

Educational (1900) Department.

ORDINARY MS.

G.O., No. 128

DATED 7 3 of

INDEXED.

[Despatch Abstract.]

Copy to Mr. P. I. & the Supd. T. for
Museum prop. Public dept on the resol
ution of the Govt of India regarding
certain changes in the leave rule

BACK PAPERS.

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

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 Enclosures nil
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G.O., No. 213, 25th February 1901.

FEBRUARY.

N. order no 128 d/7.3.01
Submitted to the
S.P. & and the S.G. all.
7.3.01

By
6/3/01

To.
Mr D.P. &
S.G. all

Changes in the Leave Rules.

Communicating, with remark, to the departments of the Secretariat the resolution of the Government of India regarding the — with the view of reducing the frequency of transfers and changes of officers employed in the different branches of the civil administration and directing the republication of the resolution in the *Fort St. George Gazette*.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—the following paper :—

Extract from the Proceedings of the Government of India in the Home Department (Public), under date Calcutta, the 25th January 1901, Nos. 224—240.

Read—

Despatch to the Secretary of State, No. 64, dated the 25th October 1900.
Despatch from the Secretary of State, No. 6, dated the 4th January 1901.

Resolution.—The Governor-General in Council has had for sometime under his consideration the question of the frequent transfer from one charge to another of officers employed in the different branches of the Civil administration. The extent to which the members of the different Civil departments have been transferred in recent years is universally recognized to be detrimental to the proper discharge of public duties in every branch of the administration. The evil effects of frequent transfers are, however, especially manifest in the case of the chief civil officer of the district, who is the direct representative of the Government in the eye of the community. Continuity in the charge is most essential to the proper administration of a district in India, since a district officer's influence must in the main depend upon the extent to which he is known and trusted by the people.

2. It is an inherent condition of the different services in India that transfers of officers should be more frequent than is desirable in the interests of the administration. The number of European officers in the administrative services is limited to strict working requirements. Every time that leave is given, on every occasion on which a promotion is made, and in every instance in which an officer retires, a vacancy is created. It is impossible, therefore, to prevent transfers; the utmost that can be done is to reduce their frequency as much as possible.

The question of such a reduction does not come before the Government of India for the first time. It was the subject of correspondence between the Secretary of State and Lord Ripon's Government in 1882. It had been asserted that the change in the furlough rules of 1868, whereby officers absent on leave retain a lien on their appointments, had resulted in a largely increased number of acting appointments, and in frequent transfers or changes in the *personnel* of the administrative staff, to the detriment of the public interests. The Government of India made an inquiry from the Local Governments and Administrations as to whether the change in the rules had caused practical inconvenience. The replies to this inquiry disclosed a very general opinion among the local authorities that the supposed effect of the rule in question had been much exaggerated and misunderstood, and that the statistics from the different provinces did not, when carefully analyzed, justify the withdrawal of the rule whereby an officer on furlough retains a lien on his substantive appointment or on a substantive appointment of like character and not less pay. Lord Ripon's Government were nevertheless of opinion that changes among the administrative, and especially among the district staff, had been too frequent in some provinces. This result appeared to be in some measure due to the Local Governments being too ready to defer to the personal wishes and inclinations of officers returning from leave. The

Government of India therefore directed that, unless some special circumstances rendered it desirable to replace an acting officer by a returning incumbent, an officer in the regular line of district administration should, on return from furlough, be posted to such actually vacant office as might be suited to his rank and pay, and that, in determining where he should be posted, the only consideration which should be allowed to weigh should be the question how his services could best be utilized with the least possible disturbance of existing arrangements. The Local Governments were also directed to pay more attention to regulating the time of an officer's return to duty with reference to the convenience of the public service. Directions upon these two points were issued in the Home Department Resolution No. ^{33 Public} 1343—1354 of 7th September 1882.

3. The Governor-General in Council agrees with the decision come to by Lord Ripon's Government regarding the concession made in 1868, but is of opinion that the number of transfers has been greatly increased by the custom, which has grown more frequent as communication with Europe has become more rapid, of taking accumulated privilege leave followed, after a short interval of duty, by furlough—a practice not contemplated at the time when the furlough rules, which were designed to enable officers to visit England at reasonable intervals, and not oftener, were framed. Under article 891 of the Civil Service Regulations, an officer applying for privilege leave is required to record a declaration that he has no intention of taking leave of any other kind for three months after his return to duty. An officer under the European leave rules, who has accumulated three months' privilege leave, can enjoy it during one hot season, revert to duty during the cold weather, and then apply for furlough in the ensuing hot season. So long as the aggregate number of furloughs is not exceeded, it is difficult to refuse his request except on special grounds, since he has rendered more than the continuous service required under article 340 of the Civil Service Regulations before furlough can be granted to him. His two periods of leave, which may have commenced within a period of just over six months, involve three changes,—a result which is most prejudicial to the proper conduct of any office in the civil administration.

4. The Government of India have been in communication with the Local Governments and Administrations and the Secretary of State as to the best means of checking the evils which result from frequent absences due to the enjoyment of leave under these conditions. They are of opinion that the right to accumulate privilege leave as such should be retained, but that, in the interests of the administration, it is essential to put an end to the practice of taking accumulated privilege leave and furlough separately without the interposition of a sufficient interval. The Government of India have therefore determined, with the sanction of the Secretary of State, to require that an officer shall, after return from accumulated privilege leave of over six weeks in duration, render eighteen months' active service between the return to duty and departure on ordinary furlough. As a compensation for the restriction on the present conditions under which leave can be taken, the Governor-General in Council has recommended to the Secretary of State, who has approved the proposal, that an officer who has earned privilege leave shall be permitted to take it up to the maximum of three months in combination with any other leave. To this concession will be attached a limitation of the total period of the combined leave, so that it shall not exceed two years when furlough is taken, or six months when special leave is taken, and, on the other hand, that it shall not be less than six months. His Excellency in Council is therefore pleased to announce that, with effect from January 21st, 1901, the date of the receipt of the Secretary of State's sanction, the rules in chapter XIII (leave rules for European services) and XIV (leave rules for Indian services) will be modified in respect of all the officers to whom these rules respectively apply, in the following particulars :—

- (i) privilege leave to the amount due will be allowed to be taken as privilege leave either (a) by itself or (b) combined as privilege leave with furlough, leave on medical certificate, special leave, leave on urgent private affairs and extraordinary leave, the maximum period in each case, for which full salary can be drawn, being three months;

- (ii) when privilege leave of over six weeks in duration is taken by itself, an interval of eighteen months must elapse between the return to duty and departure on furlough other than furlough on medical certificate;
- (iii) the restriction defined in (ii) will not apply to leave on medical certificate, furlough on medical certificate, special leave on urgent private affairs, leave on private affairs, or extraordinary leave;
- (iv) when privilege leave is combined with furlough, the amount of the combined leave must not exceed two years;
- (v) when privilege leave is combined with special leave on urgent private affairs, or with leave on private affairs, the amount of the combined leave must not exceed six months;
- (vi) when privilege is combined with any other kind of leave, the combined leave must be for not less than six months;
- (vii) the periods mentioned in (iv), (v) and (vi) will count from the beginning of the privilege leave to the end (under the ordinary rules) of the leave with which it is combined;
- (viii) officers to whom privilege leave under the ordinary rules and conditions is inadmissible under article 306, Civil Service Regulations, will be allowed to combine vacations with long leave (either at the beginning or end thereof) on the same conditions as those on which other officers are allowed to combine privilege leave;
- (ix) the rule that privilege leave allowances are not payable out of India will apply in the case of privilege leave combined with other leave.

The effect of these changes will be, the Governor-General in Council anticipates, to cause a material reduction in the number of transfers, and His Excellency in Council trusts that the manner in which it has been determined to give compensation for the imposition of the restriction on the taking of furlough after the enjoyment of accumulated privilege leave will be appreciated by the members of the different services. The concessions now sanctioned in regard to privilege leave are of an important character, and the Governor-General in Council notifies that, should it at any time be found undesirable to continue them, they may be withdrawn without claims to compensation being recognized. It is unlikely that the introduction of the new rules will affect many members of the services injuriously, but, should a Local Government or Administration consider that the restriction that furlough may not be taken until the expiry of eighteen months after return to duty will operate with hardship or with inconvenience to the public interests in respect of any particular officer who takes accumulated privilege leave by itself before October 1st, 1901, the Governor-General in Council will be prepared to consider a proposal to relax the restriction in the individual case.

6. While the Government of India consider that these changes in the leave rules must operate to reduce the number of transfers which at present take place, they are convinced, as Lord Ripon's Government were in 1882, that many unnecessary transfers are caused by the manner in which the rules regarding the grant of leave are worked. The Governor-General in Council therefore desires to supplement the announcement regarding the changes in the leave rules by directions to the Local Governments and Administrations as to other methods of reducing transfers. The Governor-General in Council has already referred to the instructions in the resolution of 7th September 1882, which have not, His Excellency in Council regrets, been always fully regarded. In accordance with the decision come to in 1882, it was provided in article 220 (b) of the Civil Service Regulations that the Local Government may refuse to grant the full amount of leave applied for in any case, and should, by the exercise of this power, so regulate the date of an officer's return from leave as to cause as little change as possible in administrative arrangements. In the opinion of the Government of India, unnecessary transfers can be reduced if Local Governments and Administrations generally will show less hesitation, whenever they anticipate difficulty in providing an officer with a suitable appointment on return from the full amount of leave for which he asks, in requiring him to return after the interval which may best suit the interests of the public service. The provision of the rules that an officer returning from ordinary furlough or special leave retains a lien, not on the actual appointment held by

him before departure on leave, but on an appointment of like character and not less pay, and that he retains no lien on an acting appointment (article 240, Civil Service Regulations) should also be steadily kept in view.

7. The Governor-General in Council also considers it essential that Local Governments and Administrations should follow more fully in practice the principle that transfers must not be made to meet the private wishes of officers. The removal of an officer from one charge to another at his own request should only be allowed when it can be made with the certainty that the public interest will not suffer therefrom.

8. Another cause, in the opinion of the Government of India, of increase in the number of transfers is the rigid and unjustifiable adherence to the principle that every vacancy, for however short a time, must be given to the next senior officer unless he is unfit for promotion. The application of this rule multiplies transfers in several ways. An officer is often brought from a long distance to the exclusion of one on the spot who may be only his junior by a short period of service. Again, the supposed claim of a senior officer holding a less eligible appointment of similar duties to be transferred to a more eligible charge in place of a junior is constantly recognized, with the result that two transfers are made when one only is necessary. A third way in which this practice increases transfers is by the appointment (which is not in accordance with the principle laid down in article 240, Civil Service Regulations) of an officer to act in a higher appointment on return from leave in place of a competent junior appointed to officiate in that appointment when he himself was absent on leave. The Government of India cannot approve of transfers made in circumstances such as these, and trust that no countenance will be given to them in future.

9. Article 119, Civil Service Regulations, provides that, as a general rule, the duties of an officer absent on privilege leave should be discharged by another officer in the same station, and that the transfer of an officer from another station to act in consequence of the absence of an officer on privilege leave will only be allowed in exceptional cases. This article is constantly disregarded in practice, owing to the difficulty of making adequate local arrangements when the amount of privilege leave taken amounts to three months or nearly three months. As a measure supplementary to the above instructions, the Government of India will amend this article so as to make the requirement as regards the appointment of an officer, who is serving in the same station, to officiate in a vacancy caused by the departure of an officer on privilege leave of not more than six weeks stricter than it is at present. The Governor-General in Council is of opinion that, except in the case of offices for which special qualifications are required, such as those of heads of departments, the Secretariat and the higher Judicial offices and certain Medical appointments, it should rarely be necessary to appoint an officer to officiate, during a privilege leave vacancy of not more than six weeks, who is not already serving in the same district either at headquarters or at some sub divisional out-post. In the case of appointments held by members of the Indian Civil Service or of a Commission, if a member of that Service or Commission is not available, an officer of the Provincial Service on the spot can hold charge for this short period, in accordance with the rules published under Home Department Notification No. 2159, dated the 2nd November 1892. To ensure compliance with this regulation, His Excellency in Council directs that quarterly lists showing and explaining all cases in which the above principle has not been followed in respect of absences on privilege leave of not more than six weeks shall in future be submitted to the appropriate department of the Government of India. The Government of India further direct that, when a vacancy is caused by the absence of an officer on privilege leave of more than six weeks, his place should also, if possible, as the rule already provides, be filled by an officer serving in the same district. The Government of India admit that this is not always feasible, but it should be done oftener than has hitherto been the case. By these means the Governor-General in Council hopes that transfers on account of vacancies due to privilege leave will be substantially reduced, and that it will become a general practice for members of the Indian Civil Service and the better paid officers under the European Service Leave Rules to accumulate their privilege leave and combine it with furlough. By this process the vacancies in important offices should gradually cease to be for less than six months.

Order.—Ordered that a copy of this Resolution be communicated to the departments of the Government of India, and to Local Governments and Administrations for information and guidance.

Ordered also that the resolution be published in the Supplement to the *Gazette of India*.

(True Extract.)

(Signed) J. P. HEWETT,
Secretary to the Government of India.

To the Government of Madras.

ORDER—No. 213, Public, dated 25th February 1901.

Communicated to the departments of the Secretariat.

2. The resolution of the Government of India will be republished in the *Fort St. George Gazette*.

3. Further orders will issue as regards the return prescribed in paragraph 9 of the foregoing resolution.

(True Extract.)

M. Singh
for Chief Secretary.

To all Departments of the Secretariat. (*Educational*)
„ Heads of Departments under the Chief Secretary.
Gazette.

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190 .

READ AGAIN G.O., No. _____
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CURRENT No.

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