I
28/9/99

[F. 55]

Financial (1899) Department.

ORDINARY PRINTED.

G.O., No. 1033

DATED 25-9-99

INDEXED.

[Despatch Abstract.]

Exchange compensation Allowance

Admitting Mr. A.C.S. West, Dy. Supt. of Police, 6 — under the new rules in modification of G.O. No. 679 dy 10th august 1898.

BACK PAPERS.

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

FURTHER PAPERS.

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

Government {1899} of Madras.

FINANCIAL.

Recd. } 1899. *Enclosures*

Regd. *Spare copies*

G.O., No. 1033, 25th September 1899.

SEPTEMBER.

Exchange Compensation Allowance.

Admitting Mr. A. C. S. West, District Superintendent of Police, to — under the new rules in modification of G.O., No. 679, Financial, dated 10th August 1898.

GOVERNMENT OF MADRAS.

FINANCIAL DEPARTMENT.

Read—again the following papers :—

G.O., No. 679, Financial, dated 10th August 1898.

Abstract.—Stating that Messrs. West, Leggatt and Mayne of the Police Department are not entitled to exchange compensation allowance, but that Mr. Sandell of the same department is entitled to the allowance.

[*Note.*—Printed on pages 2 and 3 of G.O., No. 902, Financial, dated 15th August 1899.]

Read—also the following paper :—

Memorial from A. C. S. WEST, Esq., Superintendent of Police, Trichinopoly, Madras Presidency, dated Coimbatore, 5th September 1899.

No. 3713.

Submitted to Government.

2. Mr. West was appointed as a Probationer for the Assistant Superintendent's grade. His case falls under Rule 21 of the Government of India Resolution No. 4847-Ex., dated 5th November 1898.

3. Mr. West was educated in England between the age of twelve and nineteen. According to Rule 1 of the Government of India's Memorandum printed in G.O., No. 901, Financial, dated 15th August 1899, Mr. West is personally eligible for the allowance. Orders of Government are requested to admit his claim.

Madras,
14*th September* 1899.

(Signed) W. J. A. SULLIVAN,
Ag. Inspector-General of Police.

To the Chief Secretary to Government.

Endorsement.

Transferred to the Financial Department.

18*th September* 1899.

(Signed) A. R. KNAPP,
Under Secretary.

Order—No. 1033, Financial, dated 25th September 1899.

In modification of G.O., No. 679, Financial, dated 10th August 1898, and with reference to the rulings quoted in the endorsement of the Inspector-General of Police read above, Mr. A. C. S. West will be admitted to exchange compensation allowance under the new rules.

(True Extract.)

G. STOKES,
Chief Secretary.

To the Inspector-General of Police.
„ Judicial Department.
„ Accountant-General.

Exd. C. M. Thumbuswamy.

NOTES CONNECTED WITH G.O., No. 1033, FINANCIAL, DATED 25th SEPTEMBER 1899.

Endorsement of the Inspector-General of Police, No. 37-B., dated 14th September 1899, forwarding memorial from Mr. A. C. S. West, Superintendent of Police, praying for the grant of exchange compensation allowance.

For the C. S.—

The claim of Mr. A. C. S. West, Superintendent of Police, to exchange compensation allowance under the new rules was rejected in paragraph 3 (1) of G.O., No. 679, Financial, dated 10th August 1898, on the grounds (i) that he was not appointed to the office of Assistant District Superintendent of Police direct, but by promotion from the grade of Inspector, and (ii) that he is a Statutory Native of India.

As explained in paragraph 6 of the note on page 3 of the notes attached to G.O., No. 902, Financial, dated 15th August 1899, the later ruling of India removes the first objection in Mr. West's, as in Mr. Mayne's, case.

The second objection is also removed by rule III (*b*) of the General Principles * recently issued by India, since Mr. West spent the period from his twelfth to his nineteenth year in England. India's letter No. 4152-E., dated the 7th September 1899, does not estop Mr. West as the Police is one of the departments exempted from the Rs. 200 rule of 1879.

* Page 3 of G.O., No. 901, Financial, dated 15th August 1899.

Mr. West may, it is submitted, be admitted to the allowance under the new rules and in that case his memorial need not be dealt with further. Mr. Leggatt, another officer debarred from the allowance in G.O., No. 679, Financial, dated 10th August 1898, is not on the same footing as Mr. West, as he never left India before appointment to Government service. The exclusion of Mr. Mayne (the other officer) has been upheld in India on appeal—G.O., No. 902, Financial, dated 15th August 1899.

Draft order is submitted for approval.

(Intld.) C.M.S.
24-9-99.

2. Please close file & register in Trade 2/Sep 1899

Forwarded

/

Judicial (1899) Department.

CURRENT NO. 3322 CURRENT No. ~~3414~~ 3322

Endt

Transferred to the Jud Deptt:

Under Secretary.

From

W.J.A. SULLIVAN, ESQ.,
Ag.Inspector-General of Police,
Madras.

No. 3713.

Read 18-9-99

Order

In the Jud Dept

Rec Regd 21-9-99 Enclos. 3.

CHIEF SECRETARY GOVERNMENT OF MADRAS 16 SEP 1899

Dated 14th September 1899.

Received 16-9-99

Registered 16-9-99

Enclosures 3.

Spare copies

SUBJECT.

Submitting a memorial from Mr. A.C.S. West, Superintendent of Police, Madras Presidency regarding his claim for exchange compensation allowance.

BACK PAPERS.

G.O.	No.	Department	Date.
140 → Sec	3247		
	901	Pol	15.8.99.
	879	—	10.8.99.
	902	—	15.8.99
—	305	—	25.2.99
	1051	—	12.11.98
—	973	—	23.11.97
	491	—	24.6.97

FURTHER PAPERS.

G.O.	No.	Department.	Date.

2

QUESTIONS TO BE ANSWERED BY OFFICERS CLAIMING EXCHANGE COMPENSATION ALLOWANCE.

Name of Claimant Mr. R. C. S. West

Office Dist Supt of Police

Questions.	Answers.
1. Were you born and are you domiciled within the dominions of Her Majesty in India of parents habitually resident in India and not established there for temporary purpose only?	I was born in Rangoon, but my practical domicile is non-Indian as from the age of 12 to 19 I was being Educated in England. My parents were both born & Educated in Europe and came out to India with the intention of residing here temporarily, but they both died in India. Vide answer to Questions Nos. 13 & 16.
2. Are you a European?	English.
3. Of what nationality was your father?	English.
4. Of what nationality was your mother?	Indian Madras. in 1845.
5. In what country were they married and when?	In Burmah 29th Nov. 1859
6. In what country were you born and when?	
NOTE.—If appointed in England and No. 2 is answered in the affirmative, questions 7 to 19 need not be replied to.	
7. In what country or countries were you educated and for how long in each?	In India till the age of 12 In England till the age of 19.
8. In what country or countries did you reside before appointment to the service of Government and for how long in each?	India 12 years. England 7 years. India 3 years.
9. In what country was your father born?	England County Norfolk.

Asst Supt
Dist of Police

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Questions.	Answers.
10. In what country or countries was he educated and for how long in each?	In France till the age of 15. Completed his Education in England before joining the army. Exact length of time spent in England not known.
11. In what country or countries, and for how long, did he reside—	
(i) before you were born?	Served in the Chinese war. Came to India about 1842. Was with his regiment in S. India till 1855. Then went to England on leave for three years and had to join his regiment on account of the Mutiny.
(ii) since your birth to the present time?	Served in India about two years and then went to Burma with his Bty 10th R.I. Went to Ootacammund on 2 years sick leave in 1861 was placed on Ret. Reserve in 1862.
12. If he was ever in India, state—	
(i) when?	(12.) From about 1842
(ii) for how long?	about 14 years.
(iii) in what capacity?	As an Officer in the 10th R.I. Johnia Co.
(iv) (a) how often did he leave this country?	Twice. Once to England once to Burma.
(b) when?	To England in 1855. Burma about 1857
(c) for how long?	England about 8 or 9 months. Burma about 3 years.
(d) in what capacity?	As an Officer in 10th R.I.
(e) in what countries did he reside during the periods of absence?	England, France and Burma.
13. If your father is dead, state in what country he died and when?	Dead. Died in Ootacammund Jany 19th 1890.

Archibald
Dept of Police

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If your father is living, these questions need not be replied to.

Questions.	Answers
14. In what country or countries, and for how long, did your mother reside—	Came to India about 1842. Was born and brought up in England.
(i) before you were born?	England, India, England Burma.
(ii) since your birth to the present time?	India, Ootacammund till her death in 1892.
15. If she was ever in India, state—	From about 1842 till 1855 in India
(i) when?	~~From 1842 to 1855 in England of~~ and
(ii) for how long?	~~three years~~ thirteen years.
(iii) in what capacity?	As wife of Capt A. R. West 10th R.I.
(iv) (a) how often did she leave this country?	Once.
(b) when?	In 1855.
(c) for how long?	Three years.
(d) in what capacity?	As wife of Capt A.R. West 10th R.I.
(e) in what countries did she reside during the periods of absence?	England.
16. If your mother is dead, state in what country she died and when?	Died 25th Dec. 1892 in Ootacammund S. India.

Archibald
Dept of Police

Questions.	Answers.
17. If not born in India, how did you come to be in that country on appointment to the service of Government, and when did you arrive in India?	Came out to India after completing Education in England was appointed to the Police Dept. as Gentleman Inspector in 1882. Madras Police Dec 14th 1882
18. To what office, service, or department were you first appointed and when?	
19. Are you still serving in the same office and department? If not, give the names of the departments and offices in which you have since served and in which you are now serving with dates.	Have served in the Police Dept. from date of appointment to present date.

NOTE.—In cases in which complete information for questions 18 and 19 is obtainable from the history of services of Gazetted officers, a reference to the page and date of that publication will suffice.

I certify on honour that the foregoing answers are quite correct.

STATION, Coimbatore
Date 5th Sept. 1899.

Asst. Supt. Madras Police.
Signature of Claimant.

Enclosure 3 to
Govt. C. 3 Sept/99

To

His Excellency
The Right Honourable Lord Curzon of Kidleston, G.M.S.I., G.M.I.E.,
Viceroy and Governor-General of India in Council.

The humble Memorial of ARTHUR, CHARLES, SACKVILLE WEST, *Superintendent of Police, Trichinopoly, Madras Presidency.*

RESPECTFULLY SHOWETH,

That your Memorialist has been informed by G. O. No. 679, dated, 10-8-98 that he is debarred from the privilege of Exchange Compensation allowance, because he fulfils the definition of a Statutory Native of India on the following grounds:

1 (*a*) That his father acquired an Indian domicile as a servant of the East India Company of which he did not divest himself before he died.

(*b*) That your Memorialist was himself born in Rangoon and, though educated in England for 7 (seven) years, came out to India when he was under 21 years of age.

2. Your Memorialist submits that he understands the Government of India have ruled that practical considerations should be borne in mind rather than the technical interpretation of the Indian Succession Act in giving effect to the Exchange Compensation Rules.

3. Your Memorialist gathers from this fact that the Government of India intend that legal technicalities generally should not be allowed to outweigh practical considerations in interpreting the Rules and he submits that, if this principle is accepted, he has very strong claims for Exchange Compensation.

Asst. Supt. Police

4. It is only under a legal technicality that his father acquired an Indian domicile and it is only by the application of similar technicalities that he has been held to be a Statutory Native of India.

5. Your Memorialist has always regarded England as his mother country. He was educated in England for a period of 7 (seven) years, as long a period as many English officers in this country who draw Exchange Compensation allowance have spent in England for their education.

6. He has had furlough twice, once for 15 months and once for 16 months and he has spent the whole of that leave in Europe.

7. The fall in exchange has increased his expenditure for what are necessaries for an officer of his social and official status to exactly the same extent as it has increased the expenditure of any other English officer of similar rank in India.

8. Having regard to practical considerations, therefore, your Memorialist can conceive of no reason why the fact of his technically fiulfilling the definition of a Statutory Native of India should debar him from drawing such compensation as has been justly considered to be necessary to enable an officer in his position to adopt, on the salary he draws, a mode of life fitting his official and social status.

9. Without such compensation your Memorialist submits that he finds it difficult to keep up his position and at the same time keep out of debt, and he is fully alive to the fact that an officer, especially one in his Department of the Public Service, cannot discharge his duties efficiently if weighed down by debt. Under these circumstances your Memorialist prays that his case may be considered as deserving special treatment on practical considerations.

10. Further, although your Memorialist's first appointment to the Police Department was not in the Assistant Superintendent's grade, he was appointed as a

Asstlesh
Dpty Police

Gentleman Inspector at a time, when according to the system of recruitment then in force, Gentlemen Inspectors were on the footing of Probationary Assistant Superintendents and were appointed Assistant Superintendents if they gave satisfaction as Inspectors and passed the necessary tests to enable them to hold such appointments. Natives of India were not then eligible for gazetted appointments in the Police Department. European qualifications were then held to be indispensable. Even now a proportion of European gazetted officers is held to be indispensable in the Police Department. Your Memorialist therefore submits he is eligible for compensation allowance because he had the same expectations as officers appointed Assistant Suprintendents on their joining the Department that he would in the course of a few years draw such remuneration as would enable him to live up to his position and to marry and make suitable provision for his wife and children and other near relations who had a legitimate claim upon him.

11. Your Memorialist believes that it is not the policy of the Government of India to disappoint such expectations as to future remunerations for good and faithful servie as were reasonably entertained by their servants when entering Government service.

12. Your Memorialist therefore begs that his claim to the Exchange Compensation allowance may be favourably considered and that a concession granted to nearly every other officer in his Department may be extended to him. Your Memorialist will, as in duty bound

EVER PRAY.

Asstlesh
Dpty Police

Coimbatore
5th Sept/99

CONFIDENT No. 324 of 1899

Coimbatore
17th August 99

To
The Inspector General of Police
Madras

Sir

I have the honor to request you will kindly forward the enclosed memorial with any favorable recommendation you may think fit.

I have the honorable
Sir
Your most obt. Svt
A. S. West
Supt of Police

19 AUG 1899
MADRAS

Enclosure 1 to
Dis. No. 3322
Jud. C. 3414/99.

Enclosure 2 to
Dis. No. 3322
Jud. C. 3414/99.

10 CURRENT NO. 3322 3414

Chief office of the Inspector-General of Police,

Madras, 14th September 1899.

No. 3713.

Submitted to Government.

2. Mr.West was appointed as a Probationer, for the Assistant Superintendent's grade. His case falls under rule 21 of the Government of India Resolution No.4847 Ex., dated 5th November 1898.

3. Mr.West was educated in England between the age of twelve and nineteen. According to rule 1 of the Government of India's Memorandum printed in G.O.No.901, Financial, dated 15th August 1899. Mr.West is personally eligible for the allowance. Orders of Government are requested to admit his claim.

for Ag. Inspector-General of Police.

To

The Chief Secretary to Government,

Ootacamund.

[F. / 20]
200-4-8-99.

FINANCIAL DEPARTMENT.

Press print as
Thos case - show pencil
please.
Sh.S
11.xii.

C. No. 3322

Notes connected with Fo No 1633 Finl Dy 25.9.99
Ext of the Govt Resn Jud & Polic No 37 B dated 8 Sept 99
forwarding Memorial from Mr A. C. S West, Supt of Police
praying for the grant of Exp: Compn Allowance

NOTE FOR THE C.S.

The claim of Mr. A. C. S. West, Supt of Police to Exchange Compensation rules allowance under the new rules was rejected in para 3(1) of G.O. No 679 Finl: & P. dated 10. August 1898 on the grounds (i) that he was not appointed to the office of Asst. Dist. Supdt of Police direct, but by promotion from the grade of Inspector.

(ii) that he is a Statutory Native of India

As explained in para 6 of the note on page 3 of the Yellow Note attached to G.O. No 902 Finl dd 15 August 1899, the Orissa ruling of India removes the first objection in Mr. West's, as in Mr. Maynard's, case.

XVII

FINANCIAL DEPARTMENT.

[G. 154]

500—25-11-98—

Financial DEPARTMENT.

Read again G.O. No. 679 Fin: & 10.8.98 (P)
[Noted Printed on pages 2 & 3 of G.O. No. 902 Fin: & 15th August 1899]

C. No. 3322 From the I.G. of Police, No. 3718, dated 14.9. 1899.
[Memorial & encls: Q. I.G. & Govt: A]

" " " " " 189 .

" " " " " 189 .

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Order. No. 1033. & 25-9-99

In modification of G.O. No. 679 Fin: & 10.8.98 & with reference to the rulings quoted in the endt. of the I.G. of Police read above, Mr. A.C.S. West will be admitted to Exchange compensation allowance under the new rules.

Cmdr. 24. 9.99

H.L. 25/9/99.

Pay 10 of Currents

I.G. Police
Jud. Dept.
Acct Genl.

Despt 18.X.99.

given 25/10/99

Rep S.C with letter to Ex Comp File

Curs

Page 3 of G.O. No. 901 Fin: & 15.8.98

Indian letter No. 4152-2. & 7th September 1899 does not exempt Mr. West as the Police is one of the Depts exempted from the Rs 200 rule of 1879

Section is also III (b) of the enclosed receipt by India since Mr. West proceeded on leave from which he left the service to his nineteenth year in England.

Mr. West may, it is submitted, be admitted to the allowance under the new rules & in that case his memorial need not be dealt with further. [As a matter of fact the Reference Dept. had orders to collect papers in his case, which were sent for submission with reference to Indian General Principles, just before the receipt of this Memorial.] Mr. Leggatt, another officer debarred from the allowance in G.O. No. 679 Fin: & 10.8.98 (B) is not on the same footing as Mr. West, as he never left India before appointment to first service. Mr. Wayne's (the other officer's) exclusion has been upheld by India on appeal - G.O. No. 902 Fin: & 15.8.98. (XVII)

Draft order is submitted for approval.

Cmdr 24/9/99