

Political (1897) Department.

ORDINARY MS.

G.O., No. 703

DATED 4.11.97

INDEXED.

[Despatch Abstract.]

Recording Proceedings, Pub: Dept.,
on letter from the G. of I. stating
that if the power of this Govt. to
remove officers from their appoint-
ments where such power exists
is absolute, the instructions con-
tained in the letter of that Govt.
of 14th July last will not have
any application in this Presiding

4.11.97

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

[11.]
1,000-25-96.

Political (1897) Department.

CURRENT No. 1315

N
Mis

Order No. 70384-11-97

Recorded

Chas
Hicks
3. 11. 98

From

The Public Seph

No. 1357

Dated 11. 10. 97

Received
Registered { 2 - 11-97

Enclosures -

Spare copies -

SUBJECT.

Communicating to the Secy of the
Secretariat from the Govt of India stating
that if the power of the Govt of India
remove officers from their appointments
where such powers exist is already
the instructions contained in the
of that Govt of 14 July last
not have any application in
Presidency

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

[G
53
500-12-7-07.

Public Department.



CURRENT NO 1315

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 diver-
gence 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^o 1110, d^y 23rd August 1897.

The Government of India will be addressed.

(True Extract)
(Signed) J. F. Bruce,
Chief Secretary.

Letter to the Government of India,
Home Department (Public), N^o 1111, d^y 23rd August 1897:-

I am directed to acknowledge the receipt of your letter N^o 1462, dated 14th 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 alluded 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^o 1994, d^y 30th September 1897:-

I am directed to acknowledge the receipt of your letter N^o 1111 Public, dated the 23rd August 1897, enquiring whether the instructions contained in the letter from this Department N^o 1462, dated the 14th 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 their 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 Departments of the Secretariat.

/True Extract/

M. C. A. M. M.

for Chief Secretary.

To
The Dept. of the Secretariat. (Political)

C.O.
29.10.97.

When given for copying _____
When copied _____
When examined _____
When signed _____

189

READ AGAIN G.O., No. _____, DATED
189

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT.

LETTERS OF GOVERNMENT.

STATEMENT WITH DITTO

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B.-

A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.