

ORDINARY, PRINTED.

<i>Public</i>	DEPARTMENT
G.O., DATED	9-1-94
No.	19.

INDEXED

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[Despatch Abstract.]

Indian Councils
Act 10 of

order for the conduct
of business in his
Council made by
His Excellency the
Right Honble the
Governor of Madras
pursuant to the

89.4 ✓ 15-03 ✓
8-4-15 ✓
18-6-26 ✓
16-7-28 B.T. ✓
8-11-32 ✓
21/12/1901 EBR

BACK PAPER, No.

READ AGAIN ORDER OF GOVERNMENT, DATED
18, No.

FURTHER PAPER, No.

9TH JANUARY 1894, No. 19, PUBLIC.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

Order :—Under the Indian Councils Act, 1861.

ORDER—dated 9th January 1894, No. 19, 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.

ENCLOSURES.

CURRENT No.

STATEMENT WITH DETAIL

ORDER, ETC., OF GOVERNMENT A.

PAPERS KEPT OUT OF FILE FOR DETACH IN ORIGINAL
(not paid).

NUMBER OF COPIES
ORDERED
25
Letter only.

A = Print in full
B = Not to be printed
P = Print at once only
C = Print at once only
D = Print at once only

(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

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

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

concurrent 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

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

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 Members of Government.

THE RIGHT HONORABLE THE GOVERNOR.

Legislative.
Military.
Political.

Marine.
Public Works.

THE HONORABLE MR. H. W. BLISS, C.I.E.

Financial.
Judicial.
Local Fund.
Municipal.

Public.
Revenue—Salt, Abkari and
Separate Revenue.

THE HONORABLE MR. J. GROSE.

Educational.
Ecclesiastical.
Pension.

Revenue—Subjects other
than those mentioned
above.

from Council under sentence of the Court
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.

Gobt. of {1894} Madras.
PUBLIC.

Issued

Recd.

Encl.

G.O., 9th January 1894, No. 19.

JANUARY.

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 —.

ORDER FOR THE CONDUCT OF BU
THE RIGHT HONORABLE

Proceedings of Government, 10th April 1893, No. 290, Public 1

Order :—Under the Indian Councils Act, 1861.

Under the authority vested in him by the 28th section 25 Victoria, Cap. 67 (The Indian Councils Act, 1861), to and orders for the conduct of business in his Council, and 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 in charge of His Excellency the Governor and of the Members of Council as shown in the schedule appended to this Order.

2. That it shall be the duty of the Secretary to Government in each department to exercise his discretion in determining which papers requiring the orders of Government are of such importance that they should be sent to the Honorable Member in charge or to the Secretary himself, provided that a weekly printed list showing the papers so passed under the authority of the Secretary alone shall be sent to the Honorable Member in charge before the expiration of the 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 alone, except in the following cases :—

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

(b) Where the Secretary of the department in the department his discretion shall see fit to mark any particular paper for the attention of 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 the 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 in the above, 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 Government to circulate any paper or papers to the said Honorable Member before orders are issued on such paper or papers, and such papers shall be circulated accordingly.

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

(iii) When two or more Honorable Members express different 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 precedence or cancellation of previous Government orders, or the continuation of standing orders, shall be circulated to two Honorable Members before such orders are issued.

5. *Appointments and Postings of Officers made by the Council.*—The following extracts from despatches receive

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PUBLIC DEPARTMENT.

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SCHEDULE.

Distribution of Work amongst the Members of Government.

THE RIGHT HONORABLE THE GOVERNOR.

Legislative.	Marine.
Military.	Public Works.
Political.	Miss, C. S. S.

THE HONORABLE MR. H. W. J.

Financial.	Public Revenue.
Judicial.	Revenue.
Local Fund.	Revenue.
Municipal.	Revenue.

THE HONORABLE MR. J.

Educational.	Revenue—subjects other than those mentioned above.
Ecclesiastical.	Revenue.
Pension.	Revenue.

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

(True Extracted) J. F. PRICE,
(Signed) Chief Secretary.

Passed in Council

20
9/1/94.

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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.”

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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. 11. Sept 18/94

Exd. A. Raiff.

Govt. of {1893} Madras.
PUBLIC.

Issued

Recd.

Encl.

G.O., 10th April 1898, No. 200^{19.}

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 —.