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MADRAS RECORD OFFICE.

Government of Madras.

Public **DEPARTMENT.**

G.O. No. 1401

Press
Mis.

Dated

15th Sep

1870.

Not to be folded or roughly handled

Government of Madras.

PUBLIC DEPARTMENT.

Issued

Encl.

Recd.

G.O. No. 1401, 15th September 1879.

Government Servants.

Communicating Resolution of Government of India on the subject of the removal or dismissal of —.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

Government Servants.

READ—the following paper :—

Extract from the Proceedings of the Government of India in the Home, Revenue, and Agriculture Department (Public), dated Simla, 29th July 1879, No. 37—1389-14021.

RESOLUTION.

From time to time petitions, or appeals, against the orders of local officers, removing or dismissing Government servants, reach the Government of India. Such appeals ordinarily are forwarded through, or are reported upon by, the Local Governments. And the Governor-General in Council is glad to say that he very rarely indeed sees ground for thinking such removals hasty or unjust. The general rule of the service is that the authority who can appoint to a particular office has power to dismiss or remove from that office; and an appeal lies from an order of dismissal to the official superior of the officer who passes such order. Since the date of the order passed by the Court of Directors in 1851, no general instructions on the subject of dismissing public servants have been circulated by the Government of India. Local Governments have from time to time issued such orders; and copy of a recent circular of the North-Western Provinces Government on the subject is appended to this Resolution. His Excellency the Governor-General in Council believes that the forbearance and consideration enjoined by the Honorable Court are usually exercised by public officers of all grades and departments; but at the same time he deems it advisable to republish those instructions with the following remarks :—

1. In order that a dismissed servant of Government may be able to exercise his right of appeal, it is obviously necessary that the charge against him, his defence, and the order thereon, should be reduced to writing. And this course, so far as the Governor-General in Council is aware, is usually taken. In the case of public servants who are dismissed in consequence of facts are inferences elicited at a judicial trial, or in the case of persons who abscond with an accusation over their heads, this procedure may be unnecessary or impossible. But in all other cases of the dismissal of public servants, the charge against a public servant should be reduced to writing, his defence should be either taken in, or reduced to writing, and the decision on such defence should also be in writing. In many cases (such, for instance, as that of a clerk at an outlying tahsil station), the officer who passes the order of dismissal may not be able to make the inquiry himself, and the proceedings leading to dismissal would be conducted by the superior officer on the spot. The record of such charge, defence and decision would then furnish sufficient information for, and should be submitted to, the superior officer or the Government to whom the dismissed servant may prefer an appeal.

2. In regard to the rules of conduct which should guide the relations superior officers with their subordinates, the Governor-General in Council fully concurs in the views expressed by the late Court of Directors in paragraph 4 to 9 of their despatch, No. 42 of 1851, copies of which are appended to this Resolution.

ORDER.—Ordered that a copy of the above Resolution, with enclosures, be forwarded to all Local Governments and Administrations, and to all Departments of the Government of India, for information.

(True Extract.)

C. BERNARD,
Offg. Secy. to the Govt. of India.

To the Acting Chief Secretary to Government.

ENCLOSURE No. 1.

EXTRACT, paragraphs 4 to 9, of a Despatch from the Honorable Court of Directors, dated 6th August 1851, No. 42.

Paragraph 4. In the letter from the Secretary to the Sudder Board of Revenue, North-Western Provinces, conveying the opinions of the Members of that Board, we notice the following passages :—

"It scarcely needs to be stated that native officers are frequently dismissed from their situations, not for proved delinquency or any tangible matter or substantial charge, but in accordance with the opinions of their immediate superiors taken up against them sometimes hastily.

"A large portion of the public servants are under the absolute control of one officer, who has the absolute power of dismissal, and men are consequently often dismissed by caprice and also as a punishment.

"An officer often, too, dismisses a man merely as a punishment, with the intention, frequently carried out, of re-appointing him.

"Further, the native servants of Government are treated with a decree of hardship which stands in remarkable contrast to the conduct adopted towards Europeans or officers of mixed parentage.

"To such an extent does this severity prevail, that all prudent natives resign when they perceive that their superiors do not regard them with favour. This state of things has the worst effect on our native officers,—it induces them to 'make hay while the sun shines;' and to add to the severity now used by pronouncing every man dismissed incapable of serving Government would only add to the evil.

"Once again, the Junior Member of the Board takes this opportunity to put on record his deliberate opinion that less caprice, less severity, less indignity in the treatment of native servants of Government, is necessary if Government would be well served by them."

Paragraph 5. We confess we have perused these statements with pain and deep regret. If the treatment of native officials by their Covenanted superiors be indeed generally of the harsh character here alleged, it is most discreditable to those Members of our Civil Service who have practised it.

Paragraph 6. But the rule we instructed you to introduce, in place of aggravating the evil, as is alleged, will in reality ameliorate the position of the Uncovenanted Servants. We would establish it as a principle that when persons are appointed to permanent situations in any department, they should not be dismissed upon light grounds. Fraud and dishonesty, continued and wilful negligence, and all offences involving moral disgrace, meet with their appropriate punishment in dismissal, and our position is that in every case in which that punishment is inflicted upon just grounds, the individual should be considered to be permanently excluded from Government employ. With regard, however, to the instances of arbitrary dismissal for slight reasons adverted to by the Secretary to the Board of Revenue, we can neither recognise their propriety nor see the advantage accruing to Government from the practice. It may be doubtful whether the punishment of temporary suspension under the name of dismissal "with the intention of re-appointment" has any beneficial operations as regards the supposed offender. But we cannot doubt that it must tend to impede the business of the office by raising fears in the minds of the other native officials that the caprice of their superiors may inflict upon them the same penalty. We consider it more likely that Government will be well served if it is distinctly understood that probity and diligence are the conditions of continued employment, than if the subordinates work in slavish dread of their official superior, knowing that his whim, prejudice or passion may at any hour eject them from their situations and reduce them to destitution. In our opinion, moreover, the knowledge that gross misconduct will altogether exclude from the service of Government will operate as an additional inducement to the honest and attentive discharge of duty on the part of native servants. If the offence which a subordinate may commit be considered by the Chief of his office to merit severe punishment, though not the ultimate one of dismissal, the circumstances should be reported to higher authority, and, if necessary, to the Government for their judgment and decision.

Paragraph 7. The salutary tendency of the proposed rule will, therefore, be to make subordinates more faithful in the discharge of their duties, and superiors more cautious in inflicting punishment upon those under their control. Necessary as it is that the power of dismissal should be vested in the Chiefs of Departments, it is equally desirable to check, and, as far as may be practicable, to regulate that power. If evidence of this be required, the letter from the Agra Board of Revenue affords it, and we shall here further quote the sentiments of the Junior Member of that Board as a corroboration of the view which we are led to take of this question. He observes that since he has entered the service "the Government have done much to temper the arbitrary severity with which their native officers are treated by their European fellow-servants, and they have in consequence materially increased the honesty and faithfulness of that deserving class of men, but more remains to be done and he doubts not will be done by degrees." We give due weight to the opinions to which we have

adverted, and under the explanation we have now given we are not disposed to depart from our order of the 10th July 1850.

Paragraph 8. There is, however, a class of cases which does not come within the intention of our order, though erroneously considered in this light by the authorities in the North-Western Provinces: we mean cases of inaptitude for the particular branch of occupation to which a native servant may have been originally appointed, as well as cases of physical incapacity. The latter must be treated according to rule, and with regard to the former we cannot but think that in the majority of cases the difficulty might be overcome by a re-adjustment of duties without recourse to the harsh steps of removal from office.

Paragraph 9. We would, in conclusion, express our hope that the notice we have taken of this subject will have the beneficial effect of inducing the exercise of greater forbearance and a more just consideration on the part of our Civil Servants towards the useful and deserving class of men placed in subordination to them. With respect to the most important class of those men, viz., those receiving salaries of above Rs. 10 a month, and to some of whom, under certain restrictions, pensions are granted upon retirement, we think that you might issue instructions that you should be kept advised of the dismissal of all individuals composing that class, and of the causes of their dismissal. This would afford an opportunity for inquiry into cases in which the cause might appear unsatisfactory or questionable which does not at present exist. Should any instances unfortunately occur to disappoint the expectation which we have expressed, that greater forbearance and justice will be exercised towards the native servants, we desire to be invariably informed of them, whether they shall occur in the class above referred to or in any other, and we shall feel it to be our duty to visit such conduct with the expression of our severe displeasure.

ENCLOSURE No. 2.

Letter—from C. ROBERTSON, Esq., Officiating Secretary to the Government of India, North-Western Provinces and Oudh.

To—all Heads of Departments, Commissioners, and District Officers in the North-Western Provinces and Oudh.

Dated—Camp, Lucknow, the 13th April 1877.

No.—11-A.

It has frequently been noticed by the Government in petitions from persons who have been degraded or deprived of their situations in the public service, that the petitioners have not had an opportunity of explaining their conduct, and of making their defence before being reduced or dismissed from their appointments. The Lieutenant-Governor and Chief Commissioner accordingly directs that in all cases of punishments, and especially in all cases of dismissal, the person concerned shall always be given a hearing before the final order is passed; and a formal proceeding, embodying the statements taken and the reasons of dismissal, shall invariably be recorded.

Order—No. 1401, Public, dated 15th September 1879.

Communicated to the Departments of the Secretariat, to the High Court, and to all Heads of Departments.

2. These rules, it is observed, are in general consonance with the practice enjoined for observance in this Presidency.

(True Extract.)

Acting Chief Secretary.

To the Revenue Department.
 „ the Military Department.
 „ the Public Works Department.
 „ the High Court, with covering letter.
 „ all Heads of Departments under the Chief Secretary

Extract, paragraphs 4-6 9, of a Despatch from the Honourable Court of Directors, No. 42, dated 6th August 1851.

PARA. 4. In the letter from the Secretary to the Sudder Board of Revenue, North-Western Provinces, conveying the opinions of the Members of that Board, we notice the following passages:—

“It scarcely needs to be stated that Native Officers are frequently dismissed from their situations, not for proved delinquency or any tangible matter or substantial charge, but in accordance with the opinions of their immediate superiors taken up against them sometimes hastily.

“A large portion of the public servants are under the absolute control of one officer, who has the absolute power of dismissal, and men are consequently often dismissed by caprice and also as a punishment.

“An officer often, too, dismisses a man merely as a punishment with the intention, frequently carried out, of re-appointing him.

“Further, the Native servants of Government are treated with a degree of hardship which stands in remarkable contrast to the conduct adopted towards Europeans or officers of mixed parentage.

“To such an extent does this severity prevail, that all prudent Natives resign when they perceive that their superiors do not regard them with favor. This state of things has the worst effect on our Native officers. It induces them to ‘make hay while the sun shines,’ and to add to the severity now used by pronouncing every man dismissed incapable of serving Government would only add to the evil.

“Once again, the Junior Member of the Board takes this opportunity to put on record his deliberate opinion that less caprice, less severity, less indignity in the treatment of Native servants of Government, is necessary if Government would be well served by them.”

PARA. 5. We confess we have perused these statements with pain and deep regret. If the treatment of Native officials by their Covenanted superiors be indeed generally of the harsh character here alleged, it is most discreditable to those Members of our Civil Service who have practised it.

PARA. 6. But the rule we instructed you to introduce, in place of aggravating the evil, as is alleged, will in reality ameliorate the position of the Uncovenanted Servants. We would establish it as a principle that when persons are appointed to permanent situations in any Department they should not be dismissed upon light grounds. Fraud and dishonesty, continued and wilful negligence, and all offences involving moral disgrace, meet with their appropriate punishment in dismissal, and our position is that in every case in which that punishment is inflicted upon just grounds the individual should be considered to be permanently excluded from Government employ. With regard, however, to the instances of arbitrary dismissal for slight reasons adverted to by the Secretary to the Board of Revenue, we can neither recognise their propriety nor see the advantage accruing to Government from the practice. It may be doubtful whether the punishment of temporary suspension under the name of dismissal “with the intention of re-appointment” has any beneficial operations as regards the supposed offender. But we cannot doubt that it must tend to impede the business of the office by raising fears in the minds of the other Native officials that the caprice of their superiors may inflict upon them the same penalty. We consider it more likely that Government will be well served if it is distinctly understood that probity and diligence are the conditions of continued employment than if the subordinates work in slavish dread of their official superior, knowing that his whim, prejudice or passion may at any hour eject them from their situations and reduce them to destitution. In our opinion, moreover, the knowledge that gross misconduct will altogether exclude from the service of Government, will operate as an additional inducement to the honest and attentive

discharge of duty on the part of Native servants. If the offence which a subordinate may commit be considered by the chief of his office to merit severe punishment, though not the ultimate one of dismissal, the circumstances should be reported to higher authority, and if necessary to the Government for their judgment and decision.

PARA. 7. The salutary tendency of the proposed rule will therefore be to make subordinates more faithful in the discharge of their duties, and superiors more cautious in inflicting punishment upon those under their control. Necessary as it is that the power of dismissal should be vested in the Chiefs of Departments, it is equally desirable to check and, as far as may be practicable, to regulate that power. If evidence of this be required, the letter from the Agra Board of Revenue affords it, and we shall here further quote the sentiments of the Junior Member of that Board as a corroboration of the view which we are led to take of this question. He observes that since he has entered the service "the Government have done much to temper the arbitrary severity with which their Native officers are treated by their European fellow-servants, and they have in consequence materially increased the honesty and faithfulness of that deserving class of men, but more remains to be done and he doubts not will be done by degrees." We give due weight to the opinions to which we have adverted, and under the explanation we have now given we are not disposed to depart from our order of the 10th July 1850.

PARA. 8. There is, however, a class of cases which does not come within the intention of our order, though erroneously considered in this light by the Authorities in the North-Western Provinces, we mean cases of inaptitude for the particular branch of occupation to which a Native servant may have been originally appointed, as well as cases of physical incapacity. The latter must be treated according to rule, and with regard to the former we cannot but think that in the majority of cases the difficulty might be overcome by a re-adjustment of duties without recourse to the harsh steps of removal from office.

PARA. 9. We would, in conclusion, express our hope that the notice we have taken of this subject will have the beneficial effect of inducing the exercise of greater forbearance and a more just consideration on the part of our Civil Servants towards the useful and deserving class of men placed in subordination to them. With respect to the most important class of those men, namely, those receiving salaries of above Rs. 10 a month, and to some of whom, under certain restrictions, pensions are granted upon retirement, we think that you might issue instructions that you should be kept advised of the dismissal of all individuals composing that class, and of the causes of their dismissal. This would afford an opportunity for enquiry into cases in which the cause might appear unsatisfactory or questionable which does not at present exist. Should any instances unfortunately occur to disappoint the expectation which we have expressed, that greater forbearance and justice will be exercised towards the Native servants, we desire to be invariably informed of them, whether they shall occur in the class above referred to or in any other, and we shall feel it to be our duty to visit such conduct with the expression of our severe displeasure.

No. 11A., dated Camp Lucknow, the 13th April 1877.

From—C. ROBERTSON, Esq., Offg. Secy. to Govt. of India, N.-W. P. and Oudh,
To—All Heads of Departments, Commissioners, and District Officers in the North-Western Provinces and Oudh.

It has frequently been noticed by the Government in petitions from persons who have been degraded or deprived of their situations in the public service, that the petitioners have not had an opportunity of explaining their conduct, and of making their defence before being reduced or dismissed from their appointments. The Lieutenant-Governor and Chief Commissioner accordingly directs that in all cases of punishments, and especially in all cases of dismissal, the person concerned shall always be given a hearing before the final order is passed; and a formal proceeding, embodying the statements taken and the reasons of dismissal, shall invariably be recorded.

Enrol 2 in 12-48
Pub. G.O. 11/4/01
15-9-29

List showing the distribution of the Proceedings of Government,
dated 15th September 1877. No. 1461.

Revenue Department, for information and for communication to Subordinate Officers	...	...	...	...
Public Works Department	do.	do.	...	...
Military Department	do.	do.	...	...

JUDICIAL.	Honorable the Judges of the High Court, for information and for communication to Subordinate Officers ...	...	...	...	...
	Inspector-General of Madras Police	do.	...	do.	...
	Inspector-General of Jails	do.	...	do.	...
	Magistrates of the Town Police Court ...	...	...	...	...
	Do. of the Egmore Police Court	...	...	...	...
	Judges of the Madras Court of Small Causes	...	...	...	...
	Advocate-General	...	...	...	...
	Government Solicitor	...	...	...	...
	Administrator-General	...	...	...	...
	Coroner of Madras	...	...	...	...
	Inspector-General of Registration	...	...	...	...

PUBLIC.	Surgeon-General, Indian Medical Department, for information and for communication to Subordinate Officers ...	...	...	...	...
	Saintary Commissioner	...	...	...	...
	Health Officer...	...	...	...	...
	Committee for the Examination of Assistants	...	...	...	...
	Private Secretary to His Excellency the Governor...	...	...	...	...
	Government Astronomer	...	...	...	...
	Superintendent, Government Central Museum	...	...	...	...
	Chemical Examiner	...	...	...	...
	Superintendent of Stationery	...	...	...	...
	Supervisor of the Government Press	...	...	...	...
	Protector of Emigrants	...	...	...	...
	Tamil Translator to Government	...	...	...	...
	Teloogoo do. to do.	...	...	...	...
	Malayalim do. to do.	...	...	...	...
	Canarese do. to do.	...	...	...	...
	Hindustani do. to do.	...	...	...	...
	Postmaster-General	...	...	...	...
	Superintendent, Electric Telegraphs	...	...	...	...
	Examiner of Medical Accounts	...	...	...	...

POLITICAL.	Resident in Travancore and Cochin	...	...	...	...
	Government Agent at Chepauk	...	...	...	...
	Government Agent at Tanjore	...	...	...	...
	Political Agent at Poodoocottah	...	...	...	...
	Collector in charge of the Special Agent's Department at Cuddalore	...	...	...	...
	Officer in charge of the Stipend Pay Office at Vellore	...	...	...	...

ECCLESIASTICAL.	The Right Reverend the Bishop of Madras	...	...	...	...
	Venerable Archdeacon of Madras	...	...	...	...
	Senior Chaplain of the Church of Scotland	...	...	...	...

MARINE } Master Attendant, Madras, for information and for communication to Subordinate Officers.

FINANCIAL. } Accountant-General
Commissioner of Paper Currency

EDUCATIONAL. } Director of Public Instruction
Commissioner for the Uncovenanted Civil Service Examinations

No. ⁸⁴
1359-14021

Extract from the Proceedings of the Government of India in the Home, Revenue and Agriculture Department (Public),—under date Simla, the 29 July 1879.

RESOLUTION.

FROM time to time petitions, or appeals, against the orders of local officers, moving or dismissing Government servants, reach the Government of India. Such appeals, ordinarily, are forwarded through or are reported upon by, the Local Governments. The Governor General in Council is glad to say, that he very rarely indeed sees ground for thinking such removals hasty or unjust. The general rule of the service is that the authority who can appoint to a particular office has power to dismiss or remove from that office; and an appeal is from an order of dismissal to the official superior of the officer who passes such order. Since the date of the order passed by the Court of Directors in 1851, no general instructions on the subject of dismissing public servants have been circulated by the Government of India. Local Governments have from time to time issued such orders; and copy of a recent circular of the North-Western Provinces Government on the subject is appended to this Resolution. His Excellency the Governor General in Council believes that the forbearance and consideration enjoined by the Honourable Court are usually exercised by public officers of all grades and departments; but at the same time he deems advisable to republish those instructions with the following remarks:—

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(True Extract.)

C. Bernard

Offg. Secretary to the Govt. of India.

To The Secretary to the Govt. of Madras.

Sound to the Departments of the Secretaries
to High Court, and to all Remits of
parliament.

2 - These Rules, it is observed, are in

Revenue Department

Consonant

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Discharge in 1897

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Thine,
A. H. H. H. H.

1874
Government

John De Landman

29 July - 2 1/2 hrs
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