

Public
Judicial (18) Department.
Public

ORDINARY.

Printed

G.O. No. ~~821~~ 821

(56-41)

DATED 20. 7. 1872

[Despatch Abstract.]

*Correspondence with
the Secretary of State &
local posts.*

செப்பெருபவர் பெயர்
செப்பெருவதற்காக எடுத்தக்
கொள்ளப்பட்ட நன்மை
செப்பெரு முடித்த நாள
சாபநர்க்கும்
மு.பா.எ.
கையொப்பம்
உதவியாளர்
கையொப்பம்

*Proceedings of the Madras Government, Public Department,
20th July 1872.*

No. 56. Read the following letter from the Secretary to the Government of India, Home Department (Public), to the Secretaries to the Governments of Madras and Bombay, dated Simla, 17th June 1872, No. 2546:—

The correspondence noted on the margin having been referred to Her Majesty's Secretary of State for India for consideration, I have now to communicate his orders as follows. The Duke of Argyll deems the statement of the existing law and practice contained in paragraphs 2, 3, 6, and 7 of my letter, No. 3685—6, dated 6th August 1870 (which for convenience are extracted below), to be correct. Under those statutes and orders, the Governments of Madras and Bombay are precluded from corresponding directly with Her Majesty's Government upon the subjects of the creation of new offices and the grant of salaries, gratuities, and allowances; and His Grace desires that all correspondence on those subjects and by consequence on all modifications of existing orders on those subjects shall proceed through the Government of India. With regard to other subjects, His Grace directs that all references by the Governments of Madras and Bombay to the Secretary of State on important questions of general principle relating to the army and the relations of the Government with Foreign Princes and States shall be made through the Government of India.

His Grace does not deem it advisable to lay down any new rule as to correspondence upon other matters and Bombay. His Grace entertains no doubt that on every subject of real importance a reference will be made to the Government of India, and he observes that if it were not, Her Majesty's Government would pronounce no decision without previously obtaining an expression of the opinion of the Governor-General in Council.

2. These orders dispose of all questions as to the mode of conducting the ordinary correspondence between the Governments of Madras and Bombay and the Secretary of State. If, however, the Government of Madras or Bombay should be unable to acquiesce in a decision pronounced by the Government of India, and should desire to refer the matter for the final orders of Her Majesty's Government, the following procedure is to be observed. The Local Government should not only move the Supreme Government to refer the point at issue to Her Majesty's Government, but should state its views fully in a despatch, and should send that despatch through the Government of India to the Secretary of State. The Supreme Government will, in transmitting such despatches, send a copy of the despatch or explanation simultaneously with the transmission of the appeal, the reasons which have led to the decision impugned. This course should not, however, be regarded as precluding the Local Government from sending a copy of its despatch direct to the Secretary of State, if it so chooses; but the fact that the appeal has also been sent through the Government of India should invariably be stated.

3. His Excellency the Governor-General in Council, in communicating this decision of Her Majesty's Government, desires to express a confident hope that a close adherence to the rules now laid down will obviate any possibility of a misun-

Proceedings of the Madras Government, Public Department,
20th July 1872.

derstanding as to the relative position of the Supreme Government and of the Government of Madras in regard to correspondence with Her Majesty's Secretary of State.

EXTRACT paragraphs 2, 3, 6, and 7 from a letter from E. C. BAYLEY, Esq., c.s.i., Secretary to the Government of India, dated Simla, 6th August 1870. No. 3685-6.

Paragraph 2. — The Statute 3 and 4 William IV., Cap. 85, Section 59, expressly precluded the Governments of Madras and Bombay from making any new office, or granting any salary, gratuity, or allowance, without the previous sanction of the Governor-General in Council; and when the late Honourable Court of Directors in the 85th paragraph of their despatch to the Government of India (Public), No. 44, dated 10th December 1834, authorized the Governments of Madras and Bombay to correspond direct with the Court, the authority was evidently granted subject to the above proviso.

3. The Statute 33 Geo. III., Cap. 52, Section 22, authorized any of the Governments or Presidencies in India to address the Secret Committee of the Court of Directors, and the Statute 21 and 22 Victoria, Chapter 106, Section 19, enacted that "all despatches from Governments and Presidencies in India, and other despatches from India, which, if this Act had not been passed, should have been addressed to the Court of Directors or to their Secret Committee, shall be addressed to the Secretary of State." Again, in Section 28 of the same Statute, the word "authorities" (not authority) is used to indicate the Governments in India who may send despatches to England, marked "Secret."

6. The Statute 3 and 4 William IV., Cap. 85, Section 59, as stated above, provides that no Governor or Governor in Council shall have the power of creating any new office, or granting any salary, gratuity, or allowance, without the sanction of the Governor-General in Council. In many cases the Governor-General in Council has not the power of granting salaries, to follow that in all such cases any request on the Secretary of State should be referred by the Governments of Madras and Bombay to the Government of India in the first instance.

7. Moreover, any modifications of general rules affecting the several Services in India, and any claims to pension or gratuity, leave, or allowances while on leave, otherwise than under the recognized rules, should, according to existing practice, be referred through the Government of India. The Governor-General in Council thinks it essential to maintain this rule very strictly, in order to secure the proper control of the Financial Department in matters which have obviously an important financial bearing.

No. 57.

ORDER THEREON, 20th July 1872, No. 821.

To be recorded.

(True Extract.)

R. S. ELLIS,
Chief Secretary.

To the Revenue Department.

„ Military do.

„ Public Works do.

Mrd. J. Wright.

Govt of 1872 Madras.

PUBL.

Issued

Re-

Encl.

G.O., 20th July 1872, No. 821.

JULY.
Nos. 56-57.

Recording letter from the Government of India,
conveying the opinion of the Secretary of State as
to the mode in which the Local Governments are
to correspond with him.

Received
H. B. 2
K. B. 2
L. B. 2

1-5-09
16/8/10
8/8/12
14-11-13 B2

Refused

Govt. of 1872 Mysore.

PUBLIC.

THE REVENUE DEPARTMENT
Cc, Secy, A.

Dated July, 20th.

Head.

Encl.

O. O. 20th July 1872 No. 821.

JULY.
Nos. 56-57.

Receiving letter from the Government of India, conveying the opinion of the Secretary of State as to the mode in which the Local Governments are to correspond with him.

No. 25246

565

Sir, the 17th June 1872

The correspondence

Letter to Government of Madras, No. 1035, dated 18th July 1870.

When having been referred to the Secretary of State for consideration, I have now to inform you that the same have been forwarded to the Local Governments for their consideration.

Despatch, have an opportunity of ascertaining simultaneously with the transmission of the appeal, the reasons which have led to the decision. This course should not, however, be regarded as prejudicing the Local Governments.

565

565

from sending a copy of its despatch chooses; but the fact that the appointment of India should invariably be

3. His Excellency the Governor desires to express a confident hope that a close adherence to

et to the Secretary of State, if it so also been sent through the Govern-

General in Council, in communicating ment, desires to express a confident hope that a close adherence to

Secretary to the Govt. of India.

Secretary to the Govt. of India.

Extract paragraphs 2, 3, 6 and 7, from a letter to the Government of India, No. 2

PARA. 2.—The Statute

of the Governments or Presidencies of the Court of Directors, and the Section 19, enacted that "all despatches in India, and other despatches from passed, should have been addressed Secret Committee, shall be addressed Section 28 of the same Statute, to indicate the Governments in India marked "Secret."

6. The Statute 3 and 4 above, provides that no Government of creating any new office, without the previous sanction of In many cases the Governor General salaries, gratuities, or allowances State. From this it would seem that the Secretary of Madras and Bombay to the Governor

7. Moreover, any modification Services in India, and any change while on leave, otherwise than to existing practice, be referred Governor General in Council, strictly, in order to secure the matters which have obviously in the

to address the Secret Committee the 21 and 22 Victoria, Chapter 106, om Governments and Presidencies, which, if this Act had not been the Court of Directors or to their

salary, gratuity, or allowance General of India in Council. has not the power of granting the sanction of the Secretary of in all such cases any reference by the Governments of India in the first instance.

General rules affecting the several or gratuity, leave, or allowances recognized rules, should, according the Government of India. The essential to maintain this rule very of the Financial Department in at financial bearing.

Proceedings of the Madras Government, Public Department,
20th July 1872.

No. 36. Read the following letter from the Secretary to the Government of India, Home Department (Public), to the Secretaries to the Governments of Madras and Bombay, dated Simla, 17th June 1872, No. 2546:—

The correspondence noted on the margin having been referred to Her Majesty's

For Madras—
Letter to Government of Madras, dated 6th August 1870, No. 3685.
Letter from Government of Madras, dated 12th July 1871, No. 1037.
For Bombay—
Letter to Government of Bombay, dated 6th August 1870, No. 3686.
Letter from Government of Bombay, dated 15th October 1870, No. 2488.

Secretary of State for India for consideration, I have now to communicate his orders as follows. The Duke of Argyll deems the statement of the existing law and practice contained in paragraphs 2, 3, 6, and 7 of my letter, No. 3685—6, dated 6th August 1870 (which for convenience are extracted below), to be correct. Under those statutes and orders, the Governments of Madras and Bombay are precluded from corresponding directly with Her Majesty's Government upon the subjects of the creation of new offices and the grant of salaries, gratuities, and allowances; and His Grace desires that all correspondence on those subjects and by consequence on all modifications of existing orders of those subjects shall proceed through

His Grace does not deem it advisable to lay down any new rule as to correspondence upon other questions, because to do so might tend to impair the authority of the Governors of Madras and Bombay; but His Grace entertains no doubt that on every subject of real importance a reference would in the first instance be made to the Government of India, and he observes that if it were not, Her Majesty's Government would pronounce no decision without previously obtaining an expression of the opinion of the Governor-General in Council.

2. These orders dispose of all questions as to the mode of conducting the ordinary correspondence between the Governments of Madras and Bombay and the Secretary of State. If, however, the Government of Madras or Bombay should be unable to acquiesce in a decision pronounced by the Government of India, and should desire to refer the matter for the final orders of Her Majesty's Government, the following procedure is to be observed. The Local Government should not only move the Supreme Government to refer the point at issue to Her Majesty's Government, but should state its views fully in a despatch, and should send that despatch through the Government of India to the Secretary of State. The Supreme Government will, in transmitting such despatch, have an opportunity of explaining, simultaneously with the transmission of the appeal, the reasons which have led to the decision impugned. This course should not, however, be regarded as precluding the Local Government from sending a copy of its despatch direct to the Secretary of State, if it so chooses; but the fact that the appeal has also been sent through the Government of India should invariably be stated.

3. His Excellency the Governor-General in Council, in communicating this decision of Her Majesty's Government, desires to express a confident hope that a close adherence to the rules now laid down will obviate any possibility of a misunderstanding as to the relative position of the Supreme Government and of the Government of Madras in regard to correspondence with Her Majesty's Secretary of State.

EXTRACT paragraphs 2, 3, 6, and 7 from
the Government of India

Paragraph 2.—The Statute 3 and
the Governments of Madras and Bombay
gratuity, or allowance, without the
when the late Honourable Court of Directors
Government of India (Public), No. 21, 22
of Madras and Bombay to correspond to the
subject to the above proviso.

3. The Statute 33 Geo. III., Chap. 21
Presidencies in India to address the
21 and 22 Victoria, Chapter 106, Sec.
Presidencies in India, and other despatches
should have been addressed to the
addressed to the Secretary of State
"authorities" (not authority) is
despatches to England, marked "S."

6. The Statute 3 and 4 William IV.
Governor or Governor in Council
any salary, gratuity, or allowance
India in Council. In many cases
granting salaries, gratuities, or allowances
this it would seem to follow that
should be referred by the Government
the first instance.

7. Moreover, any modification
any claims to pension or gratuity,
recognized rules, should, according
India. The Governor-General in Council
in order to secure the proper conduct
obviously an important financial

E. C. BAYLEY, Esq., c.s.i., Secretary
18th August 1870, No. 3685-6.

Cap. 85, Section 59, expressly precluded
any new office, or granting any salary,
of the Governor-General in Council; and
the 85th paragraph of their despatch to the
September 1861, authorized the Governments
Court, the authority was evidently granted

23, authorized any of the Governments or
of the Court of Directors, and the Statute
that "all despatches from Governments and
India, which, if this Act had not been passed,
or to their Secret Committee, shall be
Section 28 of the same Statute, the word
the Governments in India who may send

Section 59, as stated above, provides that no
power of creating any new office, or granting
previous sanction of the Governor-General of
General in Council has not the power of
sanction of the Secretary of State. From
representation to the Secretary of State
Bombay to the Government of India in

directing the several Services in India, and
while on leave, otherwise than under the
be referred through the Government of
essential to maintain this rule very strictly,
Department in matters which have

No. 57.

ORDER THE

1872, No. 821.

(True Extract.)

R. S. ELLIS,
Chief Secretary.

To the Revenue Department.

" Military do.
" Public Works do.

24-3-92

Public 1672 Dept

From

28-9-15
10-1-16

Govt of India

Home Dept
2528

28/11/16

29-4-20

6-10-21/16

17 June

Received 20/10/17

Received

2 of type 10/10/17
No 937

Causing order of Home
Govt as to the subjects
on which the Govt of India
Bombay, was commu-
nicate directly with the
Govt of State, & to those
on which reference should
be made through the
Govt of India

[Illegible handwritten notes]

A.A.

56-57