

ய. பண்ணித்தை.

சு. தி. நாம் - டிசம்பர் 1991

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GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

Order :—Under the Indian Councils Act, 1861.

ORDER—dated 10th April 1893, No. 290, Public.

Under the authority vested in him by the 28th section of 24 and 25 Victoria, Cap. 67 (The Indian Councils Act, 1861), to make rules and orders for the conduct of business in his Council, and in supersession of all orders issued by previous Governors on the subject, His Excellency the Right Honorable the Governor of the Presidency of Fort St. George is pleased to direct—

1. That the various departments of the Secretariat shall be placed in charge of His Excellency the Governor and of the two Civil Members of Council as shown in the schedule appended to these rules.

2. That it shall be the duty of the Secretary to Government in each department to exercise his discretion in determining whether papers requiring the orders of Government are of such importance that they should be sent to the Honorable Member in charge or not; where he determines that they need not be so sent the Secretary shall dispose of them himself, provided that a weekly printed list showing all orders so passed under the authority of the Secretary alone shall be submitted to the Honorable Member in charge before the expiration of the week following that in which the orders were issued.

3. That all other papers shall be laid before the Honorable Member in charge of the department concerned and shall be disposed of by him alone, except in the following cases:—

(a) Where the Honorable Member shall himself direct that the opinion of one or more of the other Members of Government shall be taken before final orders issue on any paper.

(b) Where the Secretary of the department in the exercise of his discretion shall see fit to mark any particular paper for circulation to any other Honorable Member or Members of Council.

(c) Where the disposal of any subject requires the issue of orders in two or more departments, the papers shall be circulated to the Honorable Member in charge of each department before final orders are issued thereon.

4. That orders issued in the above manner under the authority of the Secretary to Government as prescribed in Rule 2, or under the authority of one or more Honorable Members as prescribed by Rule 3, shall be held to be the orders of His Excellency the Governor in Council.

Provided that—

(i) Nothing in these rules shall be held to prevent any Honorable Member of Council from instructing the Secretary of any department to circulate any paper or papers to the said Honorable Member before orders are issued on such paper or papers, and such paper or papers shall be circulated accordingly.

(ii) When there is a difference of opinion amongst Honorable Members on any subject, the order drafted in accordance with the views of the majority shall not issue until the Honorable Member or Members in the minority shall have seen the draft order.

(iii) When two or more Honorable Members express views on the same subject which, without being at variance with each other, deal with different points, the views of all the Honorable Members shall, as far as possible, be promulgated in the Government Order.

(iv) All orders which involve decisions on questions of principle, or cancellation of previous Government orders, or the constitution of standing orders, shall be circulated to two Honorable Members at least before such orders are issued.

5. *Appointments and Postings of Officers made by the Governor in Council.*—The following extracts from despatches received from the Court of Directors enunciate the principles on which the procedure in regard to the above matters should be based:—

“It rests with the Governor to select and nominate the individuals whom he may consider to be best qualified, and to have the best claims to supply vacancies in office. To give effect to such nominations, they must be made by the Governor in Council, and must therefore be concurred in by a majority, but the concurrence ought not to be withheld, except in cases in which any Member of Council may be of opinion that there are specific objections to the persons selected, and in such case it would be his duty to place his sentiments on record.”

“The exception to which we allude relates to the instructions conveyed to you in our letter of 22nd July 1846, No. 9, in the Revenue Department, respecting the selection of individuals to fill vacant offices. Your President expresses a desire to be informed, for future guidance, of the precise interpretation to be put on these words, viz., ‘to give effect to such nominations’ (by the Governor) ‘they must be made by the Governor in Council and must therefore be concurred in by a majority, but that concurrence ought not to be withheld, except in cases in which any Member of Council may be of opinion that there are specific objections to the persons selected.’ The exception intended by us will apply to any case where specific objections (on public grounds) may be considered to exist to the individual selected and nominated by the Governor. The concurrence of the Members of Council to the nominations of the Governor ought not to be withheld, unless specific objections are considered to be of material importance on the ground of unfitness for the particular office.”

The existing practice is moulded on the above lines and will be continued. Proposals for filling vacancies and for posting officers will accordingly be submitted in the first instance to His Excellency the Governor through his Private Secretary in writing, and the official minute of appointment, after having been signed by the Governor, will be circulated to the Civil Members of Council with a view to effect being given to the President's nomination and to the order issuing under the authority of the Governor in Council.

SCHEDULE.

Distribution of Work amongst the Honorable Members of Government.

- The Right Honorable the Governor—
 Military.
 Legislative.
 Political.
 The Hon'ble Sir H. E. Stokes, K.C.S.I.—
 Judicial.
 Financial.
 Public.
 Marine.
 Educational.
 Public Works.
 The Hon'ble Mr. J. H. Garstin, C.S.I.—
 Ecclesiastical.
 Revenue.
 Pension.

Petitions for mercy shall be circulated to His Excellency the Governor and to the two Civil Members of Council.

(True Extract.)

J. F. PRICE,
Chief Secretary.

To all Secretaries and Under Secretaries to Government.

Ed. A. Raitt.

CS803509/93

Govt. of {1893} Madras.
PUBLIC.

Issued

Recd.

Encl.

G.O., 10th April 1893, No. 290.

Under No 104 D of 6593.
also G.O. No 1279 of 10-59

APRIL.

Indian Councils Act, 1861.

Order for the conduct of business in his Council
made by His Excellency the Right Honorable
the Governor of Fort St. George under the --.

Public Department ^{3/20}

Read the following memorandum from the Honorable Mr.
Lyarston, C. S. J. dated 19th April 1893.

His Excellency the Governor having by rules laid down
by him (by virtue of Statutory powers vested in him) for the
despatch of business in the Executive Council rendered legal
the disposal of business by individual member of Council, the
Chief Secretary to Government is requested to issue instructions
that no paper in any of the Departments under His Excellency
the Governor or the Honorable Sir H. E. Stokes are sent in
circulation to me unless (1) the secretary of the Department
concerned and the Honorable Member in charge differ as to
the disposal of a question and the former officer wishes an
expression of my views thereon and (2) unless the Honorable
Member in charge of any department intimates a wish
that any particular paper should be sent to me for an expression
of my views. By the above request I do not wish to fetter the
discretion of the Secretary in any department to send me any
paper which he ~~wishes~~ ^{thinks} I should like to see and which is of such
general interest and importance that any member of Govern-
ment should see it. All despatches from the Secretary of State
and important despatches from the Government of India
fall within the above category.

Communicated to the Secretaries to Government

Not a memorandum
20th April '93

Ludwick
Chief Secretary

The Joint Secretary to Govt

P.W.D. Ry Dept. to the S.C.

File ²⁴
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Public Department

Read the following memorandum from the Honorable Mr. Garstin, C. S. I. dated 19th April 1893.

His Excellency the Governor having by rules laid down by him (by virtue of Statutory powers vested in him) for the despatch of business in the Executive Council rendered legal the disposal of business by individual member of Council, the Chief Secretary to Government is requested to issue instructions that no paper in any of the Departments under His Excellency the Governor or the Honorable Sir H. E. Stokes are sent in circulation to me unless (1) the Secretary of the Department concerned and the Honorable Member in charge differ as to the disposal of a question and the former officer wishes an expression of my views thereon and (2) unless the Honorable Member in charge of any department intimates a wish that any particular paper should be sent to me for an expression of my views. By the above request I do not wish to fetter the discretion of the Secretary in any department to send me any paper which he wishes I should like to see and which is of such general interest and importance that any member of Government should see it. All despatches from the Secretary of State and important despatches from the Government of India fall within the above category.

Communicated to the Secretaries to Government

Richard White
Chief Secretary

10th April 93

The Secretary to Govt.

P. W. Dept. with 2 spare copies.

2 S. C.

Recd. 28. 4. 93

No 1279. Wd/10 May 1893

Recorded for
guidance in continuation
of No 1042 of 6 May 1893

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C. R. J.

C. R. J.

make copy for C. R. J.

A. J.

on 20.290 of 10.4.93. P. J.

DESPATCHED

12 MAY 93

Repts: 10.5.93

Recd. 22.4

S. C. 2

on 4.4

S. C. 10.4