# Public Works (1899) Department.

G.O., No. 2472 W

DATED 19 September 1899.

five copy with
CN 7850/97

[Despatch Abstract.]

Exchange Compensation Allowance.

Pros. Init. Deptt: coming to resolution of the Govt of India laying down certain principles to be followed in deciding whether a person is a Statutory Native of India or not for the purposes of the rules governing the grant of— Commd to Officers of the P.W.D

[ P. W. 2
5,000—29-3-99. ]

Indexed. 20/9

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| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
|---|---|---|---|---|---|---|---|
| | | | | | | | |

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| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
|---|---|---|---|---|---|---|---|
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P.W. Current No: 4904

# Government {1899} of Madras.

## FINANCIAL.

*Recd.* 20.6.. } 1899. *Enclosures*

*Regd.* 20.6. } *Spare copies* 10

**G.O., No. 679, 10th June 1899.**

R/No. 2472 dt 19.9.99

Communicated to Officers of the P.W. Dept. in continuation of G.O. No. 343 W dated 3rd Febry 1899.

343 W dt 3.2.99 File

**JUNE.**

To
The Chief Engr. for Irrigation with 1 cy
" Consg. Engr. for Railways.
All Suptg. Engrs. 5-5-5-19-5-5-5-5
The Suplt. of Works, L.H. Dindigul 2 spare
1 Consg. Architect to Govt with 1 cy
" Examr. P.W. Accts with relt
" Examr. Rly. Accts. with relt

**Exchange Compensation Allowance.**

Communicating to the departments of the Secretariat Resolution of the Government of India laying down certain principles to be followed in deciding whether a person is a statutory native of India or not for the purposes of the rules governing the grant of —.

All dtto 20/6/99

2 copies to 20/6/99

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GOVERNMENT OF MADRAS.

## FINANCIAL DEPARTMENT.

Read—again the following papers :—

G.O., No. 1228, Public, dated 9th August 1879.

Abstract.—Despatch from Secretary of State forwarding copy of a circular issued by the Government of India containing instructions on the subject of appointing natives of India to an increasing majority of higher officers in the Uncovenanted Service, &c., and requesting that the principles laid down in the circular may be applied also in the Madras Presidency, communicated to all heads of departments, &c., for information and guidance.

G.O., No. 491, Financial, dated 24th June 1897.

Abstract.—Communicating, with remarks, to the departments of the Secretariat Resolution of the Government of India issuing new rules for the grant of exchange compensation allowance; and directing republication of the Resolution in the *Fort St. George Gazette*.

G.O., No. 809, Financial, dated 30th September 1897.

Abstract.—Communicating to the departments of the Secretariat and to all heads of departments under the Chief Secretary Resolution of the Government of India regarding the enforcement of Rule XIII of the new rules for the grant of exchange compensation allowance in certain cases; requesting the Accountant-General and heads of departments to report to Government all cases in which any doubt exists as to the eligibility of an officer to draw the exchange compensation allowance under the new rules; and warning all officers of their liability in the matter.

G.O., No. 1081, Financial, dated 19th November 1898.

Abstract.—Communicating to the departments of the Secretariat Resolution of the Government of India issuing certain further orders as to what are the appointments by virtue of holding which an officer appointed in India, not being a statutory native, becomes entitled to exchange compensation allowance, and directing the republication of the Resolution in the *Fort St. George Gazette*.

G.O., No. 1155, Financial, dated 3rd December 1898.

Abstract.—Communicating to all departments of the Secretariat Resolution of the Government of India stating that officers of the classes to which exchange compensation allowance is admitted by its Resolution No. 4847-Ex., dated 5th November 1898, but who have not yet drawn it, may now be admitted with effect from the 1st April 1897, and giving certain instructions as to the adjustment of the allowances drawn in respect of salary for September 1897 and subsequent months by officers to whom the allowance is now declared to be inadmissible; and directing the republication of the Resolution in the *Fort St. George Gazette*.

Read—also the following paper:—

Resolution of the Government of India, Finance and Commerce Department (Salaries, Establishment, &c.—Compensation), dated Simla, 26th May 1899, No. 2418-Ex.

Read—

Resolution by the Government of India, Finance and Commerce Department, No. 2422-Ex., dated the 31st May 1897.

Resolution by the Government of India, Finance and Commerce Department, No. 4847-Ex., dated the 5th November 1898.

Resolution by the Government of India, Finance and Commerce Department, No. 5040-Ex., dated the 17th November 1898.



Resolution.—The claim of an officer appointed in India to receive exchange compensation allowance under the rules at present in force depends on two factors, which may be described as *personal* and *official* eligibility.

Personal eligibility is obtained only by being ouside "the class to which an important privilege as to appointment in India is secured by the Statute 33 Vict., Cap. 3 "(paragraph 4 of Resolution in this Department, No. 2422-Ex., dated 31st May 1897).

Official eligibility depends on the tenure of an appointment, or the membership of a service or department, which has been declared by the Government of India to render its holder or member entitled to exchange compensation allowance if personally eligible.

2. The Resolution in this Department, dated 5th November 1898, No. 4847-Ex., has given detailed instructions in regard to official eligibility, and the Government of India now consider it desirable, in order to reduce the references which have hitherto been made to them on the subject, to lay down more specific instructions than have yet been promulgated in regard to the determination of personal eligibility.

3. It will be recollected that in the Circular letter of the Government of India in the Home Department, dated 18th April 1879, No. 21—746–53, it was ruled that no person other than a native of India as defined in section 6 of 33 Vict., * Cap. 3, should save in certain excepted departments, be thereafter appointed to an office carrying a salary of Rs. 200 a month or upwards without the special sanction of the Governor-General in Council. Persons who belong to the class (Natives of India) who are thus protected as against outside competitors are not eligible for exchange compensation allowance. In the case therefore of a claimant for exchange compensation allowance who has been born in India and whose father was at that time in the country, the first thing to be considered is not the appointment or department which he at present holds or belongs to, but whether, if he had at the time he first entered Government service been an applicant for a post to which the restrictive orders of 1879 apply (a Deputy Collectorship, for example), he could have been appointed thereto without the special sanction of the Government of India. An Indian-born applicant for such a post would not, whatever his race, be regarded as falling under the restrictive orders of 1879 if he had been wholly or mainly brought up in this country. It follows, therefore, that a man of this description should be held *primâ facie* ineligible on personal grounds for exchange compensation allowance, whatever his actual appointment may be, and if he demurs to this presumption, it will fall upon him to show fully and clearly—

(*a*) That he was not domiciled in India at the time of his first appointment to Government service; or

(*b*) That his parents were only temporary residents in this country.

If he cannot do this, his claim fails.

* That is "a person born and domiciled within the dominions of Her Majesty in India of parents habitually resident in India and not established there for temporary purposes only."

4. The disposal of "personal eligibility" claims to exchange compensation allowance should further be subject to the following principles :—

(1) In all cases in which the question whether or not the officer concerned is a "Statutory native" has already been raised in connection with some claim of his to the privileges of a statutory native, the decision then arrived at must be regarded as final;

(2) All persons who have, subsequent to the promulgation of the orders of the 18th April 1879, above referred to, been admitted to Government service without the special sanction of the Government of India under circumstances which would have necessitated such sanction had they not been regarded as statutory natives, must be deemed personally ineligible for exchange compensation allowance.

5. The case of men entering the Government service subsequent to the issue of the exchange compensation allowance rules promulgated with this Department's Resolution of 31st May 1897, No. 2422-Ex., is governed by No. IV of those rules, which requires, as a condition of eligibility for exchange compensation allowance, the grant of a certificate which must be withheld from any one who is qualified for appointment under 33 Vict., Cap. 3, section 6. In determining whether a certificate should be withheld on this ground, Local Governments will bear in mind the principles enunciated in paragraphs 3 and 4 of the present Resolution.

6. Cases already referred to the Government of India and now pending will be disposed of by them; but all other cases should be dealt with by Local Governments under the above instructions. In any case coming before it, which the Local Government considers doubtful either in regard to the personal or the official eligibility of the claimant, reference will be made direct to the Government of India in the Finance and Commerce Department. It is hoped, however, that the present instructions will greatly diminish the number of such references.

7. Where a Local Government has decided that an officer is not a statutory native for the purposes of the new exchange compensation allowance rules and does not consider a reference to the Government of India to be required, audit officers will accept the decision as final.

8. Departments of the Government of India other than the Financial Department will exercise the powers of Local Governments under the Resolution in the case of officers serving directly under them.

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*Order.*—Ordered, that the foregoing Resolution be published in the *Gazette of India*, and that it be circulated to all Local Governments and Administrations; to Departments of the Government of India; to the Private Secretary to His Excellency the Viceroy; to Heads of Departments subordinate to the Financial Department; to the Comptroller and Auditor General; and to all Accountants-General and Comptrollers.

(By order.)

(Signed) W. S. MEYER,
*Deputy Secretary to the Government of India.*

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Order—No. 679, Financial, dated 10th June 1899.

The Resolution, which has been republished in the *Fort St. George Gazette*, will be communicated to all departments of the Secretariat.

(True Extract.)

for *Chief Secretary.*

To all Departments of the Secretariat. (P. 12 to)
„ the Accountant-General.

Exd. P. Seetharam.