

Government of Madras.
Public ¹⁸⁹³
(~~1890~~) Department.

ORDINARY MS. Press.

G.O., No. 290

DATED 10. 4. 1893.

[Despatch Abstract.]

Indian Councils Act. 1861—

Order for the Conduct of business
in Council made by H.E. the Right
Hon'ble the Governor of Fort St. George
under the ———.

BACK PAPERS.

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

FURTHER PAPERS.

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

When given for copying

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When examined

When signed

190

10TH APRIL 1893, No. 290, PUBLIC.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

Order :—Under the Indian Councils Act, 1861.

ORDER—dated 10th April 1893, No. 290, Public.

Under the authority vested in him by the 28th section of 24 and 25 Victoria, Cap. 67 (The Indian Councils Act, 1861), to make rules and orders for the conduct of business in his Council, and in supersession of all orders issued by previous Governors on the subject, His Excellency the Right Honorable the Governor of the Presidency of Fort St. George is pleased to direct—

1. That the various departments of the Secretariat shall be placed in charge of His Excellency the Governor and of the two Civil Members of Council as shown in the schedule appended to these rules.

2. That it shall be the duty of the Secretary to Government in each department to exercise his discretion in determining whether papers requiring the orders of Government are of such importance that they should be sent to the Honorable Member in charge or not; where he determines that they need not be so sent the Secretary shall dispose of them himself, provided that a weekly printed list showing all orders so passed under the authority of the Secretary alone shall be submitted to the Honorable Member in charge before the expiration of the week following that in which the orders were issued.

3. That all other papers shall be laid before the Honorable Member in charge of the department concerned and shall be disposed of by him alone, except in the following cases:—

(a) Where the Honorable Member shall himself direct that the opinion of one or more of the other Members of Government shall be taken before final orders issue on any paper.

(b) Where the Secretary of the department in the exercise of his discretion shall see fit to mark any particular paper for circulation to any other Honorable Member or Members of Council.

(c) Where the disposal of any subject requires the issue of orders in two or more departments, the papers shall be circulated to the Honorable Member in charge of each department before final orders are issued thereon.

4. That orders issued in the above manner under the authority of the Secretary to Government as prescribed in Rule 2, or under the authority of one or more Honorable Members as prescribed by Rule 3, shall be held to be the orders of His Excellency the Governor in Council.

provided that—

(i) Nothing in these rules shall be held to prevent any Honorable Member of Council from instructing the Secretary of any department to circulate any paper or papers to the said Honorable Member before orders are issued on such paper or papers, and such paper or papers shall be circulated accordingly.

(ii) When there is a difference of opinion amongst Honorable Members on any subject, the order drafted in accordance with the views of the majority shall not issue until the Honorable Member or Members in the minority shall have seen the draft order.

marking
Secretary

(iii) When two or more Honorable Members express views on the same subject which, without being at variance with each other, deal with different points, the views of all the Honorable Members shall, as far as possible, be promulgated in the Government Order.

(iv) All orders which involve decisions on questions of principle, or cancellation of previous Government orders, or the constitution of standing orders, shall be circulated to two Honorable Members at least before such orders are issued.

5. *Appointments and Postings of Officers made by the Governor in Council.*—The following extracts from despatches received from the Court of Directors enunciate the principles on which the procedure in regard to the above matters should be based:—

“It rests with the Governor to select and nominate the individuals whom he may consider to be best qualified, and to have the best claims to supply vacancies in office. To give effect to such nominations, they must be made by the Governor in Council, and must therefore be withheld, except in cases in which any Member of Council may be of opinion that there are specific objections to the persons selected, and in such case it would be his duty to place his sentiments on record.”

Extract from Revenue Despatch from the Honorable the Court of Directors, dated 22nd July 1846, No. 9.

“The exception to which we allude relates to the instructions conveyed to you in our letter of 22nd July 1846, No. 9, in the Revenue Department, respecting the selection of individuals to fill vacant offices. Your President expresses a desire to be informed, for future guidance, of the precise interpretation to be put on these words, viz., ‘to give effect to such nominations’ (by the Governor) ‘they must be made by the Governor in Council and must therefore be concurred in by a majority, but that concurrence ought not to be withheld, except in cases in which any Member of Council may be of opinion that there are specific objections to the persons selected.’ The exception intended by us will apply to any case where specific objections (on public grounds) may be considered to exist to the individual selected and nominated by the Governor. The concurrence of the Members of Council to the nominations of the Governor ought not to be withheld, unless specific objections are considered to be of material importance on the ground of unfitness for the particular office.”

Extract from Judicial Despatch from the Honorable the Court of Directors, dated 13th October 1847, No. 18.

The existing practice is moulded on the above lines and will be continued. Proposals for filling vacancies and for posting officers will accordingly be submitted in the first instance to His Excellency the Governor through his Private Secretary in writing, and the official minute of appointment, after having been signed by the Governor, will be circulated to the Civil Members of Council with a view to effect being given to the President's nomination and to the order issuing under the authority of the Governor in Council.

SCHEDULE.

Distribution of Work amongst the Honorable Members of Government.

The Right Honorable the Governor—

Military.
Legislative,
Political.

The Hon'ble Sir H. E. Stokes, K.C.S.I.—

Judicial.
Financial.
Public.
Marine.

Educational.
Public Works.

The Hon'ble Mr. J. H. Garstin, C.S.I.—

Ecclesiastical.
Revenue.
Pension.

Petitions for mercy shall be circulated to His Excellency the Governor and to the two Civil Members of Council.

(True Extract.)

J. F. PRICE,
Chief Secretary.

To all Secretaries and Under Secretaries to Government.

Exd. A. Raitt.

Govt. of {1893} Madras.

PUBLIC.

Issued

Recd.

Encl.

G.O., 10th April 1893, No. 290.

APRIL.

Indian Councils Act, 1861.

Order for the conduct of business in his Council
made by His Excellency the Right Honorable
the Governor of Fort St. George under the —.

Draft

Order for the conduct of business
in his Council made by H.E.
the R^t Hon^{ble} Brilby Baron Wellock
G.C.I.E.

Order under the Indian
Councils Act. 1861.

SECRET
23 FEB 93
23 Feb 93.

My dear Mr. Galtton

His Ex^{ty} desires
me to send you the accompanying
draft-rules for the conduct
of business in the Executive
Council, which have been
drawn up under His Ex^{ty}'s
instructions.

I am to request that
the draft may be circulated
and to H.E. the C.M.C.
to Hon^{ble} Members for remarks
and for amendment of

under the authority vested in
him by the 28th section of 24 & 25
Victoria - Cap. 157. (The Indian
Councils Act. 1861). to make rules
and orders for the conduct of
business in his Council, H.E.
the R^t Hon^{ble} the Governor of the
Presidency of Fort St. George is
pleased to direct —

that all papers requiring
the orders of the Government shall
be laid before the Hon^{ble} Member
in charge of the Department
concerned, and disposed of
by him, and the said papers
shall not be circulated to the
other Hon^{ble} Members of Government
unless the Hon^{ble} Member in
charge or the Secretary of the
Department so direct —

that orders issued in this
manner under the authority of
one Hon^{ble} Member, or in the
case of papers being circulated
to more than one Hon^{ble} Member
under the authority of those
Hon^{ble} Members who become
parties to the orders issued,

60

Issue

Recd.

G

I much prefer the original draft which H.E. the Govt. prepared. If rules to the effect of the latter part of the Hon. Mr. Justice's rule 7 & of his rule 8 are added, I think all that is necessary will be done.

Would it not be well to rule also that petitions for mercy from prisoners condemned to death should be circulated to all members. This is done now.

Hes
23 Feb.

O.
mad
the.

I would add

"and such papers should be
circulated accordingly"

Hes
23 Feb.

As the proposed rules seem to me to affect the 2 Civil Members only I have nothing to say except that ~~transmission of the same~~
~~transmission of the same~~
~~transmission of the same~~
~~transmission of the same~~
I presume the Mil. Member of Council is not debarred from the provision of Rule 3.

23.2.93

J.E.D.

H.E. the C. in C. being a member of Council has of course all the rights belonging to that office.

11 Feb 27 Feb

shall be held to be the orders of H.E. the Governor in Council in accordance with the provisions of the 53rd section of the Act above quoted —

provided that nothing in ~~the order~~ ^{these rules} shall be held to prevent any Hon^{ble} Member of Council from instructing the Secretary of any Department to circulate any papers, or any special class of papers, to the said Hon^{ble} Member before orders are issued on such papers —

Rus
23 Feb 93.

The hon. Mr. Justice has gone into more detail than I have, and I accept his rules — as attested by myself. The hon. Sir H. Stokes should see them.

I should like to know if the Chief Secretary has any remarks to offer, as this question is so intimately connected with Secretarial work.

Certainly not would he please draw out a few copy of draft rules embodying the views expressed.

W
26 Feb.

another rule

1. In any case in which an Honble member expresses his desire to be furnished with information on any point in connection with a paper cited to him the Secretary of the department concerned shall at once take steps to obtain the information required. This rule shall apply to all references to H.C. of Dep. and to their officers, but not to references to the G.O.I.

2. References to G.O.I. shall only be made on orders passed by a majority of the Council. But this rule shall not apply to papers in the Military Dept.

I think the first rule above is unnecessary. It is surely needless to affirm that Secretaries shall carry out instructions of members. As to the second rule, does "References" include all letters, recommendations & proposals, or what does it mean? If it means all correspondence with the Govt of India I have no objection to the rule, but I have a very strong objection to the proposed exception to it. A rule of the kind should have no exceptions. All members of Govt are equally concerned in the correspondence with India.

18/27/06

I don't see any necessity for this rule, which will necessitate a fresh statutory rule by H.C. whenever there is the least change in the distribution of work. An instruction to the Secretary in the Dept. is quite enough. There are no departments of Govt. There are only Deps. of the Government. The rule too has the appearance of creating the C.I.C. Udy

are of such importance that they should be kept -

This rule I think gives too wide a discretion. It should be at any rate subject to the submission to the member in charge of a list of such orders. I don't think a rule is wanted. Udy

Noli

The right of laying down the rules has circulated vests, by Act of Parliament, absolutely in H.C. the Govt. has been kind enough to circulate them to the members of Govt. for remarks & for amendment, if thought necessary. I offer the following suggestions for their amendment, having in mind that the object of the rule is to legalize and define existing procedure. I would substitute for the 3 rules suggested by H.C. the following:

1. The various Deps. of Govt. are placed in charge of H.C. the Govt. & the two Civil members of Govt. as shown in the margin.
2. It is the duty of the Secy to Govt. in each Dept. to examine his discretion in determining whether papers requiring the order of Govt. are of sufficient importance to be sent to H.C. for disposal to the member in charge or not. Where there are two

to the best should dispose
of them himself.

3. All papers sent to ~~any~~
member in charge of any
Dept. shall be disposed
of by him ^{alone} & the order of
preference come in the
case of his notes or
order, except in the
following cases:

(a) Where any other member
of the Dept. has expressed
wishes that any partic-
ular paper or class of
papers ~~the~~ ^{not} belonging
to any Dept. ~~should~~
be sent to him, shall be sent
to him.

(b) Where the member in
charge shall direct that
the opinion of ~~one~~ ^{one or more} of the
other members of Dept.
be taken before final
order is made on any
paper.

(c) Where the member in
charge ~~the~~ may differ
from the view of the Dept.
or in any case - he
may direct that the papers
be sent to one of the other members
of Dept. & if that member
is in charge
differ in opinion the papers
shall be sent to the
member in charge with the view
of the majority shall
prevail.

4. Every member of Dept.
shall be at all times

c. For this rule I would put -
The Secretary, may if he thinks fit
mark any paper for circulation to other
members of Council.
This is better.

I see no occasion for mentioning majority
or casting votes - as there is provided
for by Statute.

^{with the majority}
I agree, but I don't think there is
anything in the Statute about casting votes or
majority. The practice in regard to them is perhaps
implied in certain phrases in the Statute, but there
is I think no express enactment. H.C.

4. This is already provided for in
3 a. supra.

5. He on 3. c.

I would prefer here -

no order drafted according to the views of
the majority shall go out, without the
member or members in the minority seeing
the draft order.

I don't think a rule is required on
this point. The sending the papers to the
member in minority is merely for his information
or to enable him to formally record his
dis sent. Neither
purpose requires that
the order should be delayed
to draft. H.C.

It is better to 'initials or remarks'.
The Secretary may not agree. But
I think the rule as far as it prescribes
the duties of Secretaries goes beyond the
scope of a rule for the conduct of business
by Govt. H.C.

at liberty to instruct the
Sec. in any Dept. to send
him any paper or any particular
class of papers before order
is made on them. & every
such case shall go to
and then he after they have
been disposed of by the member
in charge & before any order
is made on them.

5. Where there is a difference
of opinion ^{on any case} between the
member in charge of Dept. &
the view of the majority,
and of two or more members

6. Where the member in
charge expresses an opinion
on the subject, which, without
being ~~disputed~~ ^{disputed} with each
other, deal with different
points, the views of all the
members shall, as far as
possible, be expressed in the
final order.

7. Where the disposal of any
subject requires that there
be order in 2 or more Dept. the
Sec. of the Dept. first
dealing with it shall obtain
the initials of the Sec. of
each of the other Dept. &
the initials of the Sec. of
the Dept. to the order or draft
shall be circulated ^{with the papers}
to the member in charge of the
first Dept., & before order
is made the papers shall be
sent to the member in
charge of the
other Dept. or Dept. -

P. 26 order by the
in charge of the
involving new decision on
function of principle, a
cancellation of previous
order of Govt., shall be
circulated to 2 members
of Govt. at least before
such order is issued.

24/2/93 J.H.P.



My dear Cotton.

The minutes were
sent by me to the Govt.
who brought it to Council.
that he did with it after.
and I don't know.

24/2/93 J.H.P.

M. I changed the minutes
at the

see 24/2/93

P. all order by the
 & change of duty
 involving new decision on
 question of principle, a
 cancellation of previous
 order of Govt. shall be
 circulated to 2 members
 of Govt. at least before
 such order comes.

24/2/93 J.H.P.

My Dear Sir

This refers to the
 Mr. Somers' note on the
 back of your letter under
 the Rules for the conduct
 of business to circulate
 the draft to some extent
 Executive and I was not
 present when the question
 was discussed in Council
 I wrote to Executive to ask
 him to get paper from
 report. If you have it
 please send it to the M.H.

Yr sincerely
 J.H.P. 2 Collection

D.O.



FORT ST. GEORGE,

Feb 24, 1913

My Dear Sir

As directed I have

circulated the draft Rules
 for the conduct of business
 in the Executive Council and
 now enclose the notes re
 draft.

I also submit for this local
 Govt. Council the draft order
 regarding the addition to the
 Council members and

(6)

Draft Rules for the conduct
of business in Councils.

These papers are handed to
me by the Secretary in Council
with instructions to send them
to the Agents but before doing
so I thought it well to look
up one or two points with
reference to the Secretary's
letter of the 26 July interesting
to all he would like to know
whether I have any remarks to
offer. I have not attempted
to draw out a fair copy of
the Draft Rules because the Hon^{ble}
Secy to the Govt has signed to
repeal of the Draft Rules pro-
posed by the Hon^{ble} Secy to the Govt
since the Secretary reads
his letter of the 26 July & so
it would be idle to say there
is to form the basis of the Draft.

2. It is submitted that the Rules
need not be sent with circulation
of papers to members & the issue of
order there & that it is
unnecessary to include in
them any instructions as to
how & sometimes should be
with papers kept in the two
respects above referred to. See
Rules 6 & 7 of the Hon^{ble} Secy to the
Govt's Draft.

3. The Draft in the handwriting of the Private Secretary No 23 Hbys seems to provide for amendments except in no particular. It does not provide for any order being issued by the Secretary without taking the instructions of any Hon^r member. There is a note that this form should be given as hundreds of orders of a certain nature are issued without previous consultation. There are marked 'his' & the Hon^r member in charge of the Dep. is kept informed of what goes on by the list of orders added into the personal bundles. Orders do not seem to be of a certain nature, as instances of rules call for further information communicating orders of other departments, sometimes of personal replies to petitions & such like. But although unimportant they seem as the orders of Gov^t & this practice should be expressly authorized in any Rules framed for the conduct of business. A rule in the case of the Privy Council rule 2 is required.

4. Your question whether Rules should not specify the subjects which are allotted to each Hon^r member. I am sure that expected by the Hon^r Sec & I think this is essential a fresh statutory rule changes them at the least change in the distribution of work but it seems the most essential feature of any set of rules for the conduct of business that it should clearly appear from them in respect of each member the powers conferred on him. I think Hon^r members by the Rules may be ^{permitted} to delegate of power to deal with particular subjects singly or not it seems to me complete unless the subjects are specified. On the occurrence of a change of distribution it would be easy to substitute by rule a revised schedule. The following Rules have been so far specified for the experiment.

These Rules are stated with G.O. 9. 23. July 9. as 1760 L. Attention is drawn to the discussion on this occasion.

5. With reference to Rule 2 of the Draft in the Council's hand writing it is submitted that the reference to Sec 53 of the Councils Act is unnecessary. Sec 28 provides that any order made in accordance with such directions (i.e. the rules for the conduct of business)

that a request to the other
part of the former in Council.

6. The last rule added of
paraphrasing on the 26. The rule
it is submitted is mainly
hampers work. The proposition
is a new direction to the
Secretary to receive instructions
required by the members &
if it is successfully submitted
unnecessary. He will of course
promptly obey any instructions
issued to him, but he has daily
to make responses to heads of
departments without instructions
occasionally even to the Gov.
of India. Secretary of State.
In instance telegrams & letters
are not infrequently sent to the
Gov of India asking them to
expedite replies to previous
letters & sending papers asked
for, supplying information
of a routine nature or asking
for it. Clause 2 of the rule
as drafted will preclude the
Secretary from taking action
without instructions of one
member at least & apparently
the votes of a majority of the
Council will be required.
Nothing is said about communication
addressed to the Secretary of State
but numerous ^{entire} communications
about Indian distribution of books or
are sent to the Sec Secy of State
without the votes of any member.
Despatches are of course always submitted.

7. As regards petition for money
to some necessary than
an expense rule as regards
circulation to the members
of Council, as an instruction
to the Secretary ^{under} rule
3 will suffice. If a ^{rule} is added
it should be the Rules specifying
that objects to be dealt with
by individual members petition
for money will be considered
as reserved for circulation to
the. In this connection
I draw attention to the instruc-
tion contained in the letter
from the Home Secretary to the
Secy of the Govt 2/10/89
to the Principal Secretary to the
Govt that petitions for money
are to be sent to the Secy
of the former then on to the
Govt. This rule to read.

Yes
W
Brown

8. The Hon Secy H.E. S. is asked
in laying out the Budget for
the year to provide for a certain
sum to be kept in the case of an
acting Governor in the event of
his death or incapacity with the
view of the majority of the Council.

9. Nearly two years of previous
business under the Council
but still subject to the
pages 26 & 29 of the last
book of procedure & precedents.

The first version during
the period of 1876-77 &
regarding that the business re-
lating to business functions
known to business and before
the former stipulation of
him. I am obliged to have
not been cancelled.
The second shows a work
for entry & receipt of business
officers.

It is then embodied in the
new Rules? no W
6 Mar.
Cl
2 March.

8

Order for the conduct of
business in his Council
made by H.E. the R^t Hon^{ble}
Brillby Baron Wenlock-
G.C.I.E.

Order under the Indian
Councils Act. 1861.

under the authority vested in
me by the 28th section of 24 & 25
Victoria - Cap. 67 - (The Indian
Councils Act. 1861) to make
rules & orders for the conduct
of business in his Council, and
supervision of all orders issued by previous Governors
H.E. the R^t Hon^{ble} the Governor
of the Presidency of Fort St. George
is pleased to direct:—

My dear Mr. Galt

I am desirous to forward
revised set of rules for the
conduct of business in Council,
which have been drawn up under
His Excellency's instructions to
conform as far as possible with
the views of both the Hon. Members
of Council. I am to request that
these rules may now be introduced
and strictly adhered to.
The rules should be printed and
copies supplied to all Hon. Members
of Government, and it would

1. That the various
of the Secretariat
shall be placed
in charge of H.E. the Governor
and of the two Civil Members
of Council as shown in the
Schedule appended to these
rules:

2. That it is the duty of
the Secretary to Gov^t in each
Department to exercise his
discretion in determining
whether papers requiring the
orders of Government are of
such importance that they
should be sent to the Hon^{ble}
Members in charge or not:
Where ^{he does not so determine} they are not, the Sec^y
shall dispose of them himself,

provided that a printed list of all orders so passed under the authority of the Secretary alone shall be ~~submitted~~ ^{submitted} at the close of every week to the Honble Member in charge.

3. That all ^{other} papers shall be laid before the Honble Member in charge of the Department concerned and shall be disposed of by him alone, except in the following cases:

(a). Where the Honble Member shall himself direct that the opinion of one or more of the other members of Govt. shall be taken before final orders issue on any paper:

(b). Where the Secretary of the Dep^t in the exercise of his discretion shall see fit to mark any particular paper for circulation to other Honble Member or Members of Council:

(c). Where the disposal of any subject requires the issue of orders in two or more Departments, the papers shall be circulated to the Honble Member in charge of each Dep^t before final orders are issued thereon:

4. That orders issued in the above manner under the authority of the Secretary to Govt. as prescribed in rule (2), or under the authority of one or more Honble Members as prescribed by rule (3), shall be held to be the orders of H.S. the Governor in Council.

Provided that

I. ~~That~~ nothing in these rules shall be held to prevent any Honble Member of Council from instructing the Secretary of any Department to circulate any ^{paper or} papers, ~~or~~ ^{or} ~~any special class of papers,~~ to the said Honble Member before orders are issued on such ^{paper or} papers, and such ^{paper or} papers shall be circulated accordingly:

II. When there is a difference of opinion ^{amongst Honble Members} on any subject, the order drafted in accordance with the views of the majority shall not issue until the Honble Member or Members in the minority shall have seen the draft order:

III. When two or more Honble Members express views on the same subject which, without being at variance with each other, deal with different points,

3. the views of all the Honble members shall, as far as possible, be promulgated in the Govt order.

IV all orders ~~promulgated~~ ~~in the Govt order~~, which involve decisions on questions of principle, or cancellation of previous Govt orders, or the constitution of standing orders, shall be circulated to two Honble members at least before such orders are issued.

Rm

6. Mar. 93.

Schedule.

Distribution of work amongst the Honble members of Govt —

The R. Honble
The Governor.

Military
Legislative
Political.

The Honble

Sir H. E. Stokes. K.C.S.I.

Judicial
Financial
Public.
Marine.
Educational
Public works.

The Honble

W. J. H. Garstin. C.S.I.

Ecclesiastical
Revenue.
Pension.

Petitions for mercy shall be circulated to H.E. the Govt and to the two Civil members of Council.

9

Order for the conduct of business in his Council made by H. E. the Right Hon'ble Beilby Baron Wenlock, G.C.I.E.

Order under the Indian Councils Act, 1861.

Under the authority vested in him by the 28th section of 24 and 25 Victoria, Cap. 67 (The Indian Councils Act, 1861), to make rules and orders for the conduct of business in his Council, and in supersession of all orders issued by previous Governors on the subject, His Excellency the Right Honorable the Governor of the Presidency of Fort St. George is pleased to direct—

1. That the various departments of the Secretariat shall be placed in charge of His Excellency the Governor and of the two Civil Members of Council as shown in the schedule appended to these rules.

2. That it shall be the duty of the Secretary to Government in each department to exercise his discretion in determining whether papers requiring the orders of Government are of such importance that they should be sent to the Honorable Member in charge or not; where he does not so determine, the Secretary shall dispose of them himself, provided that a printed list of all orders so passed under the authority of the Secretary alone shall be submitted at the close of every week to the Honorable Member in charge.

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(b) Where the Secretary of the department in the exercise of his discretion shall see fit to mark any particular paper for circulation to other Honorable Member or Members of Council.

(c) Where the disposal of any subject requires the issue of orders in two or more departments, the papers shall be circulated to the Honorable Member in charge of each department before final orders are issued thereon.

showing

2 buckets
 4. That orders issued in the above manner under the authority of the Secretary to Government as prescribed in Rule 22 or under the authority of one or more Honorable Members as prescribed by Rule 31 shall be held to be the orders of His Excellency the Governor in Council.
 Provided that—

(i) Nothing in these rules shall be held to prevent any Honorable Member of Council from instructing the Secretary of any department to circulate any paper or papers to the said Honorable Member before orders are issued on such paper or papers, and such paper or papers shall be circulated accordingly.

(ii) When there is a difference of opinion amongst Honorable Members on any subject, the order drafted in accordance with the views of the majority shall not issue until the Honorable Member or Members in the minority shall have seen the draft order.

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(iv) All orders which involve decisions on questions of principle, or cancellation of previous Government orders, or the constitution of standing orders, shall be circulated to two Honorable Members at least before such orders are issued.

Here insert rule - 5.
 SCHEDULE.

Distribution of work amongst the Honorable Members of Government:—

The Right Honorable the Governor—

Military.
 Legislative.
 Political.

The Hon'ble Sir H. E. Stokes, K.C.S.I.—

Judicial.
 Financial.
 Public.
 Marine.
 Educational.
 Public Works.

The Hon'ble Mr. J. H. Garstin, C.S.I.—

Ecclesiastical.
 Revenue.
 Pension.

Petitions for mercy shall be circulated to His Excellency the Governor and to the two Civil Members of Council.

No. *Rules for the conduct of
business in Council*

From

Dated

189 .

FOR ORDERS.

A copy of the Rules for the
conduct of business in
Council received from the
Print Secretary letter of the
7th inst. is submitted for
approval. If approved a
fair copy will be sent for sig-
nature and the Rules will then
be introduced.

There are two points for
which I wish to bring to
the Council's notice.

1. Rule 2 requires that a printed
list of the orders passed under
the authority of the Secretary
shall be submitted at
the close of every week to the
hon^{ble} member in charge of
local work for his signature
with this list because the
number of orders so issued
is very large. I had been
with the proposed list of 14 pages
in each Dep. under the Chief
Secy. There are 3 divisions
plus. The handwriting of the
Secretary is the basis of the
list. It is not written in each case
being a list of 14 pages a plan
has been devised to save space.

Spoken generally, however, are
 have been most of the ~~advis~~
 in the Pen Series but the
 legitimacy of them in the kind
 of business I am a probably
 all in the Pen Series are
 have issued in the authority
 of the Secretary alone; 2
 pick out 14 monthly series
 list of orders, written by hand
 and be a definite matter &
 the plan adopted in the Rev.
 Dep. have been the order
 that is intended to be
 the business can point to
 order as they are given in
 the printed form of the
 & then which have not been
 circulated are rejected by
 an officer having a power
 in respect of the Dep.
 The printing of these lists have
 rather time & I do not think
 it can be possible to place such
 lists upon the business until
 about a week after the orders
 have issued. Perhaps a list
 of orders issued in the Pen Series
 might be dispensed with
 but in that case there will
 be no check on the Secretary &
 the information which is furnished
 to the business can not be
 complete.

Phases for the land
 business

Obtain from
 List of Rules
 in the
 for the Secretary
 signature

13/3

15. Wardha.
 100 miles from
 GOVERNMENT HOUSE,
 GUINDY.
 22. March. 53.

My dear Mr. Salton

In returning the rules
 for the conduct of business in
 Council, I am desirous to say
 that His Excellency has altered
 rule 2. so as to meet the difficulty
 you point out in your note of
 the 13th inst. - The Revenue Dep.
 list which you forwarded with
 this note shows by means of
 an asterisk all the orders issued
 under the authority of the Secretary
 alone, and His Ex^{ty} considers
 that this plan should be adopted

Examination of the list
 in the Rev. Dep.
 up.

As to the regarding circulation of
 minutes of appointments has
 been provided. Some rule 4.
 power relating especially with
 reference to 50 & 20 has 89
 no 934. concerning the
 of the Secretary's minutes in
 which is now being considered.
 papers in regard to the
 in the Rev. Dep. Secretary

Ch

13 March

Rule 5
 Appointments and
 postings of officers made by
 the Governor in Council.

The following extracts
 from despatches received from
 the Court of Directors summarize
 the principles on which the procedure
 in regard to the above matters
 should be based.

"It rests with the Governor to
 select and nominate the individuals
 whom he may consider to be
 best-qualified, and to have the
 best-claims to supply vacancies
 in office. To give effect to such
 nominations, they must be
 made by the Governor in Council,
 and must therefore be concurred
 in by a majority, but the concurrence
 ought not to be withheld, except
 in cases in which any member
 of Council may be of opinion
 that there are specific objections
 to the persons selected, and in
 such case it would be his duty
 to place his sentiments on
 record."

Extract from Judicial Despatch
 from the Court of Directors
 of 13. October 1847. no. 18.

"The exception to which we
 allude relates to the instructions
 conveyed to you in our letter of
 22nd July 46. no. 7. in the Rev. Dep."

in all departments of the Service
If the orders issued in the
Series be omitted, the content
Humble member in charge is high
and this is not desirable -
should be possible to submit
list for each department soon
after the close of each week,
the rule as it now stands would
allow a few days' grace.

As regards appointment
of transfer. I have, under the
Secy's instructions, drawn up
a fresh rule, which is to be
inserted as no. 5 - after the

provisions & before the Schedule.
I am to request that
a fair copy of the rules as
finally amended may now
be sent for the Secy's approval
& signature.

We hope to get into
headrae this evening - and I
shall send this off to you as soon
as we land - I dread the
return to the fearful accumulation
of work that are in store for
me - This little trip has been
a most-pleasant holiday -
I hope you are all well -
Yours sincerely
Reese

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"respecting the selection of individuals to fill vacant offices. Your President-Superior denies to be informed, for future guidance, of the precise interpretation to be put on these words, viz. 'to give effect to such nominations' (by the Governor) 'they must be made by the Governor in Council and must therefore be concurred in by a majority, but that Concurrence ought not to be withheld, except in cases in which any member of Council may be of opinion that there are specific objections to the persons selected'. The exception intended by us will apply to any case where specific objections (on public grounds may be considered) to exist to the individual selected and nominated by the Governor - The concurrence of the members of Council to the nominations of the Governor ought not to be withheld, unless specific objections are considered to be of material importance on the ground of unsuitability for the particular office."

~~Resolutions which~~
~~proposed appointments to~~
~~positions should be laid before~~
~~the Governor in Council~~

~~Resolutions which~~
~~proposed appointments to~~
~~positions should be laid before~~
~~the Governor in Council~~

The existing practice is
modelled on the above lines
and will be continued -
Proposals for filling vacancies
and for posting officers will
accordingly be submitted ^{in the first instance} to
H.E. the Governor through his
Private Secretary in writing,
and the official minute of
appointment, after having
been signed by the Governor,
will be circulated to the Civil
members of Council with a
view to effect being given to
the President's nominations
and to the order issuing
under the authority of the
Governor in Council.

Rus
22. March. 53.

13

Order for the conduct of business
in his Council made by H. E.
the Right Hon'ble Beilby Baron
Wenlock, G.C.I.E.

Order under the Indian Councils Act, 1861.

Under the authority vested in him by
the 28th section of 24 and 25 Victoria,
Cap. 67 (The Indian Councils Act, 1861),
to make rules and orders for the conduct
of business in his Council, and in super-
session of all orders issued by previous
Governors on the subject, His Excellency
the Right Honorable the Governor of the
Presidency of Fort St. George is pleased
to direct—

1. That the various departments of the
Secretariat shall be placed in charge of
His Excellency the Governor and of the
two Civil Members of Council as shown
in the schedule appended to these rules.

2. That it shall be the duty of the
Secretary to Government in each depart-
ment to exercise his discretion in deter-
mining whether papers requiring the
orders of Government are of such import-
ance that they should be sent to the Hon-
orable Member in charge or not; where
he does not so determine, the Secretary
shall dispose of them himself, provided
that a printed list showing all orders so
passed under the authority of the Secre-
tary alone shall be submitted at the close
of every week to the Honorable Member
in charge.

3. That all other papers shall be laid
before the Honorable Member in charge of
the department concerned and shall be
disposed of by him alone, except in the
following cases:—

(a) Where the Honorable Member
shall himself direct that the opinion of one
or more of the other Members of Govern-
ment shall be taken before final orders
issue on any paper.

(b) Where the Secretary of the de-
partment in the exercise of his discretion
shall see fit to mark any particular
paper for circulation to other Honorable
Member or Members of Council.

(c) Where the disposal of any subject
requires the issue of orders in two or
more departments, the papers shall be

determines that they are not
to be sent,

2. The Secy. Gen. lists don't reach me
sometimes for several weeks after the order
has been issued. I think, I can
arrange to ensure this is done in all
cases except within even a week after issue.
I am, Sir,
Yours faithfully,
W. J. P. M. M. M.

This rule exception (b) multiplies Rule
3 & places the Member (in the disposal
of papers) in a position of subordination
to the Secy. Gen. which is, I think, wrong. [any]
If the Secy. Gen. agrees with the Secy.
there is no need for the circulation
beyond what is provided for by exception
(c) to Rule 3 & proviso (1) to Rule 4.
I find no objection with him that it is
time enough for the Secy. Gen. to send on the
paper to another Member. This is the
rule in force under the former order
which was approved. I don't like this

++ Exception would be:
where the Secy. of the Dept. & Member in charge
in person as to the disposal of a paper the Secy.
may circulate it to any other Member.

month/-

I am afraid
must adhere
to Rule 3 b.

W

4. That orders issued in the above manner under the authority of the Secretary to Government as prescribed in Rule 2, or under the authority of one or more Honorable Members as prescribed by Rule 3 shall be held to be the orders of His Excellency the Governor in Council. Provided that—

(i) Nothing in these rules shall be held to prevent any Honorable Member of Council from instructing the Secretary of any department to circulate any paper or papers to the said Honorable Member before orders are issued on such paper or papers, and such paper or papers shall be circulated accordingly.

(ii) When there is a difference of opinion amongst Honorable Members on any subject, the order drafted in accordance with the views of the majority shall not issue until the Honorable Member or Members in the minority shall have seen the draft order.

(iii) When two or more Honorable Members express views on the same subject which, without being at variance with each other, deal with different points, the views of all the Honorable Members shall, as far as possible, be promulgated in the Government Order.

(iv) All orders which involve decisions on questions of principle, or cancellation of previous Government orders, or the constitution of standing orders, shall be circulated to two Honorable Members at least before such orders are issued.

5. *Appointments and postings of officers made by the Governor in Council.*—The following extracts from despatches received from the Court of Directors enunciate the principles on which the procedure in regard to the above matters should be based.

"It rests with the Governor to select and nominate the individuals whom he may consider to be best qualified, and to have the best claims to supply vacancies in office."

Extract from Revenue Despatch from the Honorable the Court of Directors, dated 22nd July 1846, No. 9.

"To give effect to such nomination."

"To give effect to such nominations, they must be made by the Governor in Council, and must therefore be concurred in by a majority, but the concurrence ought not to be withheld, except in cases in which any Member of Council may be of opinion that there are specific objections to the persons selected, and in such case it would be his duty to place his sentiments on record."

duals to fill vacant offices. Your President expresses a desire to be informed, for future guidance, of the precise interpretation to be put on these words, viz., 'to give effect to such nominations' (by the Governor) 'they must be made by the Governor in Council and must therefore be concurred in by a majority, but that concurrence ought not to be withheld, except in cases in which any Member of Council may be of opinion that there are specific objections to the persons selected.' The exception intended by us will apply to any case where specific objections (on public grounds may be considered) to exist to the individual selected and nominated by the Governor. The concurrence of the Members of Council to the nominations of the Governor ought not to be withheld, unless specific objections are considered to be of material importance on the ground of unfitness for the particular office."

The existing practice is moulded on the above lines and will be continued. Proposals for filling vacancies and for posting officers will accordingly be submitted in the first instance to His Excellency the Governor through his Private Secretary in writing, and the official minute of appointment, after having been signed by the Governor, will be circulated to the Civil Members of Council with a view to effect being given to the President's nomination and to the order issuing under the authority of the Governor in Council.

SCHEDULE.

Distribution of work amongst the Honorable Members of Government:—

The Right Honorable the Governor—

Military.
Legislative.
Political.

The Hon'ble Sir H. E. Stokes, K.C.S.I.—
Judicial.
Financial.
Public.
Marine.
Educational.
Public Works.

The Hon'ble Mr. J. H. Garstin, c.s.i.—
Ecclesiastical.
Revenue.
Pension.

Petitions for mercy shall be circulated to His Excellency the Governor and to the two Civil Members of Council.

The A. C. Chief Secy. asked for a rule of
 this kind - and as Mr. E. the Gov. has
 recently asked better: I will not
 myself to criticize the Secretaries
 suggestion as regards appls: in the
 D. P. & S. Dept. the rule might be
 possibly worded as follows:
 Proposals for filling vacant appoint-
 -ments on for posting officers will
 be made either from the Govt.
 or from the Secy to the Dept. con-
 -cerned. In the former case H. S. &
 proposals, signed by himself, will
 be forwarded to the Secy to the
 Secy to the Dept. concerned which he
 will circulate to the Council
 Chamber for concurrence or
 dissent. In the latter case,
 that is, where the Secy to the Dept.
 circulates proposals for filling
 up appls on for posting officers, the
 Dept. in immediate interest, in the
 case of D. P. & S. Subordination or
 D. P. Collection, only to the Council Chamber
 change inspection of the D. P. & S. other
 Dept., for approval, before they sent
 to the Secy to the Govt. & he in all other
 cases they will be sent to the Secy
 to the Govt. direct, for approval by
 him, will be circulated to the Council
 Chamber for approval or dissent.

This is also laid down in the Handbook
of Browder & Brundage - Page 75¹¹¹

1/4/93

For typed copies please see
M 47(a) No.

From

Dated

189 .

14

FOR ORDERS.

A proof of the Rules for
the conduct of business
as finally approved by
the Executive is submitted
to the members for perusal
before being sent to the
Executive for signature
in case the members
should wish to offer any
suggestions.

~~Secy~~
~~Chas~~
~~Chas~~

Chas
27 March

With regard to the rule about appoint-
ments, members of Council are bound
it because it emanates from the Court
of Directors, and has been continued in
force, or at least not discontinued, by
the Secretary of State.

But I doubt the propriety of including
it in rules framed by H.C. the Govt
under the Statute. This is a rule
regulating the conduct of business but
a rule assigning certain prerogatives
to the Governor, and pro tanto re-
stricting the powers of members

I have gone through the rules & have
made some suggestions in the
margin for H.C.'s consideration.
I think that all of Rule 5 down to
the 2nd proposal might well be
left out as it is all on record in
the House of Commons & I have drafted a
rule which I think will meet
the object & make the record
quite clear.

1/4/90

J.H.P.

of Council, which so far as the Statute
 so an (except in cases specified I do
 I need not advert to) co-equal with
 them of H.E. I doubt whether H.E.
 the Govt. has power to make a
 rule then distributing individuality
 the powers of ~~executive~~ the Govt.
 through and the insertion of the order
 which are all bound to obey ~~from~~
 is unnecessary, it makes them even
 state from the authority of the Govt.
 If he could make rules of the kind
 under the Statutory power, he comes
 evidently anotate to himself all the
 functions & powers of the Govt.

H.E.
 29 Mar.

I do not follow the argument.
 This ~~order~~ which I quote
 it is not new - nor ~~any~~ ^{does the rule as to giving effect to it}
 conflicts with any Statute. After the quotation, the Rule
 merely ~~lays~~ down the procedure which
 should be followed in certain cases
 to give effect to the orders of the Court
 of Directors as regards certain business
 which has to be dealt with by members
 of Council. It certainly is to be found
 in the Handbook - but I do not
 see any reason why it is necessary

X I am not "restricting" etc. I am only ^{order} ~~quoting~~ ^{the procedure} ~~it~~ ^{is to be}
 and laying ~~down~~ ^{how} effect ~~it~~ ^{is to be}
 given to that order.
 H. M. S.

Rules for the conduct of business which
 has to be dealt with by members of Council,
 I am debarred from including any thing
 which may be found in that book.

I suppose I can make any rule as to
 how I wish to see old rules or
 Statutes carried out - and this is all
 that Rule 5 does. I regret that
 my hon. colleagues
 should think that
 this Rule, I am

arrogating to myself the powers of Govt.
 beyond my proper functions - but I
 cannot see that in this rule I am
 going beyond my powers. W

H. M. S.

A proof of the Rules for the
 Conduct of Business as finally
 approved by His Excellency is sub-
 mitted to Honourable Members for
 perusal before being sent to His
 Excellency for signature in case
 Honourable Members should wish to
 offer any suggestions.

C. A. Galton.
 27-3-95.

With regard to the rule about
 appointments Members of Council are
 bound by it because it emanated
 from the Court of Directors, and has
 been continued in force, or at
 least not discontinued, by the Secre-
 tary of State.

But I doubt the propriety of
 including it in rules framed by
 His Excellency the Governor under
 the Statutes. It is not a rule
 regulating the conduct of business
 but a rule assigning certain pre-
 rogatives to the Governor, and pro
tanto restricting the powers of
 Members of Council, which so far as
 the Statutes go are (except in
 cases specified and which I need not
 advert to) co-equal with those of
 His Excellency. I doubt whether
 His Excellency the Governor has

power

of course
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I need
them.
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rule
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in fact
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in the grand book - the one in
the day, Mason who is fencing

I do not follow the argument. This order which I quote is not new being made by me - it is not new - nor does the rule as to giving effect to it conflict with any Statute. After the quotation, the rule merely lays down the procedure which should be followed in certain cases to give effect to the order of the Court of Directors as

J.H.G. [ARSTIN]
1-4-98.

476
as regards certain business which
has to be dealt with by Members of
Council. It certainly is to be
found in the Handbook, ^{but} ~~that~~ I do not
see ~~any~~ reason why in framing rules
for the conduct of business ^{which} ~~it~~ has to
be dealt with by Members of Council
~~and~~ I am debarred from including
anything which may be found in that
book.

I suppose I can make any rule/
as to how I wish to see old rules or
Statutes carried out, and this is all
that rule 5 does. I regret that
my Honourable Colleague ^a ~~should~~ think
that, by this rule, I am arrogating ^{to}
myself the powers of Government
beyond my proper functions, but I
cannot see that in this rule I am
going beyond my powers.

W[ENLOCK],
4-4-1898.

John F. Galt

(15)

CHIEF SECRETARY
18 APR 95
LEGISLATIVE DEPARTMENT

3rd April. 93.

My dear Mr. Galt

I am desirous to return to you the rules for the conduct of business in Council and to request that a fair copy of the rules as finally amended may be submitted for His Excellency's signature.

I am to say that His Excellency approves your action in circulating them again to Hon. members, and

the remarks made by them
have been very carefully
considered - His Excellency's
orders are recorded on the
paper itself. His Excellency
desires that the file should
be circulated again for the
information of Hon: Members
but considers that the rules
as they now stand, may be
introduced at once.

Yours sincerely
R. E. Egan

P.S. The rules say nothing
about H.E. the Cui C. and they
do not in any way detract
from his powers as a member
of Council - I am however to
request that the file may be
circulated again to H.E. the Cui C.
and his attention invited to
the remarks of the Hon. ^{Mr.} Sir H.E. Stollen
of H.E. the Governor against the
note written by H.E. the Cui C. on

Feb. 23rd -

Rus



16

FORT ST. GEORGE,

April 7. 1893

My dear Sir

As directed in

Your letter of the 5 inst I
submit for His Excellency's
signature four copy of the
Rules for the conduct of
business in Council as
briefly approved by His
Excellency.

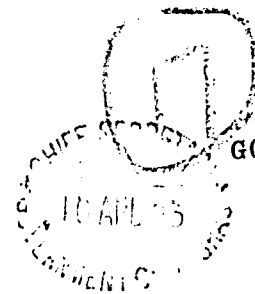
The Rules are to be introduced
at once to the file in the

test for the information
 How he has been and
 the Commanding in Chief
 with reference to the attack
 of the word 'work' is all
 into 'months' I venture
 point out that this
 between the difficulty
 which consists in getting
 the printed list of names
 passed under the authority
 of the Secretary namely is
the loss of any names

whether it is a work or a
 matter. In either case
 be very bulky or it would
 I venture to submit be
 preferable to furnish them
 weekly. That is required
 is a short interval for the
 preparation of the lists.
 this could be secured if
 the names were ~~ordered~~ as
 follows -
 weekly
 Provided that a printed list
 showing the order to be sent

under the authority of the
Secretary General has been
submitted to the Hon^{ble}
Members in charge before
the expiration of the week
following that in which
the notes were issued.
Will you kindly take this
acknowledgment in this
point.

Yours sincerely
Chelton



GOVERNMENT HOUSE.
GUINDY.

April 8. 1933.

My dear Mr. Price

I return to you copy
of the order for the conduct of
business in Council duly
signed by Mr. Macleay,
who has approved of the
alteration to rule 2. suggested
by Mr. Galtton in his despatch
of the 7th.

Yours sincerely
Reagan

18

Order for the conduct of business
in his Council made by H. E.
the Right Hon'ble Beilby Baron
Wenlock, G.C.I.E.

Order under the Indian Councils Act, 1861.

Under the authority vested in him by the 28th section of 24 and 25 Victoria, Cap. 67 (The Indian Councils Act, 1861), to make rules and orders for the conduct of business in his Council, and in supersession of all orders issued by previous Governors on the subject, His Excellency the Right Honorable the Governor of the Presidency of Fort St. George is pleased to direct—

1. That the various departments of the Secretariat shall be placed in charge of His Excellency the Governor and of the two Civil Members of Council as shown in the schedule appended to these rules.

2. That it shall be the duty of the Secretary to Government in each department to exercise his discretion in determining whether papers requiring the orders of Government are of such importance that they should be sent to the Honorable Member in charge or not; where he determines that they need not be so sent the Secretary shall dispose of them himself, provided that a printed list showing all orders so passed under the authority of the Secretary alone shall be submitted at the close of every month to the Honorable Member in charge.

3. That all other papers shall be laid before the Honorable Member in charge of the department concerned and shall be disposed of by him alone, except in the following cases:—

(a) Where the Honorable Member shall himself direct that the opinion of one or more of the other Members of Government shall be taken before final orders issue on any paper.

(b) Where the Secretary of the department in the exercise of his discretion shall see fit to mark any particular paper for circulation to other Honorable Member or Members of Council.

(c) Where the disposal of any subject requires the issue of orders in two or more departments, the papers shall be

a weekly printed list
showing all orders so
passed under the
authority of the Secretary
alone shall be submitted
to the Hon'ble Member in
charge before the expiration
of the week following that
in which the orders were
issued.

alteration
suggested by the
C. S. approved.

any

circulated to the Honorable Member in charge of each department before final orders are issued thereon.

4. That orders issued in the above manner under the authority of the Secretary to Government as prescribed in Rule 2, or under the authority of one or more Honorable Members as prescribed by Rule 3 shall be held to be the orders of His Excellency the Governor in Council.

Provided that—

(i) Nothing in these rules shall be held to prevent any Honorable Member of Council from instructing the Secretary of any department to circulate any paper or papers to the said Honorable Member before orders are issued on such paper or papers, and such paper or papers shall be circulated accordingly.

(ii) When there is a difference of opinion amongst Honorable Members on any subject, the order drafted in accordance with the views of the majority shall not issue until the Honorable Member or Members in the minority shall have seen the draft order.

(iii) When two or more Honorable Members express views on the same subject which, without being at variance with each other, deal with different points, the views of all the Honorable Members shall, as far as possible, be promulgated in the Government Order.

(iv) All orders which involve decisions on questions of principle, or cancellation of previous Government orders, or the constitution of standing orders, shall be circulated to two Honorable Members at least before such orders are issued.

5. *Appointments and postings of officers made by the Governor in Council.*—The following extracts from despatches received from the Court of Directors enunciate the principles on which the procedure in regard to the above matters should be based.

“It rests with the Governor to select and nominate the individuals whom he may consider to be best qualified, and to have the best claims to supply vacancies in office.”

Extract from Revenue Despatch from the Honorable the Court of Directors, dated 22nd July 1846, No. 9.

To give effect to such nominations, they must be made by the Governor in Council, and must therefore be concurred in by a majority, but the concurrence ought not to be withheld, except in cases in which any Member of Council may be of opinion that there are specific objections to the persons selected, and in such case it would be his duty to place his sentiments on record.”

“The exception to which we allude relates to the instructions conveyed to you in our letter of 22nd July 1846, No. 9, in the Revenue department, respecting the selection of individuals to fill vacant offices. Your President expresses a desire to be informed, for future guidance, of the precise interpretation to be put on these words, viz., ‘to give effect to such nominations’ (by the Governor) ‘they must be made by the Governor in Council and must therefore be concurred in by a majority, but that concurrence ought not to be withheld, except in cases in which any Member of Council may be of opinion that there are specific objections to the persons selected.’ The exception intended by us will apply to any case where specific objections (on public grounds may be considered) to exist to the individual selected and nominated by the Governor. The concurrence of the Members of Council to the nominations of the Governor ought not to be withheld, unless specific objections are considered to be of material importance on the ground of unfitness for the particular office.”

The existing practice is moulded on the above lines and will be continued. Proposals for filling vacancies and for posting officers will accordingly be submitted in the first instance to His Excellency the Governor through his Private Secretary in writing, and the official minute of appointment, after having been signed by the Governor, will be circulated to the Civil Members of Council with a view to effect being given to the President's nomination and to the order issuing under the authority of the Governor in Council.

SCHEDULE.

Distribution of work amongst the Honorable Members of Government:—

The Right Honorable the Governor—

Military.
Legislative.
Political.

The Hon'ble Sir H. E. Stokes, K.C.S.I.—

Judicial.
Financial.
Public.
Marine.
Educational.
Public Works.

The Hon'ble Mr. J. H. Garstin, C.S.I.—

Ecclesiastical.
Revenue.
Pension.

Petitions for mercy shall be circulated to His Excellency the Governor and to the two Civil Members of Council.

Wenlock

10TH APRIL 1893, No. 290, PUBLIC.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

Order:—Under the Indian Councils Act, 1861.

ORDER—dated 10th April 1893, No. 290, Public.

Under the authority vested in him by the 28th section of 24 and 25 Victoria, Cap. 67 (The Indian Councils Act, 1861), to make rules and orders for the conduct of business in his Council, and in supersession of all orders issued by previous Governors on the subject, His Excellency the Right Honorable the Governor of the Presidency of Fort St. George is pleased to direct—

1. That the various departments of the Secretariat shall be placed in charge of His Excellency the Governor and of the two Civil Members of Council as shown in the schedule appended to these rules.

2. That it shall be the duty of the Secretary to Government in each department to exercise his discretion in determining whether papers requiring the orders of Government are of such importance that they should be sent to the Honorable Member in charge or not; where he determines that they need not be so sent the Secretary shall dispose of them himself, provided that a weekly printed list showing all orders so passed under the authority of the Secretary alone shall be submitted to the Honorable Member in charge before the expiration of the week following that in which the orders were issued.

3. That all other papers shall be laid before the Honorable Member in charge of the department concerned and shall be disposed of by him alone, except in the following cases:—

(a) Where the Honorable Member shall himself direct that the opinion of one or more of the other Members of Government shall be taken before final orders issue on any paper.

(b) Where the Secretary of the department in the exercise of his discretion shall see fit to mark any particular paper for circulation to any other Honorable Member or Members of Council.

(c) Where the disposal of any subject requires the issue of orders in two or more departments, the papers shall be circulated to the Honorable Member in charge of each department before final orders are issued thereon.

4. That orders issued in the above manner under the authority of the Secretary to Government as prescribed in Rule 2, or under the authority of one or more Honorable Members as prescribed by Rule 3, shall be held to be the orders of His Excellency the Governor in Council.

Provided that—

(i) Nothing in these rules shall be held to prevent any Honorable Member of Council from instructing the Secretary of any department to circulate any paper or papers to the said Honorable Member before orders are issued on such paper or papers, and such paper or papers shall be circulated accordingly.

(ii) When there is a difference of opinion amongst Honorable Members on any subject, the order drafted in accordance with the views of the majority shall not issue until the Honorable Member or Members in the minority shall have seen the draft order.

(iii) When two or more Honorable Members express views on the same subject which, without being at variance with each other, deal with different points, the views of all the Honorable Members shall, as far as possible, be promulgated in the Government Order.

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5. *Appointments and Postings of Officers made by the Governor in Council.*—The following extracts from despatches received from the Court of Directors enunciate the principles on which the procedure in regard to the above matters should be based:—

“It rests with the Governor to select and nominate the individuals whom he may consider to be best qualified, and to have the best claims to supply vacancies in office. To give effect to such nominations, they must be made by the Governor in Council, and must therefore be concurred in by a majority, but the concurrence ought not to be withheld, except in cases in which any Member of Council may be of opinion that there are specific objections to the persons selected, and in such case it would be his duty to place his sentiments on record.”

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The existing practice is moulded on the above lines and will be continued. Proposals for filling vacancies and for posting officers will accordingly be submitted in the first instance to His Excellency the Governor through his Private Secretary in writing, and the official minute of appointment, after having been signed by the Governor, will be circulated to the Civil Members of Council with a view to effect being given to the President's nomination and to the order issuing under the authority of the Governor in Council.

SCHEDULE.

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The Right Honorable the Governor—
 Military.
 Legislative.
 Political.
 The Hon'ble Sir H. E. Stokes, K.C.S.I.—
 Judicial.
 Financial.
 Public.
 Marine.
 Educational.
 Public Works.
 The Hon'ble Mr. J. H. Garstin, C.S.I.—
 Ecclesiastical.
 Revenue.
 Pension.

Petitions for mercy shall be circulated to His Excellency the Governor and to the two Civil Members of Council.

(True Extract.)

Ag. Chief Secretary.

To all Secretaries and Under Secretaries to Government.

Edw. A. Raitt.

Govt. of {1893} Madras.
PUBLIC.

Issued

Recd.

Encl.

G.O., 10th April 1893, No. 290.

APRIL.

Indian Councils Act, 1861.

Order for the conduct of business in his Council
made by His Excellency the Right Honorable
the Governor of Fort St. George under the —.

1. The Honorable Sir HENRY STOKES, K.C.S.I.
2. The Honorable Mr. GARSTIN, C.S.I. J.H.

Public Dept.

G.O. of 10th April No.
290 has issued.

Under instructions
from H.E. the Governor
the papers are re-cir-
culated to Hon'ble
Members for infor-
mation.

Seen
J.H.
10/4/93

The attention of
H.E. the Commander-
in-Chief is invited to
the remarks of the Hon.
Sir H.E. Stokes and of
H.E. the Governor again
the note written by
His Excellency on the
23rd February.

J.H.
11/4.

J.H.
11/4/93

Seen
17.4.93 J.H.

Rules under the
Council Act

a.
This is to be ~~subd.~~ ^{sew} to H.G.
o b. iii. c.

Please point out to C.S.
that the L. & M. Dept. has
been omitted from the
distribution. It should
apparently be added.

I can not find any
other remarks by
in H.G.S. so I have
attached cover to file.

J.S.B.
13/4

I attach a copy for
your use.

Submitted to the Chief
Secretary.

With reference to C.H.'s
remarks regarding the
omission of the L. & M. Dept
from the distribution (at
the foot of p. 2 of the G.O.).

Probably it was intended that
Financial should include
L & M

C.S.

18/4

6/9/53 10/4/53

10/4/53 10/4/53

10/4/53 10/4/53

10/4/53 10/4/53

10/4/53 10/4/53

10/4/53 10/4/53

10/4/53 10/4/53

10/4/53 10/4/53

10/4/53 10/4/53

(c) Where the disposal of any subject requires the issue of orders in two or more departments, the papers shall be

Public Dept

10 April 93. A 290

Order for the conduct of business
in his Council made by H. E.
the Right Hon'ble Beilby Baron
Wenlock, G.C.I.E.

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Secretary to Government in each depart-
ment to exercise his discretion in deter-
mining whether papers requiring the
orders of Government are of such import-
ance that they should be sent to the Hon-
orable Member in charge or not; where
he does not so determine, the Secretary
shall dispose of them himself, provided
that a printed list showing all orders so
passed under the authority of the Secre-
tary alone shall be submitted at the close
of every week to the Honorable Member
in charge.

That they need
not be so sent

3. That all other papers shall be laid
before the Honorable Member in charge of
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disposed of by him alone, except in the
following cases:—

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ment shall be taken before final orders
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partment in the exercise of his discretion
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paper for circulation to other Honorable
Member or Members of Council.

any

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more departments, the papers shall be

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"The exception to which we allude relates to the instructions conveyed to you in our letter of 22nd July 1846, No. 9, in the Revenue department, respecting the selection of individuals to fill vacant offices. Your President expresses a desire to be informed, for future guidance, of the precise interpretation to be put on these words, viz., 'to give effect to such nominations' (by the Governor) 'they must be made by the Governor in Council and must therefore be concurred in by a majority, but that concurrence ought not to be withheld, except in cases in which any Member of Council may be of opinion that there are specific objections to the persons selected.' The exception intended by us will apply to any case where specific objections (on public grounds may be considered) to exist to the individual selected and nominated by the Governor. The concurrence of the Members of Council to the nominations of the Governor ought not to be withheld, unless specific objections are considered to be of material importance on the ground of unfitness for the particular office."

Extract from Judicial Despatch from the Honorable the Court of Directors, dated 13th October 1847, No. 18.

The existing practice is moulded on the above lines and will be continued. Proposals for filling vacancies and for posting officers will accordingly be submitted in the first instance to His Excellency the Governor through his Private Secretary in writing, and the official minute of appointment, after having been signed by the Governor, will be circulated to the Civil Members of Council with a view to effect being given to the President's nomination and to the order issuing under the authority of the Governor in Council.

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Petitions for mercy shall be circulated to His Excellency the Governor and to the two Civil Members of Council.

Tom. G. Garstin

Under Secretary