

Co. 103. W. 28.1. Pz
 " 2572. W. 3.10. Pz

No 3161 w of 1st Decr 82

B
 the sum of Rs 21
 is appropriated from
 the Budget grant for
 temporary establ. in
 addition to the sum
 of Rs 200 sanctioned
 in G.O. No 2572 w of 3rd
 October 1882 to meet
 the pay of stores watchers
 in the Kurnool Division

From
 The Supog Engineer
 3 Circle

To
 The Chief

Dated 25th Nov

Recd.

No 3161

No 1519

Watchmen for the stores
 at Sirivelle Taluk

Requesting that Rs 21
 may be sanctioned for

Att
 29/11/82

CH 3/12
 Supt. Engr. Theroind
 P. W. Clerk
 29/12 despts 2-2-82

With order

No. of G.O.

3250

335120

3

296
 56

Gobt. of (1882) Madras.

PUBLIC.

Issued

Recd. 28/11/82

Encl.

G.O., 20th November 1882, No. 1416.

No 3158 w of 1st Decr 82
 NOVEMBER.

Public Servants.

Directing publication in the Gazette of certain
 correspondence received from the Government of
 India relative to the question whether an officer
 who is on furlough is at liberty to undertake
 management of a Company, &c.

Co. 183. H. 28
" 2572. H. 3.

No 3161

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CH 4/12

Supt. Engr. Thero

to Mr. C. M. C.

James P. W. C.

Sept 2-12-87

Supo Engineer
3 Circle

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W. L. C.
S. J. C.
S. J. C.

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882, No. 1416, PUBLIC.

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pting those likely to cause engagements extending
those which lead to new relations with Government
with, the relations between Government and its paid
appear to us to be sound, to the case under con-
y may be held to be a "lawful and respectable
employment which might not improbably "cause
of the furlough," and might lead to "new relations
ble to be inconsistent with, the relations between
r, we consider that an officer taking furlough is not
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re inclined to the opinion that it is undesirable that
rtake the management of a Company. We desire,
ions on the subject, as similar cases have doubtless
notice, owing to the fact that most officers while on
ble that in this matter there should be no divergence
ate and that of the Government of India.

State for India, to the Government of India, dated
eptember 1882, No. 99.

h of your Excellency in Council, No. 41, dated the
whether an officer who is on furlough is at liberty
y, and whether there is any distinction as regards
s between officers belonging to the Covenanted and

opinion that the principle of Sir Charles Wood's
362, applies to all public servants of whatever class
ether they be Covenanted or Uncovenanted, are alike
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he fact of an officer's being on furlough does not
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o. 1416, Public.

shed in the Fort St. George Gazette for the
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e Extract.)

Quaater
Chief Secretary.

adept

ame of the party
by whom taken.

20TH NOVEMBER 1882, No. 1416, PUBLIC.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—the following paper:—

From A. MACKENZIE, Esq., C.S., Secretary to the Government of India, Home Department (Public), to the Secretary to the Government of Madras, dated Simla, 20th October 1882, No. 45-1687.

With reference to Home Department Notification, No. 3421, dated 28th August 1872, I am directed to forward a copy of the correspondence marginally noted relative to the questions (1) whether an officer who is on furlough is at liberty to undertake the management of a Company, and (2) whether there is any distinction as regards taking part in the management of Companies between officers belonging to the Covenanted and the Uncovenanted Services.

2. I am to request that the rules laid down by Her Majesty's Secretary of State on these questions may be carefully observed by all public officers under your Government.

ENCLOSURES.

Despatch from the Government of India, to Her Majesty's Secretary of State for India, dated Simla, 8th July 1882, No. 41.

In his despatch, No. 46 (Public), dated 31st May 1862, Sir Charles Wood, in replying to a reference made to him by the Government of India on the subject of Government servants holding lands and engaging in speculations in India, observed that he saw no objection to servants of Government holding shares in mining or other companies having for their object the development of the resources of the country, and the only restriction which he thought it necessary to impose was that public servants should take no part in the management of such institutions and should not be employed in the districts where the operations of the Company might be carried on. The orders contained in that despatch were promulgated for general information in January 1863, and were subsequently (August 1872) republished with the remark that the Governor-General in Council would be prepared to enforce the principle therein laid down in regard to all public servants, of whatever class or position.

2. A question has now been raised whether an officer who is on furlough is at liberty to undertake the management of a Company, and whether there is any distinction in this respect between officers belonging to the Covenanted and the Uncovenanted Services. We think that no such distinction can be drawn so far as the rules in question are concerned. The notification issued by the Government of India on the 28th August 1872 distinctly states that the principle of the despatch cited above of 31st May 1862 applies to "all public servants, of whatever class or position," and the principle is that public servants are to take no part in the management of Companies. We are, therefore, of opinion that this should be made clear by declaring that the rules apply to the Uncovenanted as well as to the Covenanted Service.

3. Regarding the question whether an officer may be allowed while on furlough to assume the management of a Company, we would observe that no specific or authoritative ruling on this point appears to have been given. In despatch to the Secretary of State, No. 3, dated 8th August 1864, the Government of Bombay referred for orders the case of the * * * * * who, while on furlough in India, became one of the Editors of the * * * * * newspaper; and in paragraph 8 of that despatch they expressed the opinion that there was no sufficient reason for excluding

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" 2572. H. 3-1

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At 3/12

Supp. Engr. Thero

Comm. P. W. Acet

Sept 2-12-82

any occupations in which Government servants might engage while on furlough within the limits of lawful and respectable employments, excepting those likely to cause engagements extending beyond the duration of the furlough, and those which lead to new relations with Government independent of, and liable to be inconsistent with, the relations between Government and its paid officers. Applying these principles, which appear to us to be sound, to the case under consideration, the management of a Company may be held to be a "lawful and respectable employment." On the other hand, it is an employment which might not improbably "cause engagements extending beyond the duration of the furlough," and might lead to "new relations with Government independent of, and liable to be inconsistent with, the relations between Government and its paid officers." Moreover, we consider that an officer taking furlough is not entitled to divest himself entirely of the restrictions and responsibilities under which he rests while on duty. For these reasons, therefore, we are inclined to the opinion that it is undesirable that an officer who is on furlough should undertake the management of a Company. We desire, however, to receive your Lordship's instructions on the subject, as similar cases have doubtless already been brought to your Lordship's notice, owing to the fact that most officers while on furlough reside in England, and it is desirable that in this matter there should be no divergence between the practice of the Secretary of State and that of the Government of India.

Despatch from Her Majesty's Secretary of State for India, to the Government of India, dated London, 7th September 1882, No. 99.

I have considered in Council the despatch of your Excellency in Council, No. 41, dated the 8th of July last, relating to the questions whether an officer who is on furlough is at liberty to undertake the management of a Company, and whether there is any distinction as regards taking part in the management of Companies between officers belonging to the Covenanted and to the Uncovenanted Services.

2. I agree with your Excellency in the opinion that the principle of Sir Charles Wood's despatch (No. 46, Public), dated 31st May 1862, applies to all public servants of whatever class and position, and that all public servants, whether they be Covenanted or Uncovenanted, are alike prohibited from taking part in the management of Companies.

3. I am also of opinion that this prohibition is none the less applicable to a public servant because he happens to be on furlough, for the fact of an officer's being on furlough does not appear to me substantially to diminish the serious objections which exist to his engaging in the management of a Company.

ORDER—dated 20th November 1882, No. 1416, Public.

The correspondence will be published in the *Fort St. George Gazette* for the information and guidance of all public servants.

(True Extract.)

Chief Secretary.

To the Departments of the Secretariat.

Exd. J. W. Fischer.