M.R.O. 1—77,008—8-6-37.

(1) Number of pages 62

(2) Date of repair 10.7.57

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. 118 Press Mis.

Bm 59-60

Dated 24 2 1868.

59-60 32/33

Not to be folded or roughly handled

Proceedings of the Madras Government, Financial Department,
24th February 1863.

No. 59. Read the following letter from E. DRUMMOND, Esq., Secretary to the Government of India; to the Secretary to the Government of Madras, dated Fort William, the 14th January 1863, No. 124 G.

Financial Department.

I am directed, with reference to my letter No. 4,716 of the 16th July 1862, to forward a copy of revised Rules, framed by the Secretary of State, for the grant of furlough and leave of absence to Covenanted Civil Servants, and to request that this Government may be favored with an early expression of the views of the Government of Madras on the subject.

CIVIL SERVICE FURLOUGH AND ABSENTEE RULES.

The following Rules relative to the absence of Civil Servants on furlough and sick certificate are substituted for those hitherto in force:—

Leave of absence with pay will in future be only of three kinds, viz.:

Furlough.

Leave on private affairs, viz., short leave (sometimes called privilege leave) or special leave for six months.

Leave on Medical Certificate.

Chapter I.
Furlough.

1. Furlough will be granted for a period of three years during the whole term of service. Civil Servants will have the option of taking the three years at one time, after an actual residence in India of 10 years, or of dividing the furlough into three periods of one year each, which may be taken after successive intervals of not less than seven years' residence, or into two periods, which may either be of one and two years, or of one year and a half respectively, provided that no furlough exceeding one year be taken until after the completion of 10 years' residence in India, and that an interval of not less than seven years' residence shall occur between the first and second periods. In every case it is imperative that a Civil Servant, when taking his furlough, shall declare whether it is for one, one and a half, two, or three years, and the term cannot afterwards be altered. Civil Servants taking furlough will vacate their offices. These grants of furlough are subject to the condition that in no case shall a greater number of servants be absent from India on furlough at one time than 10 per cent. of the number on the list of each Presidency and that in granting furloughs the preference shall be given, first, to servants producing Medical Certificates in the form prescribed in the Appendix to these Rules, that a visit to Europe is indispensably necessary for the restoration of health, and then to servants in their order of seniority, according to the rank assigned to them on the gradation list of the service. Civil Servants producing Medical Certificates in support of applications for furlough, and who are admitted preferentially thereto, are subject to all the conditions applicable to furlough.

2. The furlough allowance granted during the periods specified will be at the rate of 500*l.* per annum, and it will not on any grounds whatever be continued for more than three years.

3. Civil Servants who have taken leave of absence on Medical Certificate, being at the time eligible to a three years' furlough, cannot be admitted to furlough, except in cases of illness, duly certified, until they have served four years from their last return to duty, and if not eligible to a three years' furlough when the leave was taken, until they have served two years from their last return to duty, with the same exception as to certified illness. This rule will not apply to leave on Medical Certificate taken for a period not exceeding three months.

4. An absentee who may obtain leave in continuation of furlough, will not be entitled to any allowance during the extension.

CHAPTER II.

Leave on Private Affairs.

5. The Government may grant to Civil Servants leave of absence to any place in India or the seas adjacent, for one month in each Calendar year, without deduction from the salaries and emoluments drawn by such servants; such leave, however, will only be granted when the Government is satisfied that no inconvenience will arise from the departure of the Officer seeking it. No second leave can be granted under this rule until the completion of 11 months from the expiration of the last leave, if taken at one time, or from the date of return from any sick leave, or until the completion of six months from the expiration of the last instalment of a leave, if it has been divided. Servants not availing themselves of the indulgence in any one year, may obtain, under the like conditions, leave for two successive months, to commence at or after the expiration of 22 months from the expiration of their former leave; and if two years elapse without enjoyment of the privilege, leave for three months, may, in like manner, be granted at the expiration of 33 months from the termination of the last preceding leave, but no leave shall be granted under this rule for any period exceeding three months. If an Officer shall not return at the expiration of the period of leave granted him under this rule, he shall forfeit all pay and allowances during the time of his remaining so absent without leave, and if he shall so continue absent for more than one week beyond the term granted, his office shall become vacant.

6. Civil Servants absent from their stations under Medical Certificate cannot be admitted to leave under this rule in continuation of their sick leave; and if, whilst absent under this rule, they be granted extended leave under Medical Certificate, they shall be considered liable to the rules applicable to leave on Medical Certificate for the whole period of their absence.

7. As a general rule, when leave is granted under Section 5, such leave will be in one period only, whether for a whole month or less, and not in detached portions to complete one month; but as an exception to this rule, it shall be discretional with the several Local Governments, where good cause is shown for the indulgence, and if it is attended with no public inconvenience, to sanction leave of absence under this rule to such parties as may not have occasion to apply for the whole at once, in two instalments only, which are not to exceed in the aggregate one month within the Calendar year. Civil Servants to whom an accumulation of short leave may be due, and who may take a portion thereof, may, at the discretion of the several Local Governments, be allowed to take the remainder at a subsequent time.

8. In cases of very urgent private affairs, when leave can be granted without detriment to the public interests, the Government, on being satisfied of the urgency alleged, may grant special leave of absence for six months on private affairs, provided, however, that for the period of such absence the absentee shall draw no more than half his salary. The leave granted under this Section will be computed, if taken in India, from the date of the absentee quitting his station to the date of his return thereto; and if taken to Europe or beyond Indian limits, from the date of the sailing of the vessel on which he may have embarked from the port nearest* to his station to the date of his arrival at the same on his return to duty. No portion of the half salary will be allowed to be drawn, until the absentee shall have returned to his duty. After an absence of six months, any office held by the absentee will become vacant. If this leave be extended on Medical Certificate, the whole period of absence will be subject to the rules applicable to leave on Medical Certificate. No second leave can be granted under this rule.

* NOTE.—"Nearest" is intended to have reference not only to distance, but to time occupied in travelling.

CHAPTER III.

Leave of Absence on Medical Certificate.

9. Leave of absence on Medical Certificate from any office or station can only be granted by the Government under which the applicant is employed. Every application for leave must be made publicly through the regular channel, in the Department to which the applicant may belong, and a certificate, countersigned according to the form contained in the Appendix to these Rules, must accompany the application.

10. Upon application duly made, the Government may grant leave of absence on Medical Certificate to a Civil Servant for any period not exceeding 15 months, without restriction as to the places to which he may resort. During such period, the absentee will be allowed to retain his office, and to draw a moiety of his salary, provided that such moiety shall not exceed Rupees 10,000 (1,000*l.*) per annum, which is to be the maximum drawn as absentee allowance. In cases in which the emoluments of the absentee's office shall not exceed Rupees 5,000 (500*l.*) per annum, no deduction therefrom shall be made for the period of 15 months, nor shall any such deduction be made in other cases as would reduce the absentee's allowance below Rupees 5,000 (500*l.*) per annum. In cases in which the salary shall be less than 500*l.* per annum, the full salary shall be allowed.

11. In the event of the absentee being compelled by the state of his health to apply for an extension of his 15 months' leave, his application must be supported by a Certificate in the form prescribed in the Appendix to these Rules. Upon applications so made, extensions of leave may be granted for any period not exceeding six months at one time. Any such extension will involve forfeiture of office, but during the extensions granted the applicant will be permitted to draw a sick absentee allowance of 500*l.* per annum if he be above 10 years' standing, and of 250*l.* per annum if not above 10 years' standing. After an absence of three years all allowances will cease.

12. The period for which a Civil Servant will be granted leave of absence on Medical Certificate, with allowance, is limited to three years (with the exception of the additional leave hereafter provided for by Section 14), during the whole of his service. In the event of his returning to his duty within three years, and being, at any time after the expiration of two years from the date of his return, compelled again to apply to be absent on Medical Certificate, he may be granted leave for 15 months, if so much of his three years shall remain unexpired, or for such shorter time as would complete the three years, and he will be allowed for any such period (not exceeding 15 months) to retain his office and half salary. Any extension of this 15 months' leave will involve loss of office, but if any portion of the period of three years be still remaining, he may be granted for that period an allowance of 500*l.* or 250*l.* per annum, as provided in regard to the first grant of leave. When he shall have completed three years' absence, in one or two periods, all allowances will cease.

13. Leave of absence on Medical Certificate, with allowances, can only be granted in one or two periods, excepting only the additional leave sanctioned by Section 14.

14. Civil Servants who may have been absent for three years on Medical Certificate with allowances *before the publication of these Rules*, and who may be compelled by ill-health, after completing 15 years' total service, to apply for further leave of absence, may be permitted on special grounds to obtain it, but their absence will involve loss of office and salary; the Government of India and subordinate Governments will, however, exercise a discretionary power to grant to them an allowance not exceeding Rupees 5,000 or 500*l.* per annum, for any period not exceeding 12 months.

15. The period of absence granted under this Chapter will be computed, if the absentee shall proceed to a sanatarium within the Presidency, from the date of his arrival thereat to the date of his quitting the sanatarium; if to any place beyond the Presidency, but within the continent of India, from the date of his leaving the frontier of his own Presidency to the date of his return thereto; and if he shall proceed to sea, from the date of the sailing of the vessel on which he may have embarked from any port in India, which is not more distant* from his station than the principal port of his own Presidency, to the date of his arrival at any port within the Presidency to which he belongs, or at any other port which is not more distant from his station than the principal port of his own Presidency.

* Vide Note to Section 8.

16. For the interval elapsing between departure from station and the commencement of reckoning absence on sick leave, or between the end of reckoning absence on sick leave and re-arrival at station, the absentee shall be allowed special leave, calculated at the rate of one day for every 10 miles to be travelled, except when Railways or Steamboats are available, when one day for every 100 miles only will be allowed, with 7 days at the port of embarkation, provided that a period of three months shall in no case be exceeded, and that the time claimed shall have been spent *bonâ fide* between the place of departure and the place of destination, and during that period the absentee will be entitled to draw the same salary as is allowed by Section 10.

17. Furlough to the extent of three years will count as service, and absence on Medical Certificate to the extent of one year, will reckon as service and residence in India, in qualifying for an annuity, the period of 25 years' service and 22 years residence being retained.

MEMBERS OF COUNCIL.

18. None of these rules are applicable to Ordinary Members of Council, to whom, under Section 26 of Act 24 & 25, Vict. Chapt., 67, leave of absence may be granted under Medical Certificate for a period not exceeding six months with half salary, which is only payable on return to duty.

MILITARY OFFICERS.

19. Military Officers employed in the Civil Department, will be subject to the Military Furlough Regulations.

APPENDIX.

The Certificate to be given by an applicant for Furlough or Sick Leave shall be in the following form :—

I, *A. B*, Surgeon at, or of, do hereby certify that *E. F.* of the Civil Service, is in a bad state of health, and I solemnly and sincerely declare that, according to the best of my judgment, a change of air is essentially necessary to his recovery, and do therefore recommend that he may be permitted to proceed to sea, [*or to such place as the Surgeon may think proper, expressing it in the Certificate*].

The following form shall be observed by the principal Medical Authority at the nearest principal station in countersigning the Surgeon's Certificate :—

We [*or* I] do hereby certify that, according to the best of our [*or* my] professional judgment, after careful personal examination of the case, we [*or* I] consider the state of health of *E. F.* to be such as to render leave of absence for a period of absolutely necessary for his recovery.

If the applicant, for an *extension of leave* on Medical Certificate, be residing within 20 miles of London, a Certificate in the second of the above forms must be produced from the Examining Physician attached to the India Office. If residing beyond that distance from London, Certificates in the same form must be produced from two Medical practitioners.

No. 60. To the Secretary to the Government of India, Financial Department, dated Fort Saint George, 24th February 1863, No. 118.

I am directed to acknowledge the receipt of your letter of the 14th ultimo, calling for an expression of the views of this Government, with reference to the revised rules framed by the Secretary of State, for the grant of furlough and leave of absence on private affairs and on Medical Certificate to Covenanted Civil Servants.

2. In reply, I am directed to say that the Madras Government would regret exceedingly to see the revised rules put in force in their present form, being of opinion that the alterations which they involve, although on some few points they are an improvement on the present rules, will yet, when considered as a whole, place the service in a worse position than it is at present, and will entail much hardship on individuals, without any corresponding advantage to the transaction of public business.

3. First, in regard to the proposed rules for furlough. The revised rules provide that furlough, if due, can be taken in case of sickness, without reference to any previous absence on leave. This is certainly an improvement on the present rule, which requires that an interval of six years should elapse. On the other hand, the proviso in Rule 1 that a Civil servant having once declared the time for which he wishes to take furlough shall not afterwards be at liberty to alter it, may operate harshly in certain cases. It is scarcely possible that any such change on the part of an absentee, would cause any practical inconvenience to the Government; and it is easy to conceive that circumstances might often arise which would render it very desirable that a Civil servant who had gone to England on a short furlough, should be permitted to prolong his stay. Any possible public inconvenience which such change might cause, could be obviated by making it requisite that an Officer seeking such extension of his furlough, should obtain the consent of the Government of the Presidency to which he belongs. But the Governor in Council doubts the necessity of the proviso, even with this modification, and would rather see it omitted altogether.

4. The Governor in Council also sees no necessity for the distinction made in Rule 3, between the case of a Civil servant who has taken leave of absence on Medical Certificate after ten years' service, and that of one who has taken such leave before ten years' service. It does not appear why, in the one case, there should be an interval of four years, and in the other, an interval of only two years, before furlough can be taken. The object, it would seem, is to discourage men entitled to furlough, from going home on Medical Certificate, retaining their appointments; but as the period for which leave on Medical Certificate may be taken, with retention of office, is strictly limited, it is not apparent how the proposed restriction will conduce to the convenience of the public service.

5. In regard to leave on private affairs, it is proposed in Rule 5 that the privilege leave shall in future be restricted to India or the Seas adjacent, and that the period for which an Officer obtaining such leave may remain absent in excess of his leave without forfeiture of office, shall be reduced from one month to one week. The Madras Government cannot see any reason for either of these restrictions. The proposed restriction in regard to locality is a partial return to the old system under which Indian Officers were prohibited from visiting their native land except at a sacrifice which comparatively few could afford to make, and which system was abandoned—it was hoped, finally, some nine years ago. The Governor in Council cannot imagine any valid reason for re-imposing such a restriction, even with reference to the short leave to which it is now proposed to apply it. It is, of course, only in the case of an Officer entitled to the maximum amount of cumulative privilege leave, that the new rule will operate; and it is difficult to understand what difference it can make to the public service whether an Officer who has entitled himself to three months' leave, spends it on a visit to his freinds in England, or on a voyage between Madras and Melbourne. The proposed reduction in the time for which an Officer absent on privilege leave may overstay it, without loss of office, is, in opinion of this Government, equally unnecessary on public grounds. Such additional absence involves loss of the whole salary for the period in excess of the leave. It is therefore never taken, except on very urgent grounds; and as the place of every Officer who quits his post for three months, must be filled up by an acting appointment, it practically makes little or no difference to the public service whether the acting appointment continues for three months and one week, or for four months. The object of the two limitations is evidently to prevent Officers visiting England on privilege leave; but why such visits should be prohibited, does not appear. Looking to the discomfort and expense of the double voyage which has to be undergone within so short a period, it is not too much to say that, on an average, no man will avail himself of the privilege more than once in his service; and unless it can be shown that such visits are detrimental to the efficiency of the service, the Madras Government cannot see why, if cumulative leave is to be given at all, this privilege should be withdrawn. The provision in Rule 7 that cumulative leave, as well as leave for a single month, may be taken by instalments, is an improvement on the present rules; but this boon is more than counterbalanced by the proviso in Rule 8, that the six months' special leave on half salary shall only be granted once in the course of service; instead

of once in six years, as allowed by the present rules. It cannot be said that this privilege has been abused, or that any inconvenience to the public service has resulted from it. The Governor in Council would omit the proviso.

6. The proposed rules for regulating leave of absence on Medical Certificate, are, in the opinion of this Government, open to very grave objections. The provision in Rule 11, that in the event of the absentee being compelled by the state of his health to apply for an extension of his 15 months' leave, such extension shall involve forfeiture of office, and the reduction of the absentee allowances to what is called the sick absentee allowance £500, or £250 per annum, according to his standing, is one which in many cases must operate most harshly, and is not only uncalled for on public grounds, but is calculated to be prejudicial to the public service by the injury which may be done to useful public servants whose health has failed, and whose means may be insufficient to admit of their remaining away from India for the time which is necessary for its re-establishment. It is well known, and it has been repeatedly stated by the most eminent Medical men that, in the majority of cases, 15 months is not long enough for the re-establishment of health broken down by an Indian climate. It cannot be to the advantage of the public service, even if it were defensible on other grounds, that the rules should be so framed as to drive a public Officer back to the climate, and the work under which his health has failed, before he has been absent for such a reasonable time as, in the opinion of those best qualified to form an opinion on the subject, is necessary in ordinary cases for a complete recovery; and the Governor in Council must record his very respectful, but most emphatic, protest against any reduction in the period for which a Civil servant is allowed to remain absent without forfeiture of office under the existing rules. He must also object to Rule 14, which deprives men who may have been absent for three years on Medical Certificate before the promulgation of the rules of 1854, of the privilege conceded to them by the latter rules of taking sick leave with retention of office under the rules now in force. This privilege is claimable by a comparatively limited number of Officers; and having been formally granted to them less than nine years ago, it would be a just cause of grievance to them that it should be now withdrawn.

7. As I have said at the beginning of this letter, the Madras Government would deprecate any revision of the existing Absentee Rules involving such alterations as those provided for in the Code which has been framed by the Secretary of State. The Governor in Council is satisfied that in every point of view it would be better to retain the present rules than to alter them in the manner now proposed. But there are certain points in the existing rules, in which, in the opinion of this Government, alterations might be made to the advantage, not only of the public service, but of the persons affected by the rules.

8. In the first place the Governor in Council doubts the expediency of granting leave on furlough after seven years. It is just the period of service at which a young Officer becomes thoroughly interested in his work. He has overcome the difficulties which beset every beginner. He is at home in the language and becoming familiar with the habits and customs of the people. He is invested with duties of a responsible character, and in a few more years he will have acquired an interest in those duties which will probably last throughout his career; and will render him in a great measure insensible of the monotony of an up-country life, where there is little in the way of society or of amusement to vary what, without that interest, would be the dullness of official routine. It is not desirable that at this period he should be tempted to relinquish his appointment for the sake of a visit to England too short to ensure much benefit to himself yet long enough to check his growing predilections for his work. The Governor in Council would prefer that every Civilian should be required, as formerly, to serve for ten years before taking furlough.

9. The Governor in Council is also disposed to question the expediency of allowing the privilege leave which is claimable annually for one month to accumulate for three months. On public grounds, the grant of this cumulative leave is often very inconvenient. Three months is too long a time to place an office or District in the charge of the Officer next in rank to the Absentee, in addition to his own duties, and such leave usually involves an acting appointment, or a series of acting appointments, as the case may be, often at much public inconvenience. The acting incumbent, when appointed for so short a time, must spend nearly the whole of it in making himself acquainted with his new duties; and both the appointment in which he acts and that from which he is promoted, suffer by the arrangement. It would be preferable, the Government think, to increase the amount of privilege leave obtainable in one year to six weeks, to be taken, either the whole together, or by instalments, at the option of the applicant, subject of course to the requirements of the public service; and to abolish the cumulative leave. Except in the Judicial Department, it would rarely or never happen that an acting appointment would be necessary for so short a period as six weeks; and it is not a greater amount of recreation than should be given annually to a hard-worked Indian Civil Servant. It is, the Government feel assured, decidedly to the advantage of the public service that public Officers should once in each year enjoy a few weeks change of scene and climate and rest from work. There is hardly an official in England who does not annually avail himself of this privilege, and it is not less requisite here, where the wear and tear must necessarily be so much greater. As it is, the privilege of accumulating leave acts as a check on taking it as frequently as it ought to be taken; and many an Officer, to the injury of his health, if not of his efficiency, remains at his work without a day's leave for years, with the view of having his cumulative leave available in case a necessity should arise. The Governor in Council would therefore abolish the cumulative leave, and would grant to every Civil Servant six weeks' privilege leave, allowing him to take it at any time of the Calendar year that might be most convenient to him, either in one lump or by instalments, provided that satisfactory arrangements could be made for the discharge of his duties. This charge would simplify the arrangements for granting leave to Judicial Officers, which at present are not on a satisfactory footing, and which have formed the subject of correspondence* with the Supreme Government. For many years it has been the custom in this Presidency, and, it is believed, in other parts of India to close the Civil Courts for a period of six weeks, usually during the hottest season of the year. Until lately, the Judge having Criminal as well as Civil business to perform—and the Criminal Courts being kept open throughout the year—could not leave his station during the adjournment of the Civil Court; but under the new Code of Criminal Procedure the Sessions are held only once in each month; and last year, the whole of the Courts in this Presidency were closed for six weeks, such of the Judges as thought fit to do so, leaving their stations for the time. The question thereupon arose whether those Officers were to be allowed privilege leave in addition to the adjournment, and it was recommended by this Government that in future privilege leave should be withheld from Judicial Officers and that they should not be permitted to quit their stations without loss of salary except during the adjournment of the Court. It was at the same time proposed that by way of compensation for the disadvantage of being restricted to a particular time of the year for taking leave, the adjournment should be extended to two months. The recommendation has been negatived by the Government of India on the ground that "it is not expected that the "present proposal can be fitted to the general "rules of the two services," and that His Excellency the Governor General in Council "does not "consider it expedient to put the leave Rules of Officers in judicial employ on a different foot- "ing from those of the other Officers in the services." The consequence will be that every Session Judge who may think fit to remain at his station during the adjournment, when he can do no work, will be at liberty to take one month's privilege leave in addition; so that practically his Court will be closed for two months and a half, instead of for six weeks. This is an anomaly which really needs correction, and in the opinion of this Government the difficulty may best be met by abolishing the cumulative leave, extending the privilege leave from one month to six weeks, and, in the case of Judicial Officers, confining their privilege leave to the period of the adjournment to which the High Court are competent to extend to two months.

* From Government of India, Financial Department, 24th July 1862, No. 5,022.
To do. Home Department, 15th February 1862, No. 1,512.
From do. Home Department, 26th January 1863, No. 583.

From Government of India, Home Department, 26th January 1863, No. 583.

59—6

Proceedings of the Madras Government, Financial Department,
24th February 1863.

10. The present rules for special leave on private affairs should, the Government think, be left unaltered, save that, as directed in Sir Charles Wood's recent Despatch,* such leave should not be permitted to count as service. With this restriction and the loss of half salary, there is no reason to apprehend that the privilege will be abused.

* 28th November 1862, No. 193, Financial Department.

11. Then, as to the leave on Medical Certificate.—In the opinion of the Governor in Council, the restrictions on leave of this description, both in the present rules and in those which have been framed by the Secretary of State, are needlessly minute. The Governor in Council would grant leave on Medical Certificate without loss of office for any period or periods not exceeding two years at one time, provided that the entire amount of leave in whatever instalments it may be given should not exceed 3 years in the whole period of service. The Madras Government have recently had before them a case in which the restrictions imposed by the existing rules relating to sick leave bear with peculiar hardship. A Judicial Officer, now of 22 years' standing, was absent in 1856 on Medical Certificate for six months. He has now been again obliged to apply for sick leave and has furnished a certificate to the effect that he ought to be absent from India for 15 months. Under the rules as construed by the Home Government, he cannot get more than six months' leave without forfeiting his office; so that in his case, the period for which he may be absent without forfeiture of appointment, is reduced from 21 months to 12 months. The Madras Government see no possible advantage in restrictions of this character. They bear very harshly in individual cases without in any way advancing the public service. All that seems requisite is that the necessity for the leave should be duly certified, and that the aggregate length of time for which it may be taken without loss of office should be defined. It may be a question whether any leave other than privilege leave, in addition to the three years' furlough should be allowed to count as service for pension. The Governor in Council is disposed to think that it should not.

12. I am directed to observe, in conclusion, that the new Rules would seem to have been framed under an impression with reference to the general tone and conduct of Officers of the Indian Civil Service which actual facts by no means warrant. It is impossible to read these Rules without perceiving that they are based on a feeling of distrust of the service, and that but little credit is given for those honorable motives which prevent a zealous public Officer from quitting his post more frequently than is consistent with a due regard to his duties. The Governor in Council is able to assert with confidence that there is no foundation for such an impression, and that there is no class of public Officers who have shown less disposition to abuse their opportunities of leaving their work than the Civil Servants of this Presidency; and the same, he has no doubt, may be said of their brethren in other parts of India. The very limited extent to which the privilege leave is taken is a sufficient proof of the justice of this assertion. In every large body of public servants there are a few drones; but it is not fitting that that fifty workers should be placed under restrictions devised with special reference to a single idler. It is better that the idle few should be able to abuse their privileges than that the many hard-working and zealous public Officers should be placed under restrictions which in their case are quite uncalled for, and which can only have the effect of rendering the public service unpopular. Such petty limitations as those proposed with reference to the cumulative privilege leave and for restricting sick leave with retention of office to a period which is notoriously insufficient in the majority of cases for the recovery of health—are especially galling to a body of public servants whose zeal and efficiency in the discharge of their duties has been repeatedly acknowledged, and who have shown themselves deserving of the confidence of Her Majesty's Government.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Exd. T. McMootry.

Dear Mr Rangachari

C A wants the Rules on this to be printed. I am unable to find out who the several Members of Govt and the Secy are who have noted. Will you please mark the Names of each officer noted against each note ?

Yours
12/1/93

Dear Sekaran Nair.

What exactly do you refer to Please ? Please see the printed copy attached with this - Perhaps you have another paper in view

I mean the Memorandum flagged A

Yours Sincerely
K B
21/1/93

The Note [illegible] Course written by A. J. Arbuthnot to the Chief Secretary. The pencil remarks at foot of Note seem to have been made by the then Governor who marked the Note in the margin at par 1. 'W. H. Draw vide his Lordship's minute of 4th par 13 of the draft letter to India in the file. That is the only pencil note in that paper.

The Note flagged A does not bear the initials of any Officer. It was probably [illegible] J. D. Sim[illegible] There are no pencil remarks in it.

No 124

To

The Secretary to the Government of Madras.

Fin[l] Departt

Sir

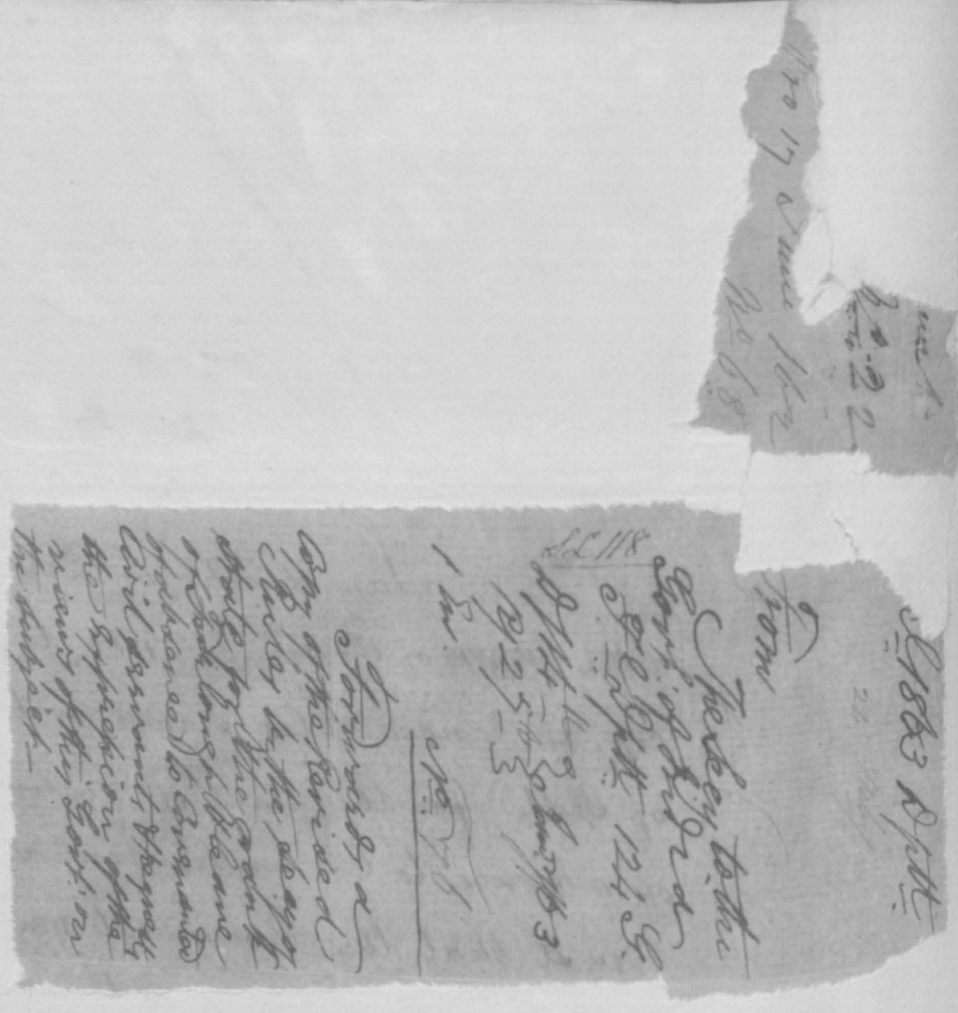
I am directed, with reference to my letter No 4716 of the 16th July 1862, to forward a copy of revised rules, framed by the Secretary of State, for the grant of furlough and leave of absence to Covenanted Civil Servants, and to request that this Government may be favored with an early expression of the views of the Govt of Madras on the subject.

I have the honor to be,
Sir,
Your most Obedient Servant

Fort William
The 14th January 1863

F Lee S

Lond Drummond
Secy: to the Govt of India.



Leave Rules

Memorandum.

In order to judge of the equity of the proposed alterations in the Leave Rules, it will be advisable, while contrasting the proposed set of rules with those at present in force, to compare them with the rules under which leave was obtained when the majority of the present Service commenced their career.-

It might indeed be urged that as more than one half of the Members of the Service entered it under Statute guarantees which rendered illegal any such sweeping changes in the regulations which governed the Service as would injure their prospects, therefore any injurious

alteration

alteration of the rules under which leave was granted to the Members of the Service was a breach of the implied contract which the Government of the day had entered into with each one of them.

It is questionable whether the changes made in 1854, were really a benefit to the Service, but it is sufficient that the withdrawal of all restriction as to the locality to which leave might be taken, was accepted as a sufficient compensation for any curtailment then made of the amount of leave to be granted.

Previous to 1854 an Officer of the Civil Service could not visit England without resigning his appointment, but he could, on the production of the necessary sick certificate, proceed to any place within Indian limits for

for a period of two years, retaining his appointment and two thirds of his salary. Should his health render it necessary, he could, after the expiration of three years, obtain a second leave on the same terms, and after similar periods, a third and even a fourth leave. It will thus be observed that under these rules an Officer who was really an invalid might pass Eight years on sick leave, leaving him but 6 years to serve in India for his pension. A very considerable portion of these 14 years also might be passed on leave, for under section XI of the rules he was entitled to one months privilege leave without deduction from salary, and might have this Extended to four months Special leave under section* XII, being mulcted of half his emoluments during the last three months.

*It is not quite clear whether this leave could be granted every year, as the original rule requires 5 years to elapse between each grant of special leave. The amended rule leaves it optional with Government apparently, as it is silent on the point.—

months.

The rules of 1854 abolished all restriction as to the places where leave was to be taken, but at the same time permitted only one year of sick leave to count for service, instead of eight as might have been the case under the old rules, and required six years to elapse between each grant of special leave, which however was extended to six months, independent of privilege leave. Provision was made, however, that such leave could not be taken in connection with Privilege leave, as was the case under the old rules.

Under the rules of 1854, then, a Civil Servant could retain his appointment during two years sick leave and during special or privilege leave, and he might proceed wherever he pleased. All such leave, except

except one year, also counted as service for pension.

It will thus be noticed that while very large concessions in regard to sick leave and special leave within Indian limits were withheld, the withdrawal of all restriction as to locality was considered to be a sufficient compensation.

It appears that the alterations now proposed in the rules will just deprive them of this compensatory clause, for privilege leave is not to be taken except in Indian limits, and special leave will only be granted once during service, instead of four times (as might at present be the case), and even then, it will not be allowed to count as residence.

The best comparison of the three codes of rules will be the extreme case of an officer obtaining the whole of the leave during which he could retain

retain his appointment, and which
counts as service.

Under the old rules -

8 years sick leave
14 months Privilege leave
42 months Special leave

Total 12 years 8 months out of 22 -

Under the rules of 1857 -

2½ years sick leave
20 months Privilege leave
24 months Special leave

5 years 8 months out of 23, or requiring him to reside in Indian limits 17 years and 4 months. -

Under the rules of 1863 -

2½ years sick leave*
20 months Privilege
6 months Special ⊗

4 years 8 months - out 23½ years, or requiring him to reside within Indian limits 21 years.

* one only counting as service.

* one year only Counting as service.

⊗ does not count as service.

It seems to be very unnecessary

to

require that privilege leave should be taken in Indian limits. No such rule applies in the Colonies, and the enclosed rules of the Ceylon Civil Service will show what a much better position they are in than the Indian Civil Service.

They appear to be allowed 3 months' privilege leave every two years on full pay - and one year sick or special leave every six years on half pay* and without loss of appointment.

2nd No 2

2nd No 1

Whether, however, it is considered necessary, or not, to bring these rules into force, some provision should clearly be made, enabling the Local Government [illegible], on any number of occasions when good cause was shewn, to permit an Officer to visit England for a short time without the loss of his appointment. Were such leave not allowed to count as service, and were

the

the whole salary forfeited during absence,
there would be little danger of its
being taken unless necessity required.—

Memorandum
on
the Leave rules

3 enclosures

Bengal 25/2.

(59)

Financial 1863 Department

N° 118

To

The Secretary to the Govt
of India

Dated 24th Feby 63

Offer remarks on
the Revised Absentee Rules
for the Covenanted Civil
Service.

59–60

(76)

23X

Financial Department.

No. 118

To

The Secretary to the Government
of India.

Financial Department.

Sir,

I am directed to acknowledge the receipt of your letter of the 14th Ultimo, calling for an expression of the views of this Govt with reference to the Revised Rules framed by the Secretary of State for the grant of furlough and leave of absence on private affairs and on medical Certificate to Covenanted Civil Servants.

2. In reply, I am directed to say that the Madras Government would regret exceedingly to see the revised rules put in force in

in their present form, being of opinion that the alterations which they involve, although on some few points they are an improvement on the present rules, will yet, when considered as a whole, place the Service in a worse position than it is at present, and will entail much hardship on individuals, without any corresponding advantage to the transaction of public business.

3. First, in regard to the proposed rules for furlough- the revised rules provide that furlough, if due, can be taken in case of sickness, without reference to any previous absence on leave. This is certainly an improvement on the present rule, which requires that an interval of six years should elapsed

elapse. On the other hand, the proviso in rule I that a Civil Servant having once declared the time for which he wishes to take furlough shall not afterwards be at liberty to alter it, may operate harshly in certain cases. It is scarcely possible that any such change on the part of an absentee, would cause any practical inconvenience to the Government; and it is easy to conceive that circumstances might often arise which would render it very desirable that a Civil Servant who had gone to England on a short furlough, should be permitted to prolong his stay. Any possible public inconvenience which such change might cause, could be obviated by making it requisite that an

Officer

Officer seeking such extention of his furlough, should obtain the Consent of the Govt. of the Presidency to which he belongs. But the Governor in Council doubts the necessity of the proviso. Even with this modification and would rather see it omitted altogether.

4. The Governor in Council also sees no necessity for the distinction made in Rule III, between the case of a Civil Servant who has taken leave of absence on Medical Certificate after ten years' service, and that of one who has taken such leave before ten years' service. It does not appear why, in the one case, there should be an interval of four years, and in the other, an interval of only two

two years, before furlough can be taken - The object, it would seem, is to discourage men entitled to furlough, from going home on Medical certificate, retaining their appointments; but as the period for which leave on Medical Certificate may be taken, with retention of Office, is strictly limited, it is not apparent how the proposed restriction will conduce to the Convenience of the public Service.

5. In regard to leave on private affairs, it is proposed in Rule 5 that the privilege leave shall in future be restricted to India or the Seas adjacent, and that the period for which an Officer obtaining such leave

leave may remain absent
in Excess of his leave without
forfeiture of Office, shall be
reduced from one month
to one week. The Madras
Govt. cannot see ~~the~~ any
~~slightest possible~~ reason
for either of these restrictions.
The proposed restriction in
regard to locality is a
partial return to the old
system under which
Indian Officers were prohi-
=bited from visiting their
Native land except at
a sacrifice which compa-
=ratively few could afford
to make, and which was
abandoned - it was hoped,
finally - some nine years
ago. The Governor in
Council cannot imagine
any valid reason for
re-imposing such a
restriction, even with
reference

better perhaps say "any"

reference to the short leave
to which it is now pro-
=posed to apply it. It is,
of course, only in the case
of an Officer entitled to the
maximum amount of
Cumulated privilege leave,
that the new rule will
operate; and it is difficult
to understand what
difference it can make
to the public service
whether an Officer who has
entitled himself to 3 months'
leave, spends it on a visit
to his friends in England,
or on a voyage between
Madras and Melbourne.
The proposed reduction
in the time for which
an Officer absent on
privilege leave may
overstay it without
loss of Office, is, in the
opinion of this Government,

Equally

Equally unnecessary on public grounds. Such additional absence involves loss of the whole salary for the period in excess of the leave. It is therefore never taken, except on very urgent grounds; and as the place of every Officer who quits his post for three months, must be filled up by an acting appointment, it practically makes little or no difference to the public service whether the acting appointment continues for 3 months and one week, or for four months. The object of the two limitations is evidently to prevent Officers visiting England on privilege leave; but why such visits should be prohibited, does not appear. Looking to the

discomfort and expense of the double voyage which has to be undergone within so short a period, it is not too much to say that, on an average, no man will avail himself of the privilege more than once in his service; and unless it can be shewn that such visits are detrimental to the efficiency of the service, the Madras Government cannot see why, if cumulative leave is to be given at all this privilege should be withdrawn. The provision in Rule 7 that Cumulative leave, as well as leave for a single month, may be taken by instalments, is an improvement on the present rules; but this boon is more than counter-balanced by the proviso

in

in Rule 8, that the six months' special leave on half salary shall only be granted once in the course of service; instead of once in six years, as allowed by the present rules. It cannot be said that this privilege has been abused, or that any inconvenience to the public service had resulted from it. The Governor in Council would omit the proviso-

6. The proposed rules for regulating leave of absence on Medical Certificate, are, in the opinion of this Government, open to very grave objections. The provision in Rule 11 that in the event of the absentee being compelled by the state of his health to apply for an Extension of his 15 Months'

leave, such extension shall involve forfeiture of office, and the reduction of the absentee allowances to what is called the sick absentee allowance of £500, or £250, per annum, according to his standing - is one which in many cases must operate most harshly, and is not only uncalled for on public grounds, but is calculated to be prejudicial to the public service by the injury which may be done to useful public servants whose health has failed, and whose means may be insufficient to admit of their remaining away from India for the time which is necessary for its re-establishment. It is well known, and it

it has been repeatedly
stated by the most eminent
Medical men that, in the
majority of Cases, 15 months
is not long enough for the
re-Establishment of health
broken down by an Indian
climate. It cannot be
to the advantage of the
public Service, even if it
were defensible on other
grounds, that the rules
should be so framed as
to drive a public Officer
back to the climate and
the work under which his
health has failed, before
he has been absent for
such a reasonable time
as, in the opinion of those
best qualified to form
an opinion on the subject,
is necessary in ordinary
Cases for a complete
recovery; and the
Governor

Governor in Council must
record his very respectful,
but most emphatic,
protest against any
reduction in the period
for which a Civil Servant
is allowed to remain absent
without forfeiture of
Office under the existing
rules. He must also
object to Rule 14, which
deprives men who may
have been absent for
three years on Medical
Certificate before the
promulgation of the rules
of 1854, of the privilege
conceded to them by the
latter rules of taking
sick leave with retention
of Office under the rules
now in force. This privilege
is claimable by a com-
paratively limited number
of Officers; and having
been

been formally granted to them less than nine years ago, it would be a just cause of grievance to them that it should be now withdrawn.-

7. As I have said at the beginning of this letter, the Madras Government would deprecate any revision of the existing Absentee Rules involving such alterations as those provided for in the Code which has been framed by the Secretary of State. The Governor in Council is satisfied that in every point of view it would be better to retain the present rules than to alter them in the manner now proposed. But there

are certain points in the existing rules, in which, in the opinion of this Govt, alterations might be made to the advantage, not only of the public service, but of the persons affected by the rules.-

8. In the first place the Governor in Council doubts the expediency of granting leave on furlough after seven years. It is just the period of service at which a young officer becomes thoroughly interested in his work. He has overcome the difficulties which beset every beginner. He is at home in the language, and becoming familiar with the habits and customs of the people. He is

is invested with duties of a responsible character, and in a few more years he will have acquired an interest in those duties which will probably last throughout his career; and will render him in a great measure insensible of the monotony of an up-country life, where there is little in the way of society or of amusement to vary what, without that interest, would be the dullness of official routine. It is not desirable that at this period he should be ~~tempted to relinquish his~~ appointment for the sake of a visit to England too short to ensure much benefit & timely ~~to check~~ long enough to check his growing predilections for his work. ~~It would~~

~~tempted to relinquish his~~ appointment for the sake of a visit to England too short to ensure much benefit & timely ~~to check~~ long enough to check his growing predilections for his work. ~~It would~~

~~In Canada and the Colonies of English life. It would be better, the Governor in Council believes, that every Civilian should be uninterruptedly for 5 years, if his health admitted of it; but at all events it is not desirable that the period of service entitling to furlough should be reduced below ten years.~~

9. The Governor in Council is also disposed to question the expediency of allowing the privilege leave which is claimable annually for one month to accumulate for three months. On public grounds, the grant of this cumulative leave is often very inconvenient

inconvenient. Three months is too long a time to fill an Office or District in the charge of the Officer next in rank to the absentee, in addition to his own duties, and such leave usually involves an acting appointment, or a series of acting appointments, as the case may be, often at much public inconvenience. The acting incumbent, when appointed for so short a time, must spend nearly the whole of it in making himself acquainted with his new duties; and both the appointment in which he acts and that from which he is promoted, suffer by the arrangement.

It would be preferable, the Govt think, to increase the amount of privilege leave obtainable in one year to six weeks, to be taken, either the whole together, or by instalments, at the option of the applicant, subject of course to the requirements of the public service; and to abolish the cumulative leave. Except in the Judicial department, it would rarely or never happen that an acting appointment would be necessary for so short a period as six weeks; and it is not a greater amount of recreation than should be given annually to a hard-worked

Indian

Indian Civil Servant.
It is, the Government
feel assured, decidedly
to the advantage of the
public Service that public
Officers should once in
each year enjoy a few
weeks change of scene
and climate and rest
from work. There is
hardly an Official in
England who does not
annually avail himself
of this privilege, and
it is not less requisite
here, where the wear and
tear must necessarily
be so much greater. As
it is, the privilege of
accumulating leave acts
as a check on taking it
as promptly as it ought to be
desired in the case of
many an Officer, to the
injury

injury of his health, if
not of his efficiency,
remain at his work
without a day's leave
for years, with the view
of having his cumulative
leave available in case
a necessity should arise.
The Governor in Council
would therefore abolish
the Cumulative leave,
And would grant to every
Civil Servant six weeks
privilege leave, allowing
him to take it at any
time of the Calendar
year that might be most
convenient to him, either
in one lump or by
instalments, provided
that satisfactory arrange-
ments could be made for
the discharge of his
duties. This change
would

would simplify the arrange-
ments for granting leave
to Judicial Officers, which
at present are not on a
satisfactory footing, and
which have formed the
subject of correspondence*
with the Supreme Govt.
For many years it has
been the Custom in this
Presidency and, it is
believed, in other parts
of India to close the
Civil Courts for a period
of six weeks, usually
during the hottest season
of the year. Until lately,
the Judge having Criminal
as well as Civil business
to perform - and the Criminal
Courts being kept open
throughout the year - could
not leave his station
during the adjournment
of

* from Govt of India Financial Dept
24th July 1862. No 5022
To do - Home Dept 15th Feby 1862
No 1512
From do - Home Dept 26 Jany 1863
No 583.

of the Civil Courts; but
under the new Code of
Criminal Procedure the Sessions
are held only once in each
month; and last year
the whole of the Courts
in this Presidency were
closed for six weeks,
such of the Judges as
thought fit to do so, leaving
their stations for the time.
The question thereupon
arose whether those Officers
were to be allowed privilege
leave in addition to the
adjournment, and it was
recommended by this
Government that in future
privilege leave should be
withheld from Judicial
Officers, and that they
should not be permitted
to quit their stations
without loss of salary
except

except during the adjournment of the Court. It was at the same time proposed that by way of compensation for the disadvantage of being restricted to a particular time of the year for taking leave, the adjournment should be extended to two months. The recommendation has been negatived by the Govt. of India on the ground that "it is not expected that "the present proposal can "be fitted to the general "rules of the two services", and that His Excellency the Governor General in Council "does not consider "it expedient to put the "Leave rules of officers "in judicial employ on "a different footing from "those

From Govt of India, Home Dept, 26 Janry 1883. No 583.

"those of the other officers "in the Services." The consequence will be that every Sessions Judge who may think fit to remain at his station during the adjournment, when he can do no work, will be at liberty to take one months privilege leave in addition; so that practically his Court will be closed for two months and a half, instead of for six weeks. This is an anomaly which really needs correction, and in the opinion of this Government the difficulty may best be met by abolishing the cumulative leave, extending the privilege leave from one month to six weeks,

and,

and, in the case of Judicial Officers, confining their privilege leave to the period of the adjournment, which the High Court are competent to extend to two months.

10. The present rules for Special leave on private affairs should, the Government think, be left unaltered, save that, as directed in Sir Charles Wood's recent Despatch+, such leave should not be permitted to count as service. With this restriction and the loss of half Salary, there is no reason to apprehend that the privilege will be abused.

+ 25th Novr 1862. Nº193. Financial Dept.

11. Then, as to the leave on

on Medical certificate - In the opinion of the Governor in Council, the restrictions on leave of this description, both in the present rules and in those which have been framed by the Secretary of State, are needlessly minute. The Governor in Council would grant leave on Medical Certificate without loss of Office for any period or periods not exceeding two years at one time, provided that the entire amount of leave in whatever instalments it may be given should not exceed 3 years in the whole period of service. The Madras Government have recently had before them a case in which the restrictions imposed by the existing rules relating

relating to sick leave bear with peculiar hardship. A Judicial Officer, now of 22 years' standing, was absent in 1856 on Medical Certificate for six months. He has now been again obliged to apply for sick leave and has furnished a Certificate to the effect that he ought to be absent from India for 15 months. Under the rules as construed by the Home Government, he cannot get more than six months' leave without forfeiting his office; so that in his case, the period for which he may be absent without forfeiture of appointment, is reduced from 24 months to 12 months. The Madras Government

5 17

Government see no possible advantage in restrictions of this character. They bear very harshly in individual cases without in any way advancing the public service. All that seems requisite is that the necessity for the leave should be duly certified, and that the aggregate length of time for which it may be taken without loss of office should be defined. It may be a

12. I am directed to observe, in conclusion, that the new rules would seem to have been framed under an impression with reference to the general tone and conduct of officers of the Indian Civil

[illegible] service [illegible] have other than pecuniary [illegible] have, in addition to the 3 years pension, [illegible] amount to allowance to amount as service for pension — the Govt. in Council is disposed to think that it should not.

Civil Service, which actual facts by no means warrant. It is impossible to read these rules, without perceiving that they are based on a feeling of distrust of the Service, and that but little credit is given for those honorable motives which prevent a zealous public Officer from quitting his post more frequently than is Consistent with a due regard to his duties. The Governor in Council is able to assert with confidence that there is no foundation for such an impression, and that there is no class of public Officers who have shown less disposition to abuse their

their opportunities of leaving their work than the Civil Servants of this Presidency; and the same, he has no doubt, may be said of their brethren in other parts of India. The very limited extent to which the privilege leave is taken is a sufficient proof of the justice of this assertion. In every large body of public Servants there are a few drones; but it is not fitting that that fifty workers should be placed under restrictions devised with special reference to a single idler. It is better that the idle few should be able to abuse their privileges than that the

many

many hard working and
zealous public officers
should be placed under
restrictions which in their
case are quite uncalled
for, and which can
only have the effect of
rendering the public service
unpopular. Such petty
limitations as those
proposed with reference
to the Cumulative privilege
leave and for restricting
Sick leave with retention
of office to a period which
is notoriously insufficient
in the majority of cases
for the recovery of health—
are especially galling to
a body of public Servants
whose zeal and efficiency
in the discharge of their
duties has been repeatedly
acknowledged and
who

54

who have shown themselves
deserving of the confidence
of Her Majesty's
Government.

24 Feby/63

18 Copies

Memorandum

I submit a draft of a letter
to be signed Commissioners
with reference to an
application made to have a
Covenantal Civil Servants
Clerk here sent out
to the Territory of Alaska.
Since the draft was written
by Sir Hugh Gough a
memorandum on the subject
which will be found
in the packet and in
which the whole question
of leave is reviewed and
the objections to the new
rules are very clearly
stated. The following
are the points on which
Sir Hugh suggests differ-
from those made in
the draft.
1st Privilege leave. He
sees no reason simply to

abolish the cumulative leave, giving one month in each year, subject in any one year, the Govt. should be unable to spare the applicant in which case he should have two months the next year.

In the draft it is proposed to give compensation for the withdrawal of the cumulative leave by extending the privilege leave to six weeks and in the case of judicial officers to two months; the latter being restricted to the time spent in the performance of the Circuits.

2. We see no reason to limit the 6 months special leave either to once in the course of service, as now proposed by the Secretary of State, or to once in six years, as allowed by the present rules. We think

first it, but without pay, as far as the applicant might be able to satisfy the local Govt. that there were really urgent reasons for his absence.

3. We see no reason why any leave, except privilege leave in addition to the 3 years furlough to count as service for pension.

In the first point of the privilege leave we see no reason in the suggestion made in the draft, and in support of the same we have not thought it advisable to alter the draft; for it appears to us very improbable that the Home Government would pass a rule which would admit of absence though without pay, at other intervals as the other limitations as to frequency than that imposed by the local Govts. and on the other hand the stoppage of the entire salary would in some (perhaps many

cases prevent the possibility
of an have been taken,
however urgent the reasons
for it. On the whole it seems
best to urge the retention
of the present rule which
admits of appeal here being
given one in six years, but
which leaves, as nearly as
by the Secretary of State, is not
to count as service.

Her Lords I think is right
in his arguments against
permitting any leave other
than privilege leave, in
addition to the 3 years
furlough to count as service
for pension. I have added
a sentence to that effect.
to para 11 of the draft.

Ly

24-3-16 BI

3/1/99

W.7

Financial Department

No. 118

To

The Secretary to the
Govt. of India
Financial Department

Dated 24th February 1863

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