

Law (Edu) (1926) Department.

Min SERIES.

G.O. No. 726

DATED 28.4.1926

[Despatch Abstract.]

Government Servants' conduct Rules -

Supply of information to M.L.C. - Orders

passed.

BACK PAPERS.

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

FURTHER PAPERS.

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

CF 30

Law (Education)

DEPARTMENT.

Received



192

Registered

192

Subject.

Information required by M.L.Cs. from Departmental Officers-orders solicited.

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ENCLOSURES.

No.

R.O. No. 1539-A/25

Spare copies

Station Madras. Dated the 16th January 1926 192

From (Name) R. Littlehales Esquire, M.A.,

(Designation) Director of Public Instruction.

To The Secretary to the Government of Madras

Law (Education) Department.

Sir,

I have the honour to state that the Inspectress of -- Girls' Schools, Ceded Districts Circle, has brought to my notice that Mr. G. Rameswara Rao, M.L.C. of Anantapur has requested her to furnish him with certain statistics and also for an expression of her opinion on certain suggestions which he makes. The Inspectress also informs me that -- frequent references are made to her by Mr. G. Rameswara Rao.

In regard to the above request I would invite the -- attention of Government to Rule 17 of the Government servants Conduct Rules which lays down "A Government servant may not unless generally or specially empowered by the Local Government

P.T.O.

C-211/A Ed. 2, from the D.P.D., R.O.C. 1539-A/26.1/161
The question is one for consideration in

the Public Department to which this may be transferred U.O.

C.R.
29-1-26

Legislative should note in the first instance.

V.T.K.
1-2-26

U. S.

The debate in the Legislative Council to which reference is made in the Director's letter arose out of ^{secondary} questions raised by Mr. J.A. Saldanha, M.L.C., as to whether it is open to members ^{on the} under Treasury Benches to ask members of the Legislative Council to get information from the departmental officers.

2. ^{It is observed} At present from a perusal of the proceedings that doubts were expressed by the Hon'ble Members who took part in the discussion as to the propriety of the heads of Departments or subordinate officers complying with requests from members of the Legislative Council for information gathered by the former in the course of their official duties. Please see portions side-lined at pages 8, 10 and 11 of G.O. No. 511 (Legislative), dated 12-12-1925. Mr. A. Ranganatha Mudaliar, M.L.C., specifically asked whether departmental heads were free to answer questions put to them by members of the Legislative Council without previous permission of the Government and cited a specific instance of his having applied to an Excise Officer for certain information which the officer said he could not give.

The Hon'ble the Law Member said in reply that in the case indicated by Mr. Ranganatha Mudaliar it was obvious that if the Government had made themselves

Subject

Information
required by Members
of the Legislative
Council from Deptl.
Officers.

Government in this behalf, communicate directly or indirectly to Government servants belonging to other Departments, or to non-official persons, or to the Press, any document or information which has come into his possession in the course of his public duties, or has been prepared or collected by him in the course of those duties, whether from official sources or otherwise". In the debate which was held on the 3rd November 1925, in the Madras Legislative Council Chamber, the Hon. Sir. C.P. Ramaswami Ayyar is reported, in the official report of the proceedings, to have stated that Departmental heads and district officers cannot give "information involving matters of policy for which the Government is responsible, but information regarding statistics and so forth, they are at perfect liberty to furnish, and if they decline to do so, thereupon Hon. members can come to Government."

Since there appears to be some conflict between the views expressed by the Hon. Sir. C.P. Ramaswami Ayyar and Rule 17 of the Government Servants Conduct Rules in regard to the position to be taken up by officers of Government who may be asked for information by members of the general public, including such members of the public as may be elected or nominated to the Legislative Council, I shall be glad if Government will be so good as to solve the difficulty which the officers of this Department are now experiencing and if necessary issue such instructions as will leave the matter of communication of official matters to the public entirely free from doubt, not only in the minds of heads of departments but also in the minds of subordinate officers.

I have the honour to be,
Sir,

your most obedient servant,

S. H. Bowel
For Director of Public Instruction.

Law (Ed.), Deptl.

The question is one for consideration in the

Public Deptl to which Deptl this may be transferred to

27/1/26
M
24/1/26

Leg^{re} should note
in the first instance
V.T.F. 1.2

Vide
p 811 of the
Council Proceedings
of 3-11-25 put up
in 80 511 Reg
12-12-25

* which may be
expressed not merely
by the officers of the
Govt Deptl but also
by those of other
Deptls. This
is a general question
for consideration in
Public Deptl

Lg 256
1/2/26

19/1 S.S.S. 18/1

Law Ed. No. 211 A-1
1.2.26

Rule 17 of the Government Servants Conduct rules remained in the same form as it is now and as is apparent from the D.Os. quoted above, the existence of the provision in the Government Servants' Conduct rules was not construed as fettering the discretion of District Officers to furnish information to Legislative Council members. Public has to consider whether the Government Servants' Conduct rules require amendment.

p.p. 7 20.
511 degree
6272.25 (J)



CURRENT NO.
0776
PUBLIC X.

Legno 256-1
19.2.26

KA 12/2
Please put up
to or the
Norman
and corner
1977

Reference is solicited to the papers recorded in G.O. No. 1084 Pub. d. T. II. 25. For orders whether law (Edn) may be advised to invite the attention of the D. P. I. to the interpellation of 2nd March 1925, which may be taken as a general direction of the local Govt. contemplated by Rule 17 of the G. S. C. Rules.

AD
27.2.26. What has happened to Mr
Tyler's letter on the same subject?

all
2.3.26
Subm² in linked file
HM C₂ named ser.

AD
12-3.26

all 20.3 26

Eden
Lancashire.) dep.

Law 107/20 U.S.
~~Law~~ Pub. L. No. 776
22.3.26

26 A draft-memo. inviting the attention of the R.P.I. to Question no.

861
Sept ~~1205A~~ 257 asked at the meeting of the League.

23/3/76. Council held on 2. 3. 25th ^{and Hse answered the q's} is incl. for
N

approval. The case may be circulated
to C_1, C_2 and M_2, C_1, C_2 .

$$\begin{array}{r} 0.24 \\ \hline 24.3.26 \end{array}$$

$\frac{25}{25} \frac{3}{3} \frac{26}{26}$
 $\frac{25}{25} \frac{3}{3} \frac{26}{26}$

$$\begin{array}{c} M_2 \\ C_1 \\ C_2 \end{array}$$

৯২

V. TK

The reply at p. 811, I
require modification.

Dr. 29/12

I do not think ^{that} there is any necessity to modify the replies at page 811 of flag J. The D.P.I. seems to have ~~misunderstood~~ misunderstood the scope of Rule 17 - which obviously refers only to information or documents of a confidential character. It is perfectly true that no member of the Legislative Council can ask for such information. The only right he has is to get statistics or other information which either is or can legitimately be made available to the public. What I was endeavouring to point out in "J" was that if members of the Legislative Council can get information from local officers they should do so; if they are refused information then they may approach the Government. The present practice imposes upon the Secretariat an intolerable and needless waste of time. I do not therefore intend to modify the replies.

Re 5-11 Law Reg (J)
12-12-25

CPL
30/3/26

I think the replies are lengthy. They should be brief and to the point. If the departmental or district officer cannot or does not wish to give the information or is doubtful it is open to him to refuse to decline & the MLC can then apply to the Govt. But it would be convenient if they gave MLCs whatever information of a public nature they have.

hls
30/3

May be circulated to M2

hls
30/3

CR
31/3
5
VTK
31-3

M2



A revised draft order is submitted for approval ~~with reference to~~. It may be sent to Public for perusal before issue.



AP
14.4.26
for
19/4

AP
15/4

VTA VTK
16.4 17.4

Law (22) 211 A-1
17-4-26

Public

Public (x) Septt

May be seen and returned to



Law (Edn)

AP
19.4.26
AP
21.4.26

all
22.4.26

Pub (x) no. 1666-1
d. 22-4-26

L. Ed 1621th
16/4/26

Law (Edn) Dept

Draft may now issue

AP
26/4/26
for
27/4

AP
27.4.26



Law (83) DEPARTMENT.

Date.	Initials.
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$$\frac{28}{2845m}$$

Govt Servants Candrect Rules

Supply of information to M.C.C.

orders passed

READ AGAIN G.O. No. _____, dated _____ 192

” ” ” ” ” 192

READ ALSO:—

C. No. 86 A From the _____, No. _____, dated _____ 192

” ” ” ” ” ” 192

” ” ” ” ” ” 192

ORDER.

twi

No. 796, dated 28. 4. 1926

The attention of the D.P.D. is invited to the answer given to question no 257 asked at the meeting of the Legislative Council held on the 2nd March 1925

2. [Rule 17 of the Govt Servants
Conduct rules refers only to information
or documents of a Confidential Character]
If any officer feels that he should not
give the information asked for or ~~is~~ feels
doubtful whether it may be given, it
is open to him to politely decline to
furnish the ~~information~~ ~~or~~ ~~at~~ information

(If ~~it~~ seems somewhat hazardous to make this general staff.)

like c_1 & c_2 's remarks
on p. 4 N.F

DESPATCHED

92-29-APR 29

20
The D.P.D. (with Cpr of G's answer on
p. 89 of 1084 Pub. 2.11.25 - with
ref to his letter no 1539 A/25. 7/16.1.26)
Copy to the Public Dep't
.. Law (Leg) Dep't

AD
14/4/26

1. TK

17.4

When given for copying—
When copied—
When examined—
When signed—

192

READ AGAIN G.O. No. , DATED
192

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED OF, BEING PRESENT FOR DESPATCH
IN ORIGINAL.

N.B.—

- A = Copy in full.
- B = Not to be copied.
- P = Copy abstract only.
- Q = Copy heading only.