

Public Works (1897) Department.

G.O., No. 3032 W

DATED

27 Oct 1897

[Despatch Abstract.]

Power of the Govt. to remove officers
from their appointments. G.O.: Public Dept.
Combs: Govt of India letter stating that if the
— where such powers exist is absolute, the
instructions contained in their letter of 14th
July last will not have any application
in this Presidency, recorded.

Coming to the Dept^y of the Secretariat
letter from the Gov^t of India stating
that if the power of the Gov^t of Madras
to remove officers from their app^ts where
such powers exist is absolute, the in-
structions contained in the letter of
that Government of 14th July last will
not have any application in this Pre-

BACK PAPERS.

FURTHER PAPERS.

$\left[\frac{G}{58} \right]$
90-24-8-97

Public Department.



PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following paper:—

From the Government of India, Home
Departments (Public), No 1994, of 30th September, 1897:-

to will not have any application in the Madras
Presidency.

(Order: - No 1357, d/ 11 October 1897.

Communicated to the Departments
of the Secretariat.

/ True Extract /

J. H. M.
for Chief Secretary.

[Pub.]
29.
2,000-5-3-97.

Works
Public (1897) Department.

CURRENT No. 10373

No 3032 W d 29. 10. 97

B
Order

From
The Public Dept

Recorded.

No. 1357

cu *W. H. M.*
f. n. g.

Dated 11 - 10 - 97

Received }
Registered } 19. 10. 97

Enclosures

Spare copies

SUBJECT.

Communicating to the Deps of the
Secretariat letter from the Govt of India
stating that if the power of the Govt
of Madras to remove officers from
their appointments where such power
is absolute, the instructions
contained in the letter of the Govt
of 14th July last will not have
any application in the Presidency.

To
The Deps of the Secretariat.

118
14/10/97

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

To be substituted for the one bearing the same no. and date.

[G
63]
#10-12-7-07.

Public Department.



PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following paper:—

From the Government of India,
Home Department, N^o 1462, of 14 July 1897:—

I am directed to say that the Government of India have recently had under their consideration the construction which should be placed on section 23 of the Public Servants (Inquiries) Act, 1850 (XXVII of 1850, as amended by Act I of 1897), with reference to the extent of the power thereby conferred on Local Governments to order inquiries into the conduct of officers serving under them.

2. With a view to preventing divergence of practice, I am to point out that, in the opinion of the Governor General in Council, such an inquiry can be ordered by a Local Government only when it has by law absolute power to remove the officer concerned from his appointment. In cases, therefore, in which such power is subject to the control of the Governor

Governor General in Council (as for instance in the case of Commissioners, Deputy Commissioners and Assistant Commissioners in the Central Provinces under Section 7 of Act XVIII of 1881) or is otherwise limited, the circumstances should be reported to the Government of India for orders before any action in the direction of appointing a commission is taken.

Order: N° 1110 of 23 August 1897.

The Government of India will be addressed.

(True Extract)

(Signed) J. S. Bruce.

Chief Secretary.

Letter to the Government of India, Home Department (Public), N° 1111, of 23 August 1897:-

I am directed to acknowledge the receipt of your letter N° 1462, dated 14 July 1897, regarding the construction to be placed on section 23 of Act XXXVIII of 1850 as amended by Act 1 of 1897.

In reply I am to observe that the power of this Government to remove an officer from his "appointments," where it exists

exists, appears to His Excellency the Governor in Council to be absolute and not subject to the control of the Government of India, under the circumstances. Therefore it would seem that as the cases referred to in your letter related to above cannot arise in this province the instructions regarding reports to the Government of India are not applicable to this Government. I am to enquire whether this view is correct.

From the Government of India, Home Department, N° 1994, of 30 September 1897:-

I am directed to acknowledge the receipt of your letter N° 1111 Public, dated the 23 August 1897 enquiring whether the instructions contained in the letter from this Department N° 1462, dated the 14 July 1897, regarding the necessity, in certain cases, for reporting to the Government of India the circumstances of a proposed inquiry, under section 23 of Act XXXVIII of 1850, as amended by Act I of 1897 into the conduct of officers serving under the Local Governments, are applicable to the Government of Madras.

In reply I am to say that, if, as appears to be the case, the power of the Government of Madras to remove officers from

from these appointments (where that power is
conferred by the law for the time being in
force) is absolute the instructions referred
to will not have any application in the
Madras Presidency.

Order:- No 1357 of 11 October 1897.

Communicated to the Depart-
ments of the Secretariat.

/ True Extract /

M. L. Couchman.

for Chief Secretary.

To
The Secy. of the Secretariat. (P.W.A.)

C.S.
29/10/97.

ACT No. I OF 1897.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 14th
January, 1897.)

An Act to amend Act XXXVII of 1850 (for
regulating Inquiries into the behaviour of
Public Servants).

WHEREAS it is expedient to amend Act XXXVII
of 1850 (for regulating Inquiries into the beha-
viour of Public Servants); It is hereby enacted as
follows:—

1. The said Act XXXVII of 1850 may be called
the Public Servants (Inquiries) Act, 1850. Title of Act
XXXVII,
1850.

2. In the preamble to the said Act, after the
word "removable" the words "from their appoint-
ments" shall be inserted, and for the words "the
East India Company" the word "India" shall be
substituted. Amendment
of preamble
to Act
XXXVII,
1850.

3. In section 2 of the said Act, for the words
"the East India Company, not removable from his
office without the sanction of the same Government,"
the words "the Government, not removable from his
appointment without the sanction of the Govern-
ment," shall be substituted. Amendment
of section
2, Act
XXXVII,
1850.

4. For section 23 of the said Act the following
section shall be substituted, namely:— Substitution
of new sec-
tion for sec-
tion 23, Act
XXXVII,
1850.

"23. The powers of the Government under this
Act may in all cases be exercised by the Governor
General in Council, and when the person accused can
be removed from his appointment by the Local Gov-
ernment, those powers may also be exercised by the
Local Government." Powers of
Government
under this
Act by
whom exer-
cisable.

[Price one anna.]

Government of India Central Printing Office,—No. 445 L. D.—29-1-97,—10,801.—W. B. G.