

- (1) பக்கங்களின் எண்ணிக்கை 6
 (2) புதுக்கித் திருப்பிய நாள் 20-10-90
 (3) ஆதாரங்குறிப்பவர் கருக்கொப்பம் 6/9

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

செய்துரை துறை

அரசாணை எண். <u>2785</u>	அச்சகம்
மு. கோப்புத் தாள் எண்.	பலவகை
நாள் : <u>20-10-1890.</u>	198/.

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மடிக்கவோ கண்டபடி கையாளவோ கூடாது

செய்துரை

2285
7TH OCTOBER 1890, No. 666, Public.

GOVERNMENT OF MADRAS.
PUBLIC DEPARTMENT.

READ—the following paper :—

From C. J. LYALL, Esq., C.I.E., Officiating Secretary to the Government of India, Home Department (Public), to the Chief Secretary to the Government of Madras, dated Simla, the 5th September 1890, No. 30 Public—1676.

In a General Order of the Government of India in the Foreign Department, dated the 15th March 1847, it was laid down that a Government officer is at liberty, if his public conduct in the transaction of his official duties is impugned, "to seek redress through the usual official channel by an appeal to the Government he serves, and that the Government so appealed to will afford him every opportunity of vindicating his character." Though the matter has since that date been dealt with in a confidential paper, no subsequent orders regulating the course to be followed by Government officers for the vindication of their acts as public functionaries have been generally circulated, and the result is that the practice in this respect is not uniform in all Provinces. The Governor-General in Council, therefore, deems it desirable to prescribe the procedure which should be generally observed in future. I am accordingly to convey the following instructions, with the request that their purport may, with the permission of His Excellency the Governor in Council, be conveyed to the officers serving in the different branches of the administration in the Madras Presidency.

2. It is a standing order that, without obtaining the authorization of the Government to which he is immediately subordinate, no officer of Government is permitted to have recourse to the Courts for the vindication of his public acts, or of his character as a public functionary, from defamatory attacks. In giving authority to institute proceedings, the Local Government concerned will decide whether the circumstances of the case are such that the Government should bear the costs of the proceedings, civil or criminal, or leave the officer to institute the prosecution or suit at his own expense; and in the latter case it will also determine, in the event of the matter being decided by the Courts in the officer's favor, whether he should be recouped by Government the whole or any part of the costs of the action.

3. I am to explain that the ruling above laid down does not affect an officer's right to defend his private dealings or behaviour in any way that he may be advised; but his official reputation is in the charge of the Government which he serves, and it is for that Government to decide in each case whether the institution of proceedings to vindicate his public acts or character is necessary or expedient.

ORDER—dated 7th October 1890, No. 666, Public.

Communicated to Departments of the Secretariat and to all Heads of Departments, for information and guidance, in supersession of paragraph 2 of G.O., No. 134, dated 6th February 1874.

(True Extract.)

L. de Mesquita

Chief Secretary.

To all Departments of the Secretariat.
Heads of Departments.

Exd. P. L. Pereira.

2788
2
Govt. of {1890} Madras.
PUBLIC.

Issued

Recd.

Encl.

G.O., 7th October 1890, No. 666.

OCTOBER.

Public Servants.

Communicating to Departments of the Secretariat and all Heads of Departments, in supersession of the Government Order quoted, letter from the Government of India prescribing the course to be followed by Government officers for the vindication of their acts as public functionaries.

[For general distribution.]

Circular No. 13 Public Works.

GOVERNMENT OF INDIA PUBLIC WORKS DEPARTMENT. GENERAL.

Simla, the 18th September 1890.

Procedure to be observed by Government Officers in seeking redress
in cases in which their public conduct is impugned.

The following is forwarded to Local Governments, Administrations
and Officers noted
on the margin, for
information and
guidance.

The Governments of Madras and Bombay, Public Works Department, General
and Railway Branches.
The Governments of Bengal, the North-Western Provinces and Oudh and the
Punjab in the Public Works Department.
The Chief Commissioners of the Central Provinces, Burma, Assam and Coorg.
The Resident at Hyderabad.
The Agents to the Governor-General for Central India, Ajputana and Balu-
chistan.
The Accountant General, Public Works Department.
The Director General of Railways.
The Consulting Engineers to the Government of India for Railways, Calcutta,
Central Division and Lucknow.
The Director General of Telegraphs.

By order,

G. Bulwark

Under Secretary.

No. 30 Public, dated 5th September 1890.
1676-1085

From—Secy. to the Govt. of India, Home Dept.
To—All Local Governments and Administrations.

In a General Order of the Government of India in the Foreign Department, dated the 15th March 1847, it was laid down that a Government officer is at liberty, if his public conduct in the transaction of his official duties is impugned, "to seek redress through the usual official channel by an appeal to the Government he serves, and that the Government so appealed to will afford him every opportunity of vindicating his character." Though the matter has since that date been dealt with in a confidential paper, no subsequent orders regulating the course to be followed by Government officers for the vindication of their acts as public functionaries have been generally circulated, and the result is that the practice in this respect is not uniform in all Provinces. The Governor General in Council therefore deems it desirable to prescribe the procedure which should be generally observed in future. I am accordingly to convey the following instructions with the request that their purport may

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2. It is a standing order that without obtaining the authorization of the Government to which he is immediately subordinate no officer of Government is permitted to have recourse to the Courts for the vindication of his public acts, or of his character as a public functionary, from defamatory attacks. In giving authority to institute proceedings, the Local Government concerned will decide whether the circumstances of the case are such that the Government should bear the costs of the proceedings, civil or criminal, or leave the officer to institute the prosecution or suit at his own expense; and in the latter case it will also determine, in the event of the matter being decided by the Courts in the officer's favour, whether he should be recouped by Government the whole or any part of the costs of the action.

For Secretary to the Government of India
Public Works Department
803. Co

3. I am to explain that the ruling above said down does not affect an officer's right to defend his private dealings or behaviour in any way that he may be advised; but his official reputation is in the charge of the Government which he serves, and it is for that Government to decide in each case whether the institution of proceedings to vindicate his public acts or character is necessary or expedient.

No. 2 Public
1689

Copy forwarded to all Departments of the Government of India, for information.

No. 30 Public
1691-1693

Copy forwarded to all Heads of Departments under the Home Department for information.

Registered on 5-10-97

So 510

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[For general distribution.]

2785
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Circular No. 13 Public Works.
GOVERNMENT OF INDIA.
PUBLIC WORKS DEPARTMENT.
GENERAL.

Simla, the 18th September 1890.

Procedure to be observed by Government Officers in seeking redress in cases in which their public conduct is impugned.

The following is forwarded to Local Governments, Administrations and Officers noted on the margin, for information and guidance.

- The Governments of Madras and Bombay, Public Works Department, General, and Railway Branches.
- The Governments of Bengal, the North-Western Provinces and Oudh and the Punjab in the Public Works Department.
- The Chief Commissioners of the Central Provinces, Burma, Assam and Coorg.
- The Resident at Hyderabad.
- The Agents to the Governor-General for Central India, Rajputana and Baluchistan.
- The Accountant General, Public Works Department.
- The Director General of Railways.
- The Consulting Engineers to the Government of India for Railways, Calcutta, Central Division and Lucknow.
- The Director General of Telegraphs.

By order,

G. M. Walker

Under Secretary.

No. 30 Public, dated 5th September 1890.
1676-1685

From—Secy. to the Govt. of India, Home Dept.
To—All Local Governments and Administrations.

In a General Order of the Government of India in the Foreign Department, dated the 15th March 1847, it was laid down that a Government officer is at liberty, if his public conduct in the transaction of his official duties is impugned, "to seek redress through the usual official channel by an appeal to the Government he serves, and that the Government so appealed to will afford him every opportunity of vindicating his character." Though the matter has since that date been dealt with in a confidential paper, no subsequent orders regulating the course to be followed by Government officers for the vindication of their acts as public functionaries have been generally circulated, and the result is that the practice in this respect is not uniform in all Provinces. The Governor General in Council therefore deems it desirable to prescribe the procedure which should be generally observed in future. I am accordingly to convey the following instructions with the request that their purport may

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Noted by the Government of Madras, P.W.D. Railway Branch.

17/01/13
22-1-13

P.W. C. 112 9542

3. I am to explain that the ruling about aid down does not affect an officer's right to defend his private dealings or behaviour in any way that he may be advised; but his official reputation is in the charge of the Government which he serves, and it is for that Government to decide in each case whether the institution of proceedings to vindicate his public acts or character is necessary or expedient.

No. 35 Public
189

Copy forwarded to all Departments of the Government of India, for information.

No. 30 Public
160-1698

Copy forwarded to all Heads of Departments under the Home Department for information.

10/10/90 at 20-October

Red 8-10-90

Current nos 9521 24
9551

Wm
PB

LK 7/10/90

Communicated

to officers of the P.W. Dept
for information & guidance.

Wm
10.10.90

S. 10/10

20/10/90

Ch. S. for Jm. at 750

C. S. for Jm. at 850

Super. Jm.

Ch. S. for

Super. Jm.

Ch. S. for

Note - This letter has been

addressed to the appropriate

authorities.