M.R.O. 1—38,000—16-10-27.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1343 Press ~~Mis.~~

54-55 Dated 8-9- No 1864

3/4

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
8th September 1864.

No. 54. Read the following Proceedings of Government, in the Legislative Department, dated 3rd September 1864, No. 241.

Communicating a Despatch from Secretary of State, regulating the designations of the offices immediately under the Chief Secretary. (Vide Proceedings Legislative Dept., dated 3rd September 1864, Nos. 3 & 4.)

No. 55. ORDER THEREON, 8th September 1864, No. 1343.

To be recorded.

(Signed) J. D. SIM,
Secretary to Government.

Exd. T. Cartledge,

No. 3. Read the following Despatch from the Right Honorable Sir C. WOOD, Bart., Secretary of State for India; to His Excellency the Honorable the Governor in Council, Fort Saint George, Madras, dated India Office, London, 30th July 1864, No. 2.

I herewith transmit for your information and guidance copy of a Despatch, No. 22, dated 16th July 1864, which I have addressed to the Government of India, on the subject of certain appointments under the Civil Service Act, 24 and 25 Vict., Cap. 54.

Despatch from the Right Honorable Sir C. WOOD, Bart., Secretary of State for India; to His Excellency the Right Honorable the Governor General of India in Council, dated India Office, London, 16th July 1864, No. 22.

With reference to my Despatch, No. 29, dated 23rd August 1862, I have to request your attention to the following observations and instructions on the subject of reporting, for the confirmation of the Secretary of State in Council, appointments made under the provisions of 24 and 25 Vict., Cap. 54, of the nature of those specified in the first clause to the Schedule of the Act.

2. It may be doubtful whether, under a strict interpretation of the terms of the clause, it is necessary to report any appointments except those which bear the precise designations specified therein.

3. On the other hand, the omission to report appointments, the duties of which have heretofore been discharged by Civil servants, merely because other designations than those specified in the Act have been attached to them, might be open to the imputation of involving an evasion of the provisions of the Act.

4. A rigid rule, however, to the effect that all appointments to the office of "Assistant Secretary to Government," in certain Departments, must be reported, would render it necessary to report a number of appointments, especially in the Financial Department, the duties of which have hitherto been uniformly discharged by members of the Uncovenanted Service.

5. In the 7th paragraph of my Despatch above referred to, I observed that "in arriving at "a decision as to whether any particular appointment should be reported or not, both the designation and the duties of the office must be taken into consideration. Persons appointed to "discharge the duties usually assigned to the offices specified in the Schedule, should be officially "designated in accordance with the Schedule: and again, the designations of offices in the Schedule should not be attached to appointments, the duties of which are different from those of "the offices so designated."

6. I have now to request that the suggestion made in the foregoing extract may henceforth be adopted as a rule, and that Civil servants holding office immediately under the Chief Secretary of any Department may be invariably designated in the terms of the Schedule as "Junior Secretary" or "Under Secretary," and that the designation of Deputy Secretary may be discontinued.

7. The term "Assistant Secretary" or "Assistant to the Secretary" may, at your discretion, be attached to the holder of offices, the duties of which have hitherto been discharged by Uncovenanted Servants of the Government.

8. Under the foregoing rule, difficulties of construction will be avoided, and it will be necessary for you to report, under the joint operation of Section 4 and the 1st Clause of the Schedule of the Act, the appointments of other than Civil servants only to the offices of Secretary, Junior Secretary, or Under Secretary.

9. The instructions conveyed to you in the 8th paragraph of my Despatch of the 23rd August 1862, respecting the office of Deputy Secretary in the Legislative Branch of the Home Department of the Supreme Government, were issued with the view of avoiding anything in the

nature of even a constructive departure from the provisions of the Act. As, however, the duties discharged by the Deputy Secretary are similar to those formerly performed by him as Clerk of the Legislative Council, and as those duties have from the first been performed by a person out of the Covenanted Civil Service, the officers holding this appointment may (under the rules which are henceforth to regulate the designations of appointments in the offices of the several Secretaries to Government) be properly designated as "Assistant Secretary," and future appointments to the office need not be reported for the confirmation of the Secretary of State in Council.

10. The same rule will apply to the case of the officer discharging the like duties under the Government of Bengal.

No. 4. ORDER THEREON, 3rd September 1864, No. 241.

Communicated to the Public, Judicial, and Revenue Departments of the Secretariat for information and guidance, with special advertence to paragraphs 5 and 6 of the Despatch to the Government of India, No. 22, dated 16th July 1864.

(True Extract.)

Secretary to Government.

To the Public Department.
" Judicial Department.
" Revenue Department.

Exd. J. Tulloch,