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MADRAS RECORD OFFICE

Government of Madras

Public Works DEPARTMENT

G.O. No.	1918	Press
B.P. No.		Mis.—
Dated	27-7-	195—
		6876

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
27th July 1876. No. 1,918.*

No. 483. Read the following Circular from the Government of India, Public Works Department, (Establishment—General,) dated Simla, 11th July 1876, No. 37 P.W. :—

The Governments of Madras and Bombay, in the Public Works Department, General, Irrigation and Railway Branches.
The Governments of Bengal, North-Western Provinces and the Punjab, in the Public Works Department, General and Irrigation Branches.
The Chief Commissioners of Oudh, Central Provinces, British Burmah, Mysore, and Coorg and Assam.
The Resident at Hyderabad.
The Agents of the Governor-General for Central India and Rajpootana.
The Superintendent of Port Blair, and Chief Commissioner, Andaman and Nicobar Islands.
The Director-General of Telegraphs.
The Inspector-General of Military Works.
The Accountant-General, Public Works Department.
The Director of State Railways.
The Consulting Engineers to the Government of India for Guaranteed Railways, Calcutta, Lahore and Lucknow.
The Director-in-Chief, Indo-European Telegraph.
The Director, Persian Telegraph.
The Deputy Director, Persian Gulf Telegraph.

COPY of the following forwarded to local Governments, Administrations and Officers noted on the margin for information and guidance.

(By order.)

(Signed)

A. B. SAMPSON,

Under Secy. to Govt. of India.

From T. H. THORNTON, Esq., D.C.L., Officiating Secretary to the Government of India, Foreign Department, to the Chief Commissioners, Mysore and Ajmeer; Residents, Hyderabad, Nepal and Mandalay; Agents, Governor-General for Central India, Rajpootana and Baroda; Political Resident, Persian Gulf; Political Agents, Munni-pore and Turkish Arabia; Agent, Governor-General, ex-King of Oudh, and Superintendent, Political Pensions; General Superintendent of Operations for the Suppression of Thuggee and Dacoity, dated 20th June 1876, No. 1,299, G.

I AM directed to forward, for your information and guidance and communication to your subordinates, the following summary of the existing law and rules regarding the acceptance by Government servants of presents from Native Chiefs and others :—

- I.—The main provisions of the law on the subject are contained (see Appendix) in 13; Geo. III., Chap. 63, Sections 23-24; 33 Geo. III., Chap. 52, Sections 62-63; 3 and 4 Wm. IV., Chap. 85, Section 76.
- II.—The prohibition of the receipt of presents from Native Chiefs and others does not extend to the receipt of a few flowers or fruits, and articles of inappreciable value, although even such trifling presents should be discouraged.
- III.—It does not extend to the exchange of presents between Governors, Lieutenant-Governors, Chief Commissioners, Agents to the Governor-General or Political Officers generally in their ceremonial intercourse with Native Chiefs, on which occasions the presents from the Chiefs are deposited in the Government Toshakhana and return presents are given at the Government expense.
- IV.—It does not apply to presents to Medical Officers made *bonâ fide* for services rendered.
- V.—The general prohibition extends to all servants of Government, Native or European, Covenanted or Uncovenanted, in whatsoever Department they may be serving.
- VI.—Where presents cannot absolutely be refused without giving offence, they must be delivered up to Government, and to this rule no exception whatsoever is permissible save with the express sanction of His Excellency the Governor-General in Council, which will only be given under very special circumstances.

2. The Governor-General in Council desires that the above rules may be strictly observed and no deviation therefrom permitted, except with the previous sanction of the Government of India.

*Proceedings of the Madras Government, Public Works Department,
27th July 1876. No. 1,918.*

No. 1,301 G, dated 20th June 1876.

Endorsed by the Foreign Department.

Copy forwarded to the Public Works Department for information and such further orders as may be necessary.

APPENDIX.

[Extract 13 Geo. III., Chap. 63, Sections 23 and 24.]

XXIII. And be it further enacted by the authority aforesaid, that no Governor-General or any of the Council of the said United Company's Presidency of Fort William in Bengal, or any Chief Justice, or any of the Judges of the Supreme Court of Judicature at Fort William aforesaid, shall, directly or indirectly, by themselves, or by any other person or persons for his or their use, or on his or their behalf, accept, receive, or take, of or from any person or persons, in any manner, or on any account whatsoever, any present, gift, donation, gratuity or reward, pecuniary or otherwise, or any promise or engagement for any present, gift, donation, gratuity, or reward.

XXIV. And be it further enacted by the authority aforesaid, that from and after the first day of August one thousand seven hundred and seventy-four no person holding or exercising any civil or military office under the Crown, or the said United Company, in the East Indies, shall accept, receive, or take, directly or indirectly, by himself, or any other person or persons on his behalf, or for his use or benefit, of and from any of the Indian princes or powers, or their ministers or agents (or any of the natives of Asia), any present, gift, donation, gratuity, or reward, pecuniary or otherwise, upon any account, or on any pretence whatsoever, or any promise or engagement for any present, gift, donation, gratuity, or reward.

[Extract 33 Geo. III., Chap. 52, Sections 62 and 63.]

LXII. And be it further enacted, that the demanding or receiving any sum of money, or other valuable thing as a gift or present, or under colour thereof, whether it be for the use of the party receiving the same, or for, or pretended to be for, the use of the said Company, or of any other person whatsoever, by any British subject holding or exercising any office or employment under His Majesty, or the said United Company in the East Indies, shall be deemed and taken to be extortion and a misdemeanor at law, and shall be proceeded against and punished as such, under and by virtue of this Act; and the offender shall also forfeit to the King's Majesty, his heirs and successors, the whole gift or present so received, or the full value thereof.

LXIII. Provided always, and be it further enacted, that the Court or jurisdiction before whom any such offence shall be tried, shall have full power and authority to direct the said present or gift, or any part thereof, to be restored to the party who gave the same, or to order the whole, or any part thereof, of any fine which the Court shall set on the offender, to be paid or given to the prosecutor or informer, as such Court in its discretion shall think fit.

[Extract 3 and 4 William IV., Chap. 85, Section 76.]

LXXVI. And be it enacted, that there shall be paid to the several officers hereinafter named the several salaries set against the names of such officers, subject to such reduction of the said several salaries respectively as the said Court of Directors, with the sanction of the said Board, may at any time think fit; that is to say—

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To the Governor-General of India, two hundred and forty thousand sicca rupees :
To each ordinary Member of the Council of India, ninety-six thousand sicca rupees :
To each Governor of the Presidencies of Fort St. George, Bombay and Agra, one hundred and twenty thousand sicca rupees :
To each Member of any Council to be appointed in any Presidency, sixty thousand sicca rupees :

and the salaries of the said officers respectively shall commence from their respectively taking upon them the execution of their respective offices ; and the said salaries shall be the whole profit or advantage which the said officers shall enjoy during their continuance in such offices respectively ;

Acceptance of gratuities a misdemeanor.
Passage money fixed.

and it shall be, and it is hereby declared to be, a misdemeanor for any such officer to accept for his own use, in the discharge of his office, any present, gift, donation, gratuity, or reward, pecuniary or otherwise, whatsoever, or to trade or traffic for his own benefit, or for the benefit of any other person or persons whatever, &c., &c.

No. 484.

ORDER THEREON, 27th July 1876, No. 1,918.

ESTABLISHMENT, No. 31-B.

COMMUNICATED to all officers of the
Public Works Department.

(True Extract.)

Colonel,

Offg. Under Secy. to Govt., P.W.D.

To District Engineers.

To the Chief Engineer for Irrigation.

„ Examiner of Public Works Accounts.

„ Examiner of Railway Accounts.

„ Consulting Architect.

„ Consulting Engineer for Railways.

Exd. W. H. French.
Spare Copies.

P. W. 1870 Sept 19 527

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

ESTABLISHMENT.

General.

To

Circular No. 37 Public Works.

Dated SIMLA, July 11, 1876.

Received 25th "

No 1918 dated 27 July 1876

*Communicated to
all officers of the Public
Works Department.*

*W.H.
26.7.76*

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*File 17
Aug 10-5-76*

Rules regarding receipt of presents by servants
of Government from Native Chiefs and others.

No 153/52

5298

Govt. of Madras.

PUBLIC WORKS.

To

District Engineers

By

For

Per

Encl.

G. O., 27th July 1908 No. 19/8

No. 483/84

Rules regarding receipt
of presents by servants of
Government from Native
Chiefs and others -

Circular from the Govt.
of India ~~and~~ forwarding
copy of — and to
all officers of the P.W.D.

17-8-08