O., No. 1696, Revenue, dated 28th June 1909.

(3) The wording of new clause (5) of article 5 as drafted by the Commissioner for Government Examinations is not uniform with clause (4) of the same article which confers similar powers of exemption on Collectors of certain districts.

3. A revised draft is accordingly submitted for approval. If approved, it may be sent to the Revenue Department for acceptance.

T.K.—8-9-09.

K RANGASWAMI AIYANGAR—8-9-09.

C. A. SOUTER—9-9-09.

To the Revenue Department.

REVENUE DEPARTMENT.

The Educational Department draft order below calls for no remarks. It is submitted that the draft may be accepted in this department.

S. VENKATARAMA DAS—23-9-09.

P. T. SRINIVASA CHARI—17-9-09.

M. R. NARASIMHA AIYANGAR—20-9-09.

S. VENKATARAMA DAS—23-9-09.

Accepted in Revenue.

L. M. WYNCH—23-9-09.

To the Educational Department.

EDUCATIONAL DEPARTMENT.

Issue.

W. FRANCIS—27-9-09.

[G.O., No. 538, Educational, dated 27th September 1909.]

Government of Madras.

REVENUE DEPARTMENT.

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G.O., No. 1696, 28th June 1909.

Delegation of powers

Passing orders on Mr. Davidson's proposals for the — falling within the scope of Chapter XII of the Board's Standing Orders relating to public servants.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

I

READ—the following paper :—

Letter—from LIONEL DAVIDSON, Esq., I.C.S., Officer on Special Duty.
To—the Secretary to Government, Revenue Department.
Dated—the 9th June 1908.
No.—43.

I have the honour to submit, for the consideration of Government, the following proposals for delegations of power falling within the scope of Chapter XII of the Board's Standing Orders, which relates to the general subject of public servants.

2. *Standing Order No. 116 (Divisional officers), No. 117 (Sub-Collectors) and No. 118 (Assistant Collectors).*—The provisions of these three orders practically place Divisional officers under three classes, viz. :—

(i) I. Assistant Collectors, with whom may be grouped Deputy Collectors in charge of head-quarter divisions if of less than two years' service and first appointed to the Revenue department as a Deputy Collector.

II. Other Divisional officers, not being Sub-Collectors; and

III. Sub-Collectors.

(ii) It is open to the Collector, at his pleasure, to regulate the powers exercised by officers coming under the first category, but in view of the provisions of Standing Order No. 126 they cannot fine or suspend clerks whose pay exceeds Rs. 30 *per mensem* or impose fines on Revenue Inspectors, Taluk Head Accountants, Deputy Tahsildars or Tahsildars. Officers coming under class II can inflict such fines, and besides exercising complete powers over clerical establishments within their divisions drawing Rs. 30 or less are also permitted to fill up privilege leave vacancies among higher-paid clerks and Revenue Inspectors; it is however open to the Collector altogether to withdraw the powers of appointment possessed by a Divisional officer who in his opinion is unfit to exercise them, and he can further for recorded reasons cancel individual appointments which he finds to be obviously unjust or improper. Sub-Collectors who form class III enjoy substantially all the powers of the Collector himself except as regards the appointments of Tahsildar, Deputy Tahsildar, Taluk Sarishtadar and Taluk Head Accountant, and they are entitled to be consulted in respect of the Collector's nominations to those posts on the occurrence of vacancies in the sub-division.

(iii) In a recent reference dated, I believe, the 21st March 1908, the Board has represented to Government the inconvenience resulting from the recurring temporary promotions to the rank of Sub-Collector which have become so much more frequent since the introduction of the system of personal grading among Covenanted Civilians. In order to obviate this it has been proposed to make a definite period of service to form the dividing line between classes II and III and to confer the powers hitherto exercised by Sub-Collectors upon Divisional officers of ten years' standing or more. I have not seen the papers on the subject, but understand that Government has accepted the main principle but reduced the period of service to nine years.

(iv) I have received many suggestions to enhance the powers of ordinary Divisional-officers, *i.e.*, those forming class II. The only general proposition which I would endorse is that the present limit in regard to appointments and punishments should be raised from Rs. 30 to Rs. 50, and this change I would qualify by a restriction

prohibiting Deputy Collectors from appointing their own head clerks, whose pay, I understand, varies from Rs. 45 to Rs. 50. It is, in my opinion, not desirable that any Divisional-officer other than a Sub-Collector should make permanent appointments to the chief ministerial office in his division. I should not demur, however, to allowing other Divisional-officers to fill up privilege leave vacancies. If this extension of patronage and disciplinary powers is considered too wide, I would invite attention to the note to clause (i) of paragraph 4 of Standing Order No. 116 which gives the Collector authority to withdraw patronage from an officer who in his opinion is unfit to exercise it; disciplinary action comes under the control of the Collector in his capacity as court of appeal. The limits suggested should apply to *all* classes of establishments working exclusively in one division, *e.g.*, the executive staff employed on minor irrigation works, which includes sub-overseers with pay ranging from Rs. 30 to Rs. 50.

(v) Many Divisional-officers below the rank of Sub-Collector ask for increased powers of control over Revenue Inspectors. This delegation would, however, increase the existing difficulty with which a Collector finds himself confronted when endeavouring to provide for the compulsory field training of capable subordinates who cannot be promoted to more responsible duties until they have served as Revenue Inspectors as required by paragraph 2 of Standing Order No. 140. There is much to be said in favour of a suggestion which, I believe, was recently referred to the Board, namely, that the establishment of each taluk office should be augmented by the addition of as many extra clerks on Rs. 30 *per mensem* or thereabouts as there are Revenue Inspectors in the taluk, and that Revenue Inspectors as such should cease to exist, their duties being entrusted to members of the taluk establishment drawing a special allowance of Rs. 15 or Rs. 20 when so employed. The main object of this scheme is to provide for the relegation to clerical work of elderly Revenue Inspectors who are no longer fit for employment on out-door duties. Incidentally it allows much greater scope for the provision of training in the work of Revenue Inspector. Even if it were introduced, however, there would still remain the difficulty to which I have alluded above. One way of meeting it would be to lay down some system of rotation requiring Divisional-officers at recurring intervals to take the Collector's orders as to the appointment and posting of Revenue Inspectors. A more satisfactory plan would, I think, be to have a general list for the whole district of individuals whom it is thought desirable to pass through the grade of Revenue Inspector. On the analogy of the proposals now submitted by the Collector to the Board of Revenue in the case of Tahsildars and Deputy Tahsildars, I would require each Divisional officer at the commencement of every year to submit for the Collector's approval the names of all persons whom he considers it desirable to appoint as Revenue Inspectors in the course of the year. The Collector would then prepare a consolidated list for the district entering in a separate section the names of persons not recommended by any Divisional-officer for whose training he himself wishes to arrange. On completion the list would be circulated to Divisional-officers with instructions during the following year to make appointments to vacancies in their divisions by alternate section from—(1) their own nominees and (2) those of the Collector. In regard to selections from the latter category it should be open to the Collector, if he so desires, to prescribe the order of the priority. An exception might perhaps be made in favour of short privilege leave vacancies, but otherwise no appointment not covered by the list should be permitted without the express approval of the Collector.

3. *Standing Order No. 123—Leave taken by Gazetted officers.*—It is submitted that there is no necessity to prescribe the sanction of the Board for the grant to Deputy Collectors and Covenanted Civilians below the rank of Collector of privilege leave for short periods not involving the appointment of a substitute. It is open to the Local Government under article 841 (c) of the Civil Service Regulations to delegate this power to the Collector of the district. That officer would have to consult the Accountant-General before granting leave, and if the necessary Gazette notification were submitted to the Government through the Board of Revenue, the authorities concerned would be kept as well informed as they now are.

4. *Standing Order No. 124—Touring of Collectors and Divisional officers.*—The tour returns at present prescribed are, I submit, unnecessarily complex and might be

materially simplified. The Collector should be required himself to scrutinize the details of this aspect of his Divisional officers' work and to submit to the Board a brief abstract of their movements together with a copy of any comments or criticisms which he has found it necessary to communicate to the officers concerned. The present consolidated returns covering the movements of all the officers in the district might then be replaced by a simple statement of the Collector's own movements.

5. *Standing Order No. 125—Maintenance of tents and horses.*—I understand that Government had recently under consideration a proposal altogether to dispense with the special sanction for the recovery of the actual cost of conveying tents and horses in the case of transfers from one district to another. If this eminently desirable reform is carried out, it is for consideration whether the Collector of the district might not be trusted to deal with applications for similar allowances relating to the journeys within his district. This matter is now altogether in the hands of the Board of Revenue, the monthly return of sanctions granted under article 1000 of the Civil Service Regulations having been abolished in item 20 of G.O., No. 130, Financial, dated 5th March 1908. So far as district journeys are concerned, most officers avoid the risk and trouble involved in sending horses and tents by rail and do not adopt that method of transport except where it obviously presents some special advantage. There is, therefore, but little likelihood that any material increase in expenditure would be caused. If Government is not prepared to allow Collectors full discretion in the matter, there should be no insuperable difficulty in the way of prescribing general principles for their guidance, and the application of such principles to specific cases might at least be left to them.

6. *Standing Order No. 126—Authorities exercising control over Revenue subordinates.*—In paragraph 2 *supra* I have already made certain suggestions regarding the powers of Divisional officers.

(a) In the case of Collectors two matters call for comment. Columns 4 and 5 of the tabular statement, printed at pages 210 and 211 of the Board's Standing Orders, require the special sanction of Government—(a) for the reduction of a Tahsildar to any inferior rank, and (b) for the suspension of a Tahsildar or Deputy Tahsildar exercising magisterial powers. The first of these rules is repeated in paragraph 4 (ii) of Standing Order No. 138 and the authority for it appears to be Board's Proceedings, No. 269, dated 21st June 1894. This resolution was based on a reference from a Collector who argued that an independent Deputy Tahsildar was virtually in the same rank as a Tahsildar, since such an officer "is really nobody's deputy nor is his division part of any taluk." He also observed that on any other construction there remained the "inconsistency that the last class of Tahsildar on Rs. 150 cannot be reduced under the Standing Order, while all the senior Tahsildars on higher pay can." The Board declined to accept the former argument, and with regard to the latter remarked that the inconsistency alluded to would not be removed by the Collector's proposal but "only relegated to the lowest grade of Deputy Tahsildars." The Board's observation appears to be singularly open to criticism, since the anomaly to which the Collector referred lay in the fact that he could reduce any grade of Tahsildar except the least important, and the reason why a Collector cannot reduce the lowest grade of Deputy Tahsildar is not because such reduction implies degradation of rank, but because it involves the removal of magisterial powers and so comes within the purview of section 26 of the Criminal Procedure Code. On these grounds it is submitted that the ruling of the Board should be withdrawn and Collectors authorized to reduce a Tahsildar to the rank of Deputy Tahsildar.

(b) As to the suspension of officers exercising magisterial powers, I find that the questions in issue have been discussed in a Confidential G.O., No. 1658, Judicial, dated 8th November 1904, a perusal of which leads very clearly to the conclusion that it is desirable to amend the Criminal Procedure Code so as to make it perfectly plain that a District Magistrate may suspend from office any Magistrate subordinate to him pending the orders of Government. A summary power of this description is much more effective than telegraphic application to Government for orders on the subject.

(c) I come now to the important question of the powers which Tahsildars and Deputy Tahsildars should exercise in regard to the appointment, leave and punishment of their subordinates. At present Tahsildars have complete control over

masalehis and sweepers. They can give three months' leave to attenders, muchis and peons and can suspend them for periods not exceeding one month, reporting their action to the Divisional officer. They can also appoint temporary hands of the following classes:—special process-servers, pound servants and menials on the minor irrigation and irrigation cess establishments: And under paragraph 2 (ii) of Standing Order No. 132 they can fine any executive subordinates below the rank of Revenue Inspector Re. 1. Deputy Tahsildars have similar powers except that for purposes of formal distinction they are required to report appointments and punishments in the case of masalehis and sweepers. I may remark in passing that this distinction serves no practical purpose and should be abolished.

(d) In the marginally-noted letters I have already proposed the grant to these officers of extended patronage and control in the case of stamp vendors,* pound-keepers,† and village officers.‡ I will now set out the general principle by which

I was actuated in making those specific recommendations. This is that Tahsildars and Deputy Tahsildars as a class should have absolute control over all inferior servants, i.e., power to appoint, to grant leave, to fine, suspend, reduce or remove in the case of persons, whether on the temporary or the permanent establishment, whose pay is less than Rs. 15 *per mensem*. This would cover the great majority of appointments such as the following:—process-servers and amins, copyists and examiners, stamping gumastas, minor irrigation lascars, peons and menials of all sorts. The only minor post in regard to which I feel some doubt is that of Taluk duffadar, but even in this case I incline to the view that it would be wiser to leave the patronage in the hands of the Tahsildar and to let the misuse of it be corrected by the interference of the Divisional-officer in the exercise of his revisional control. Intervention of that character should always be permitted, care being taken, however, to ensure that it is resorted to only on good grounds and not capriciously or with a view to clutch minor patronage.

(e) While it will enhance the status of these officers and materially add to their administrative efficiency, if they are given complete control over inferior servants, I am not prepared at present to advocate the grant to them of very extended powers in regard to clerical establishments. At the same time I incline to the view that a balance of advantage would be secured by allowing Tahsildars—if not also Deputy Tahsildars—to grant privilege leave to their own clerks excepting always the head clerk, and in order to make this delegation effective I would simultaneously authorize them to give consequential promotions and appoint the acting substitute required in the lowest link of the chain, provided always that such substitute is duly qualified under the examination rules in force for the time being. When a similar proposal was mooted on a previous occasion, it was, I believe, considered unwise to expose Tahsildars to the pressure to which they would doubtless be subjected by subordinates anxious to obtain leave. I would submit that some experience of this description should form useful training for the discharge of the responsibilities which every Deputy Collector incurs.

(f) When granting these extended powers to Tahsildars and Deputy Tahsildars, I would, as already indicated, maintain the right of the Divisional-officer to interfere on revision, and as a further safeguard would authorize the Collector, on the analogy of the note to paragraph 4 (i) of Standing Order No. 116, to withdraw specified powers of appointment or punishment from any individual officer, if and so long as the officer is in his opinion unfit to exercise them.

(g) A corollary to the delegation proposed relates to the question of second appeals. While for the present at least reserving general powers of revision to the Collector of the district, I would altogether prohibit second appeals from subordinates whose appointments rest with the Tahsildar or Deputy Tahsildar.

7. *Standing Order No. 127—Qualifications for appointment (Paragraph 3)—(a).* Though educational matters are outside the scope of my deputation, I cannot refrain from drawing attention to the large number of proposals which have reached me for the grant of more extended powers to exempt from examination rules. Some of my correspondents would delegate full powers, even including permanent exemptions, to

the Board and would similarly give Collectors unrestricted authority to grant temporary exemptions, limiting Divisional-officers' powers to one year and Tahsildars to three months. Particular stress is laid on that portion of clause (v) which prohibits Divisional-officers from entertaining unpassed candidates to act in their own offices. Mention is also made of the proviso contained in note (1) to clause (vi), which prevents Collectors and Divisional-officers from granting exemptions unless they are in a position to certify that they have made *bona fide* efforts to obtain passed candidates without success; it is suggested that the universal prescription of such a certificate would do away with the necessity for reference to higher authority, since in the face of the statement made therein no such authority can reasonably refuse exemption. A vigorous assault is made again upon the handwriting test, for the entire abolition of which there seems to be a strong case. There are also various suggestions for the extension of exemptions to cases where the pay available is more than Rs. 15; this is a matter which will require serious consideration if there is ever a general increase in the pay of the Rs. 15 gumastas. I presume the matter has not been overlooked in connection with the recent discussion relating to that subject, as to the exact outcome of which I am not fully informed. The number of applications for exemption which come up to the Board is very large and it is in very rare instances that they are refused. Some idea of the practical difficulty in the *mufassal* may be gathered from the following extract taken from a report written by a Tahsildar in one of the Ceded Districts:—

"In my office out of eleven clerks one is a Middle School man and all the other ten are unpassed candidates. Some of them have acted many years—ten, eight, five, etc. Recommendations for exemption go and come back approved as a matter of course."

(b) Paragraph 5 of this Standing Order lays down the general rule that candidates first entertained in permanent service shall not be more than 25 years of age. From this rule—colloquially known as the "age-bar"—I believe that District Judges have been authorized to grant exemption in an order dated from the year 1890.*
*G.O., No. 985, Financial, dated 19th December 1890 (?).
A more recent delegation of the same character is to be found in item 20 of Appendix B to G.O., No. 2798, Revenue, dated 16th November 1907, which confers this power on Deputy Commissioners of Salt and Abkari. There are thus precedents in support of the proposition that District Collectors should be similarly authorized.

(c) In paragraph 6 of the same Standing Order the decision of the Board is prescribed in cases where a medical officer's estimate of the age of a candidate for employment in the public service differs from the evidence furnished by the candidate himself. This is surely a matter which might and should be left to the Collector of the district, who is in a better position to arrive at a correct conclusion by personal inspection of the candidate.

8. *Standing Order No. 128—Principles to be observed in making appointments.*—Paragraph 8 of this Standing Order, which, I understand, is based on the Accountant-General's Circular No. 4, dated 3rd February 1890, requires the explicit sanction of Government to excess charges on the State involved in rare cases by the restoration of an officer who has retired in the hope of obtaining pension. Such charges follow necessarily upon the order directing reinstatement, and it would seem that no special sanction is required. If this view is not accepted, the matter might at least be left to the Board of Revenue or the Collector subject to the same pecuniary limits as are laid down in the case of similar excesses due to the reinstatement of suspended officers.

9. *Standing Order No. 129—Special Tests*—This is another matter outside the scope of my deputation, and I pass it by with the remark that here also I have received many suggestions for the delegation of the Board's powers of exemption either absolutely or subject to a time limit of six months or in cases where exemption is only sought from one test at a time. It is also proposed that the Board itself should have power to grant permanent exemptions. The volume of correspondence relating to this subject which reaches the Board's office is much less than in regard to general educational qualifications.

10. *Standing Order No. 130—Security to be given by public servants.*—Paragraphs 2 and 5 of this order have recently been modified by the delegation forming item 13 of the Appendix to G.O., No. 2966, Revenue, dated 4th December 1907, which authorises the Board to accept security in forms other than cash from treasurers and first-class shroffs. It is for consideration whether this power should not be passed on to the Collectors, whose responsibility is more direct than that of the Board.

11. *Standing Order No. 131—Grant of leave to non-Gazetted officers.*—So far as the powers of Divisional-officers, Tahsildars and Deputy Tahsildars are concerned, I have little to add to the proposals already formulated in paragraphs 2 and 6 *supra*. The power to grant leave is, of course, included in the expression "Complete control". It has, however, been suggested to me that Divisional officers should give casual leave to Tahsildars, Deputy Tahsildars, Taluk Sarishtadars and Taluk Head Accountants, and that Tahsildars should have the same powers in regard to their Sarishtadars or Head Accountants and Minor Irrigation Overseers; this is not a very important matter, and I see no serious objection to the delegation.

12. *Standing Order No. 132—Blackmarks and fines.*—Many officers urge the reconsideration of the orders of the Government of India which restrict the infliction of fines on the clerical and ministerial servants of Government. The final exposition of those instructions is to be found in G.O., No. 184, Public, dated 19th February 1901. I am in entire sympathy with the proposed reversion to the *status qua ante* 1900. There is no question that blackmarks are not as effective as fines, and an absurd inconsistency is involved in the fact that executive officers are liable to fine, while their clerical fellows are exempt therefrom. Not less anomalous is the rule laid down in G.O., No. 958, Revenue, dated 12th October 1901, that Collectors and Divisional officers may impose fines under Madras Regulation II of 1803 in cases where a Tahsildar or Deputy Tahsildar is by executive order forbidden to do so; this anomaly also involves undesirable centralization. However expedient it may be by stringent supervision to prevent unnecessary resort to fining, there is, I submit, a strong case for the reconsideration of the orders of the Government of India which, if I mistake not, were in the first instance intended to apply only to the Secretariats at headquarters. If they are cancelled, I would suggest that Tahsildars and Deputy Tahsildars be empowered to impose fines up to a limit of Rs. 2 or Rs. 3 instead of Re. 1. There should be no appeal against orders of petty fine passed by Divisional officers.

A minor point which has been brought to my notice relates to the necessity of furnishing the Board with half-yearly abstract returns of fines imposed on village officers. These statements are, as a rule, recorded without remark, and I incline to the view that the Collector of the district should be required in general terms to enforce the salutary rule that fines of this description should not be excessive or too numerous; the intervention of the Board ought not to be necessary.

13. *Standing Order No. 133—Enquiries regarding misconduct.*—Notwithstanding the decision given in G.O., No. 463, dated 22nd May 1906, I venture, respectfully, to invite further consideration of the feasibility of permitting Collectors or at least the Board to direct the notification in the Gazette of the dismissal of public servants without obtaining the previous sanction of Government.

The concluding sentence of paragraph 11 requires further investigation if there are "any defects" in the record of enquiry—a direction which, I submit, is unnecessarily stringent. It should surely suffice to prescribe further enquiry in cases where there are material defects.

Paragraph 12, which is based upon an order issued nearly forty years ago, requires the special orders of the Board wherever it is thought necessary to inflict departmental punishment on an officer who has been judicially acquitted of the main charge against him. This is surely a matter for the discretion of the authority who is ordinarily competent to exercise disciplinary powers over the delinquent.

14. *Standing Order No. 135—Service Books.*—Rule 1 of the rules given in Appendix XII of this Standing Order compels the Collector in every case to decide the date from which an officer should retire on pension. I would delegate this duty to the authority who is competent to appoint the retiring officer.

Clause (xi) of paragraph 2 of the Standing Order, as I understand it, permits Tahsildars and Deputy Tahsildars to conduct verification of the service registers of inferior servants in their offices. I understand, however, that in one district of the Presidency at least, namely, Vizagapatam, this duty is considered to vest solely in the Divisional-officers. If my view is correct, the misapprehension should be pointed out.

15. A copy of this letter is being sent direct to the Board of Revenue.

II

Official Memorandum No. 2110-A/08-1, Revenue, dated 17th June 1908.

The Board of Revenue is requested to offer its remarks on Mr. Davidson's proposals for delegations of power falling within the scope of chapter XII of the Board's Standing Orders, which relates to the subject of public servants, contained in his letter No. 43, dated 9th June 1908, a copy of which has been forwarded to the Board.

(By Order.)

F. NOYCE,
Ag. Under Secretary to Govt.

To the Board of Revenue (Land Revenue).

III

Reference of the Board of Revenue (Land Revenue), No. 1184 G., dated 16th September 1908.

The Hon'ble Mr. C. J. WEIR.

The Hon'ble Mr. J. TWIGG.

The Hon'ble Mr. E. A. ELWIN.

In reply to the Memorandum from Government, No. 2110-A/08-1, Revenue, dated 17th June 1908, the Board begs to submit the following remarks on Mr. Davidson's proposals for delegations of power falling within the scope of chapter XII of the Board's Standing Orders relating to public servants.

2. *Paragraph 2 of Mr. Davidson's letter—Board's Standing Order No. 116—118.*—The proposals in this paragraph are—

(a) That the present limit on the power of appointment and punishment possessed by Divisional-officers of the "second class" referred to by Mr. Davidson be raised from Rs. 30 to Rs. 50 except that Deputy Collectors should not be allowed to appoint their head clerks.

(b) That the same class of Divisional-officers be empowered to grant privilege leave to their head clerks, and to fill up the vacancies so caused.

(c) That a general list should be prepared for the whole district on the model of the present lists of Tahsildars and Deputy Tahsildars of persons whom it is thought desirable to pass through the grade of Revenue Inspector; and that after approval by the Collector it should be circulated to the Divisional-officers, who should be instructed to make appointments to vacancies in their division exclusively from the list, except in filling short privilege leave vacancies.

Proposal (a).—The proposal does not commend itself to the Board. It considers that the delegation would not reduce work appreciably but would tend to make promotions run unequally in the district and to produce friction between the Collector and his Divisional-officers.

Proposal (b).—The Board supports the proposal, but would limit its application to privilege leave vacancies not lasting for more than a month. Otherwise the men appointed to act temporarily will consider that they have established claim to be appointed in the next permanent or protracted vacancies.

Proposal (c).—Government have recently withdrawn the power of appointing Revenue Inspectors from Sub-Collectors. There seems no reason suddenly to reverse their policy and confer the power on all Divisional-officers.

3. *Paragraph 3 of Mr. Davidson's letter—Board's Standing Order No. 123.*—The proposal does not commend itself to the Board. It considers that the present rule should be adhered to if only to keep the Board informed when such officers take leave and moreover it much doubts whether the delegation would not be a doubtful boon to Collectors.

4. *Paragraph 4 of Mr. Davidson's letter—Board's Standing Order No. 124.*—The Board considers that Collectors should submit detailed statements of their own tours and abstracts of the tours of Divisional-officers with a copy of their review of Divisional-officers' detailed tour statements.

5. *Paragraph 5 of Mr. Davidson's letter—Board's Standing Order No. 125.*—The consideration of the proposal may be deferred until the receipt of the final orders of the Government of India on the proposal to amend article 1094 of the Civil Service Regulations (see un-official reference from the Board, No. 37, dated 18th March 1907). At the same time the Board feels doubtful whether the delegation would be advisable in any case.

6. *Paragraph 6 of Mr. Davidson's letter—Board's Standing Order No. 126.*—The proposals in this paragraph are—

(a) That Collectors be empowered to reduce a Tahsildar to the grade of a Deputy Tahsildar.

(b) That Collectors be empowered to suspend any Magistrate subordinate to them pending the orders of Government.

(c) That the rule requiring Deputy Tahsildars to report appointments and punishments of masalchis and sweepers be cancelled.

(d) That Tahsildars and Deputy Tahsildars should have absolute control over all inferior servants on less than Rs. 15 per mensem, whether temporary or permanent.

(e) That Tahsildars (if not also Deputy Tahsildars) be empowered to grant privilege leave to their own clerks (excepting always the head clerk) and also to make consequential promotions and appoint the acting substitute required in the lowest link of the chain, provided that the substitute is qualified under the examination rules.

(f) That the Collector be authorised to withdraw specified powers of appointment or punishment from any individual Tahsildar or Deputy Tahsildar so long as he is, in the Collector's opinion, unfit to exercise them.

(g) That second appeals from subordinates whose appointments rest with the Tahsildar or Deputy Tahsildar be altogether prohibited.

Proposal (a).—The proposal does not commend itself to the Board. Promotion from the rank of Deputy Tahsildar to that of Tahsildar requires the Board's sanction. The Board considers that the reduction in rank should likewise receive its sanction.

Proposal (b).—The proposal involves legislation, and the Board does not consider that, even if otherwise desirable, it is worth the trouble involved in introducing it.

Proposal (c).—The Board supports the proposal.

Proposal (d).—The proposal does not commend itself to the Board. It would diminish the influence of the Divisional-officer and his hold on the inferior taluk staff without appreciably, if at all, reducing his work. The Board does not consider it desirable to give Tahsildars complete control over the taluk inferior servants.

Proposal (e).—The Board supports the proposal, but the period of leave should not exceed one month.

Proposal (f).—The proposal does not commend itself to the Board.

Proposal (g).—The Board supports the proposal.

7. Paragraph 7 of Mr. Davidson's letter, sub-paragraph—Board's Standing Order No. 127, paragraph 3.—Mr. Davidson invites attention to the following proposals which have been suggested to him :—

(a) To delegate to the Board full power to grant exemption even permanently from the rules as to the general educational qualifications required for entertainment in the public service.

(b) To give Collectors unrestricted authority to grant such exemptions temporarily.

(c) To extend the period for which Divisional officers may now grant temporary exemption from 3 months to 1 year.

(d) To allow Tahsildars to grant temporary exemptions for not more than three months.

(e) To omit the portion of clause (v) of paragraph 3 of Standing Order No. 127 which prohibits Divisional-officers from entertaining unpassed men on their own authority to act in their own offices.

(f) To abolish the Handwriting Test.

(g) To delegate to competent officers the power to exempt unpassed men when they can certify that they cannot get passed men in spite of genuine efforts to do so.

Proposal (a).—A similar proposal has already been made to Government by the Board in the Separate Revenue Department (please see page 29 of G.O., No. 2798, Revenue, dated 16th November 1907). The Board considers that the power to grant permanent exemption should be retained by Government in their own hands. Since they prescribe the education tests, it is not desirable to place in the hands of any subordinate authority the power to ignore the rules on the subject.

Proposal (b).—The Board considers that the present rule authorizing Collectors to exempt men in posts on more than Rs. 20 for not more than a year is adequate, and that no further delegation is necessary.

Proposal (c).—Divisional-officers may be authorized to grant temporary exemptions for not more than six months.

Proposal (d).—The Board considers that the power should not be conferred on Tahsildars.

Proposal (e).—The Board would prefer to retain the rule as it is. The Acting Fourth Member, the Hon'ble Mr. E. A. Elwin, dissents from this view and supports Mr. Davidson's proposal.

Proposal (f).—The Handwriting Test has been abolished already—vide G.O., No. 444, Educational, dated 9th June 1908.

Proposal (g).—The Board considers the proposed delegation inadvisable.

The Board is generally in disagreement with Mr. Davidson's proposals in this paragraph as likely to result in a relaxation of Collectors' and Divisional-officers' control over their subordinates, and to facilitate the admission of undesirable persons into the public service.

8. Paragraph 7 of Mr. Davidson's letter continued, sub-paragraphs 2 and 3—Board's Standing Order No. 127, paragraphs 5 and 6.—The proposals in this paragraph are—

(a) That Collectors should be empowered to grant exemption from the age-bar.

(b) That Collectors should be empowered to decide the age of a candidate for entrance into the public service when there is a material difference between the medical officer's estimate of age and the age ascertained on other evidence.

The Board does not support either of these proposals. The existing rule as to age-bar was prescribed by the Government of India in order to keep down pensionary liabilities. It works well and prevents jobbery. As to the second proposal, it is hardly logical to suggest that the Collector should be permitted to override on his own authority the expert opinion of the District Medical and Sanitary Officer, after he has once sought it. The Acting Fourth Member, the Hon'ble Mr. E. A. Elwin, would accept the former proposal (as to age-bar), as he sees no reason why Collectors should not exercise the power which has already been delegated to Deputy Commissioners of Salt and Abkari Revenue.

9. Paragraph 8 of Mr. Davidson's letter—Board's Standing Order No. 128.—The Board considers the proposed delegation unnecessary. A case of this kind is, as the Standing Order terms it, a "rare event".

10. Paragraph 9 of Mr. Davidson's letter—Board's Standing Order No. 129.—The Board does not recommend any delegation of the power to grant permanent exemptions from the "Special Tests", but it considers that the Collector may be empowered to grant temporary exemptions from the Special Tests prescribed for clerical appointments. The existing rules regarding temporary exemptions from the tests prescribed for appointment as Revenue Inspector, Deputy Tahsildar or Tahsildar should be adhered to.

11. Paragraph 10 of Mr. Davidson's letter—Board's Standing Order No. 130.—The Board considers the proposed delegation undesirable. Security in other forms than cash should be accepted but rarely. The power to accept such security was only recently delegated to the Board.

12. Paragraph 11 of Mr. Davidson's letter—Board's Standing Order No. 131.—The Board supports the proposal to empower Divisional-officers to grant casual leave to Tahsildars, Deputy Tahsildars, Taluk Sarishtadars and Taluk Head Accountants.

13. Paragraph 12 of Mr. Davidson's letter—Board's Standing Order No. 132.—The proposals made in this paragraph are—

(a) That the orders of the Government of India restricting the infliction of fines on the clerical and ministerial servants of Government be cancelled.

(b) That, if this is done, Tahsildars and Deputy Tahsildars be empowered to impose fines up to a limit of Rs. 2 or Rs. 3.

(c) That there should be no appeal against orders of petty fines passed by Divisional-officers.

(d) That the rule requiring Collectors to submit half-yearly abstract returns of fines imposed on village officers to the Board be cancelled and replaced by a general rule that Collectors should see that fines of this description are neither excessive nor too numerous.

Proposals (a) and (b).—The Board is opposed to both the proposals, nor do they appear to have any connection with delegation.

Proposal (c).—This has been already ordered by Government in G.O., No. 282, dated 18th May 1898.

Proposal (d).—This is a repetition of the proposal made by Mr. Meyer and rejected by Government in 1898. Mr. Davidson urges in favour of his suggestion that the returns are as a rule recorded without any remark. The Board has not prepared statistics but is under the impression that the proportion of returns on which it passes remarks is larger than Mr. Davidson supposes. The return has a decidedly wholesome effect, and the Board would not dispense with it.

14. Paragraph 13 of Mr. Davidson's letter—Board's Standing Order No. 133.—The proposals in this paragraph are—

(a) That the Collector or at least the Board be permitted to direct the notification in the *Fort St. George Gazette* of the dismissal of public servants.

(b) That the words "material defects in the record of enquiry" be substituted for "any defects in the record of enquiry" in paragraph 11.

(c) That the Collector himself be empowered to inflict departmental punishment on an officer who has been judicially acquitted of the main charge against him.

Proposal (a).—In 1906, the Board recommended that the power should be delegated to it, but Government stated in their Order No. 463, Revenue, dated 22nd May 1906, that they were "not prepared to accept the Board's suggestion".

Proposal (b).—The Board supports the proposed alteration, but observes that it is not connected with delegation.

Proposal (c).—The Board considers that the power should remain in its hands.

15. Paragraph 14 of Mr. Davidson's letter—Board's Standing Order No. 135.—The Board supports the proposals.

Read letter from the Commissioner for Government Examinations, Madras,
No.183/1-D, dated 30th August 1909.

O R D E R:
P.S.

The following amendments will
be made in the Public Service Notifi-
cation published at pages 610 to 618
of Part I-B of the Fort St. George
Gazette dated 22nd December 1908:--

(1) In clause (6) of Article 4 of
the notification, omit the following
words; namely--

"Revenue Divisional-Officers as
"regards appointments in Taluk offices
"or on the establishment of Sub-
"Magistrates' Courts, but not in their
"own offices and";

(ii) For clause (7) of Article 4
of the notification, substitute the
following:--

"(7) Revenue Divisional-Officers
"may sanction the employment of un-
"passed candidates in acting and sub
"protem vacancies and in temporary
"posts in the Revenue and Magisterial
"departments--

" (a) when the vacancy does not
"exceed twelve months in duration,

" (b) when the sanctioned pay of the
"appointment is not more than Rs.30 per
"mensem"

Provided that bona fide efforts
have been made without success to
obtain passed candidates.

Order only to be placed
on E.T.

Clk
9.9.9.

Sp (in front)
27.9.09



(iii) In Article 5 of the notification, insert the following as clause (5), namely--

"(5) Collectors of districts
"may sanction the exemption of persons
"who have not passed the Revenue and
"Account tests, Lower grade, for
"employment in acting or sub. proctor
"vacancies in the grade of Revenue
"Inspector up to a period of six
"months"

(iv) ~~and~~ Re-number the ~~main~~
clauses (5), (6) + (7) of Article 5,
7/4 into clauses (6), (7) and (8) respectively
8.9.09

RD
8.9.09

Chd
a. a. a.

To the Commr. for Govt. Exams.

Rev. Sept. 1909

Gazette.

Editorial Table (ordinarily)

Page 523 Part II B
5.10.09

20/10/09

ORDINARY.

PRESS SLIP.

PREFERENCE.

URGENT (a).

EDUCATIONAL
LEGISLATIVE DEPARTMENT.

Current No....., dated.....19 ..
G.O., No. 538....., dated 27th September 1909.

Number of MS. pages sent { Correspondence including order or orders
(b)
Notes.....

Docket..... Public Service Notification
Making certain alterations in the
with regard to the power of Divisional officers
to employ unpassed men and of Collectors to
Exempt persons from the Revenue & Account
Tests, Lower grade, for employment as Revenue
Inspectors

(c) Number of copies required when struck off (not including
copies for volumes and editors' table which are retained
in the Press).

Complete
correspondence
and orders.

Notes

FOR RECORD.*

Madras Records	...	...	...	25	10
Ooty Records	...	...	...	3	3
For filing with original	...	...	...	1	1
Total	...	...	...	29	14

FOR ISSUE.†

	Letter only.	Complete G.O.	Special issue copies of G.O. (b)		Notes.
			No.	Papers.	
Signature copies.....		2			
India Office.....					
Govt. of India.....Dept.					
Public Department.....					
Judicial Department.....					
Financial Department.....					
Revenue Department.....					
Public Works Department.....					
Local and Municipal Department.....					
.....Dept.					
Total					
Spare copies.	The Director of Public Instruction.....	5			
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	The Accountant-General.....				
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	The P. D. B.....				
	The.....				
	The.....				
	The.....				
	The.....				
	The.....				
Total					

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SECRETARIAT.

(a) If a paper is marked to be printed
urgently, the Superintendent of the section
concerned should sign the Press slip. The
Superintendent should exercise a careful discre-
tion in the matter.

(b) Each letter, memorandum, or order, or set
of orders, in the file of correspondence should be
headed in succession with the Roman numeral I,
II, III, etc., the number being written in red ink
or blue chalk above the item. The particular
papers to be printed in the special issue-copies
should be indicated by the Roman numeral (I,
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the correspondence file. All matter, including
marginal remarks or references, to be printed
should be written in ink and matter which should
not be printed should be encircled. Initials and
signatures that are not quite legible should be
re-written distinctly.

(b¹) For rules regarding printing of notes,
see the rules in G.O., No. 1220, Public, dated
30th November 1900.

(c) The number of copies and the details of
distribution should be filled in by the Superin-
tendent or Referencer concerned.

(d) In the absence of special instructions to
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will be kept standing for one week, and larger
papers for two weeks only. The type of notes
and of all confidential papers is distributed
immediately after striking.

(e) This slip, properly and completely
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Press; it will be returned by the Press when
proofs are furnished; it should be sent to the
Press when a call is made for revised proofs or
when a corrected proof is sent for striking.
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be filed with the original order or letter.

INSTRUCTIONS FOR THE PRESS.

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the Press, a paper has been marked urgent
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against the matter, pencil entries should not
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any instance of incomplete or careless editing.

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OOTY.

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	Type may be released <u>after usual interval.</u> at once.	Type may be released after usual interval.
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.....Supdt.	Supdt.	Supdt.

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Final copies supplied on.....	15/10/09 <i>Prof</i>

Account of copies.	Complete copies.	Notes.	Issue copies.
Supplied to Secretariat for Record.....	29	19	
" " " Issue.....	7		
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