

# Public (1895) Department.

ORDINARY PRINTED.

G.O., No. 91

DATED 6<sup>th</sup> Feb. 1895.

INDEXED.

[Despatch Abstract.]

## CONDUCT OF PUBLIC SERVANTS.

Directing that officers of all grades in the public service be held responsible for all acts done by their wives which, if done by themselves, would constitute breaches of the rules for the

# BACK PAPERS.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
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PUBLIC.

Issued

Recd.

Encl.

G.O., 6th February 1895, No. 91.

FEBRUARY.

### Conduct of Public Servants.

Directing that officers of all grades in the public service be held responsible for all acts done by their wives which if done by themselves would constitute breaches of the rules for the —

s of Seo, 386 G., Pg.

proceeding is sure to cause inconvenience under the existing rules, the arrears of by Criminal Courts have to be Fine Register of the Courts concerned are reported to the C.T. Department in respect of such amounts in main pending for a long time which by inconvenience and difficulties in the register and the preparation of would also like to add that the previous no useful purpose, as orders of the District Magistrate, only if every of the amount.

6TH FEBRUARY 1895, No. 91, PUBLIC.

GOVERNMENT OF MADRAS.  
PUBLIC DEPARTMENT.

ORDER—dated 6th February 1895, No. 91, Public.

The Right Honorable the Governor in Council desires that it may be understood by officers of all grades in the public service that they will be held responsible for all acts done by their wives which if done by themselves would constitute breaches of the rules for the conduct of public servants.

(True Extract.)

J. F. PRICE,  
Chief Secretary.

To all Departments of the Secretariat.  
Hheads of Departments under the Chief Secretary.  
Gazette.

Exd. A. Balitt.



*My dear Sir,*  
*Should be asked to be held*  
*responsible for the acts of his*  
*wife as he is the head of the*  
*family and the acts of his*  
*wife are his acts.*  
*Yours faithfully,*  
*J. F. Price*

35/10

It that Lantry had sold a horse or  
two horses to the same person but  
that I did not as I knew what  
Osgood was like any further  
hell of the matter.

Here is his reply. Shall I take  
action upon it? "Public" belongs

to you

Yours very sincerely

Redmond Rice

Fort St George

Oct: 31<sup>st</sup> 18

My dear Wilson

I am desirous to ask you  
if it is the case that you sold  
horses to the Maharajah of  
Wholepore and, if it is, to request  
that you will kindly let me  
know why you omitted to  
obtain the sanction of Govt  
to the transaction as required  
by the rules on the subject

Yours sincerely

Ed. J. Drice

R. A. Nelson Esq. Despd  
3/10.

g  
91  
100-5-3-94

Patent No. 648

DEPARTMENT.

From

R. A. Nelson Esq

No.

Dated 1/11

Received 3/11

1894

Enclosures

SUBJECT.

Regarding the sale of a  
horse to the Maharaja of  
Jodhpore.

Although Mr. Nelson had nothing  
to do with the transaction the  
money was probably paid into  
his banking account. But it is  
a question whether rule 28 wd.  
in any case apply. The Maharaja  
not within Mr. N's jurisdiction  
within the district limits in  
which Mr. N. is employed.

J.B.

5/11

CHIEF SECRETARY  
GOVERNMENT OF MADRAS  
3. NOV. 1894  
1<sup>st</sup> 1894  
Law College

My dear Mr. Price

In reply to yours of the  
31<sup>st</sup> ulto: it is not the case that I  
sold a horse to the Maharajah of  
Dhulepore.

It is true that my wife sold her  
horse to the Maharajah, but the horse  
was entirely her own property, and I  
had absolutely nothing to do with  
the transaction, either prior to it, at  
the time it took place, or since.

Yours sincerely  
R. A. Nelson

G. No. 648

## FOR ORDERS.

Apparently Mr. Nelson does not  
 within the strict letter of the Rules.  
 not say, though, that the sale does  
 seem to be on this account less  
 desirable.

As to Mr. Nelson's contention  
 that the horse was his wife's & that  
 had nothing to do with the  
 matter, I think we require  
 understanding on this point. It  
 is forbidden that what a public  
 servant is forbidden to do in regard to  
 management of private property, his  
 wife is also forbidden to do; and  
 the rule should apparently ap-  
 ply to sales of property to natives.

B. N.

8/11/94

I have heard that  
 was sold for an unreasonable  
 price as the rule was  
 to Rules 23 & 25. Perhaps  
 he said about this now,  
 no certain knowledge  
 subject, he could hardly ask  
 it and he put beyond  
 what the rules apply to.

29 9/11

Mr. Nelson's reply to the reference  
 made to him under Order  
 submitted.  
 Please see page 8 & 9 of the pamphlet  
 put up.

The sale took place at Odhagamund.  
 B. N.

6/11/94

Matters of this class are usually  
 dealt with in "Public".

③ It appears to me that even if it had been  
 Mr. Nelson, and not Mr. N. who sold  
 the horse to the Maharajah of Sholapur,  
 that he could <sup>not</sup> be brought under Rule 28.  
 The Maharajah while staying at Odhagamund  
 is not "a native within his jurisdiction, or  
 within the limits of the district in which he  
 is employed on the public service, & from wh.  
 he is not about to remove". Therefore I do not  
 think that anything further need be said in  
 this matter. All the same, I think it sh<sup>d</sup>.  
 be laid down that whatever a public  
 servant may or may not do, his wife  
 should be under exactly similar restrictions.  
 I sh<sup>d</sup>. like to know if it is the case under  
 these rules that a police-officer (say)  
 in one district may buy <sup>from</sup> or sell a horse  
 to a native living in an adjoining district.  
 And I observe that these rules do not

12 ✓  
Lal Bahadur Shastri

Hon. Mr. Bliss  
18 Nov

Seen by  
18 Nov

E & F

\* Govt has no control whatever  
over the wives of its servants  
and can I venture to lay  
down no rules as regards them  
but it can lay down that  
its servants will be held res-  
ponsible for the doing by  
their wives of acts which  
if done by themselves would  
constitute a breach of the  
rules for the conduct of  
public servants  
as is shown  
in the  
hon. Mr. 16/11

point raised by the hon. Mr.  
not I think cause him any  
as I can assure him that  
the Govt. has no control

e 12/11

R 14/11

13

note for H.E. the Governor

The rules for Civilian  
are in the blue pamphlet  
and the C.S. Manual put  
up. They are identical  
with those in the "Person-  
al Conduct" rules.

The ruling referred to  
by the Hon. Mr. Bliss is  
probably that embodied  
in G.Os 433 and 1027 of  
1888, put up.

If it is desired to issue  
a general order that  
"whatever a public servant  
may or may not do his  
wife should be under  
exactly similar restric-  
tions" it would perhaps  
be well to address India  
in view to a ruling being  
promulgated for the  
whole of India. It wd.  
be straining mat-  
ters to call such an  
order an interpretation  
of India's existing rules.  
by no means "inordinate".

In

In reply to His Excell.  
enquiry, it does  
not appear from the rules  
that there is anything  
to prevent such a  
transaction. In fact  
it would seem that a  
Police Officer might use  
his official influence in a  
purchase or sale on be-  
half of a brother officer  
in the next district.

It is submitted that  
the rules would be  
more workable and  
better understood if  
cleared of all territorial  
restrictions.

35B  
16/11  
X Perhaps if one takes the  
strict letter of the rules  
this would be so but  
the transaction would be a  
transgression of the spirit  
of them. It is known well enough  
that it is intended by the  
rules to prevent through I  
think say that their meaning  
is not always clear

18 11. 94

Rules - personal

Resubmitted to Hon.  
Members with refer-  
ence to His Excellency's note  
below and within.

35B  
for C.S.  
22/11

On consideration I think not. The  
spirit of the rules should be looked  
at - and these rules are only intended  
to prevent officers placing themselves  
under obligations to natives with  
whom they may be brought into offi-  
cial contact. There can be no point  
in objection to a gentleman in Mr.  
Nelson's position selling any of his  
property to a North Country Raja  
at any price, moderate or not  
which he can get. In such a  
case it is only "Caveat emptor."

18 Nov  
I regret that I am unable  
to concur with H.E.

perhaps I went too far in saying  
"moderate or not". I had in my  
mind this particular Raja at the  
moment, who though he gives large  
prices for horses, is a great deal  
to shrewd & experienced to give  
a large price for any horse.  
There was no likelihood in this  
case of advantage being taken  
of his ignorance. I therefore withdraw  
my contention on this point.

I quite agree with the view taken  
of the spirit of the Rules, but  
I do not think we need strain  
the spirit in observing the letter.  
And as regards the letter, I  
do not think Mr. Nelson cannot  
well be brought within the Rules -  
even if it were he, & not his wife,  
whose case were being considered.  
The hon. Mr. B. also considers that  
the letter of the Rules would also  
include Mr. Nelson's case, as he  
uses the words "and with native  
to be included with persons  
the jurisdiction" of Public  
in the Part III (of the red  
set) which deals with these  
things. He would therefore read  
also 28 and 29 the words  
"Native Chiefs". But I must say

of his view that "there can  
be no possible objection to a  
gentleman in Mr. Nelson's position  
selling any of his property to  
a North Country Raja at any  
price moderate or not which  
he can get" - The words I have  
underlined are those to which  
I take exception. It has for  
years past - ever since I have  
been in India - been a subject  
for regret among those who are  
most concerned for the character  
of the British administration  
in India that discredit is  
constantly cast upon it by the  
foolish Europeans taking undue  
advantage of the ignorance  
of natives of all classes  
and their desire to stand well  
with those who are in authority,  
or who are supposed to be the  
friends of those who are in  
authority, so as to obtain  
unmoderate prices for goods sold  
to them or to lead them to allow  
the use of their horses, carriages,  
elephants & other property on  
terms which are opposed to the  
usage prevailing between European  
gentlemen of equal social standing.  
It is against the scandals which  
have thus arisen, and which there  
is reason to fear do still from  
time to time arise, that there  
are levelled the orders contained  
in the blue (Govt of India) pamphlet  
item 1, and in the red (Govt of  
Madras) pamphlet, paras 23  
25 & 38. These orders are  
of general application &  
govern the relations, in regard  
to pecuniary obligations of all kinds

not only of Govt. officers, but of uncommissioned gazetted officers and of military officers in civil employ, to quote the blue pamphlet [or, to quote the red pamphlet] of all officers who hold gazetted appointments or other positions of trust & responsibility with

(1) to quote the blue pamphlet, "persons subject to the official authority or influence of such officers, or residing... within the local limits prescribed such officers are appointed"; or

(2) to quote the red pamphlet, para 23, "persons subject to their official authority or influence, or residing... within the local limits... in which they are appointed."

In the red pamphlet, however, the meaning of para 23 is being misinterpreted by the heading immediately above, viz:—

"Part III. Pecuniary relations of public servants with persons within their jurisdiction and with native chiefs";

and it is to be noted that para 25 expressly speaks of "sale of his property at ordinary rates".

These rules appear to have undergone amendment from time to time, but to have been originally based on the order of Council of Directors expressed in a notification of Dec 3, 1858 (vide 9 of the blue pamphlet), the instructions contained in which are considered too severe, the Govt. of India laid down in 1868 the rules for the purchase & sale, or to natives, by European public servants of all kinds, civil, military & uncommissioned, of bungalows & other valuable property, which are at pp. 9 & 10 of the blue

I do not to read it.

The heading of Part III is as follows, but I understand it to govern distinct forms of transactions

which public servants are concerned in, such as transactions such

The first 10 sections (23-32) are those which the Maharaja is to pecuniary relations of public

with persons within their jurisdiction, and the 6 sections to their relations with native chiefs.

The first 10 are shown distinct as dealing with pp. 9 & 10 of the Govt. of India pamphlet & the last 6 from pp. 10, 11, 13, & 14

that pamphlet. A reference to this will show that the two subjects are kept distinct.

Mr. Nelson's case comes clearly under sec. 28 and not under any of the others, & therefore think that in this case Nelson need not refer the matter to Govt.

or be told that he ought to have done so with the hon. Mr. Fraser that he should issue an order in the manner indicated by him.

The Rules are mine

16 Dec

I am strongly of opinion, that the Maharaja is not being misled by the construction "and he is" as it is

discovered from the context that I do not think, however, that there was any obvious breach of the rules in this case.

Occasionally one can only be considered within the local limits of his authority & influence of the Principals of the Government of Madras.

It will be enough now to say that the Maharaja will be responsible for the doing by these various acts of the Maharaja as regards the rules.

8/12

pamphlet was paras 28 & 29 of the red pamphlet. Then rules apply to dealing with "any native within his jurisdiction or within the limits of the district in which he is employed in the public service and from which he is not about to remove". The essence, however, of the rules is contained in the remarks by which they are prefaced, which is the following:—"The Govt. of India... has a right to expect, not only that all such transactions shall be correct and unimpeachable in themselves, but that they shall not run any risk of misconstruction at the hands of designing, ignorant or credulous persons."

The above is, so far as I can make out, a correct statement of the rules.

Assuming, then, that an officer's wife is not permitted to do what the officer himself may not do, it seems quite clear that the sale of Mrs. Nelson's horse to the Maharaja Maharaja was against the rules, for the letter of the rules, but not only was the Maharaja resident within the local limits (i.e. the Madras Presidency) in which Mr. Nelson was appointed but he is certainly a Native Chief. As to the spirit of the rules, I do not know about the price Mrs. Nelson got for the horse, nor whether it was inordinate; but it is clear

would be liable to "incon-  
struction at the hands of designing  
ignorant or credulous  
persons", and that sales  
at inordinate prices are therefore  
not permissible in any case in  
which the seller is a Govt. servant  
or the purchaser a Native  
Chief.

~~Extra~~  
I accept H.E.'s assurance  
that the price of Mr. Nelson's  
was not inordinate; but  
Mr. Nelson should be told  
that, whatever the price, the  
permission of Govt. should have  
been sought & obtained before  
the sale was effected.

MS  
7/12/94

S.O. 91 Pub.  
6/2/95

Resubmitted to  
H.E. the Governor  
with reference to  
the further note  
by Hon'ble Member

J.S.B.  
10/12

MS  
10/12/94

Reconsulted to H.E. with reference  
to the note of 14<sup>th</sup> Dec. 1894  
dated 11<sup>th</sup> Dec.

Seen  
MS  
17/12/94  
19/12/94

Note  
This file was rec'd from the  
M. L. Dept on the 29<sup>th</sup> Jan'y.  
It had been there in connec-  
tion with Major Lawley's case

12/12 17/12 20/12  
17/12 21/12  
J.S.B.  
30/4/95

MS  
31/1/95

The H.E. to the Govt. in  
which desires that it may  
understand the by

J.S.B.  
2/2

Order of 6 Feb. '95, No. 91.

It is hereby notified  
that officers of all  
grades in the public  
service <sup>that they</sup> will be held  
responsible for all  
acts ~~done~~ by their wives which  
if done by themselves  
would constitute a  
breach of the rules  
for the conduct of  
public servants.  
from orders.

J.S.B.  
30/1.

MS  
30/1/95

All depts of the Secretariat  
heads of depts under  
the Chief Secretary.

MS  
13/2/95

The Revenue dept  
with the request that  
the order may be  
published in all  
district gazettes.

Public

DEPARTMENT.

List showing the distribution of the Proceedings of Government  
dated 6 February 95 No. 91

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|                 | Government Solicitor .. .. .                                  | 1  |
|                 | Administrator-General .. .. .                                 | 1  |
| PUBLIC.         | { Sheriff of Madras .. .. .                                   | 1  |
|                 | Government Pleader .. .. .                                    | 1  |
|                 | Registrar of Joint Stock Companies .. .. .                    | 1  |
|                 | Surgeon-General .. .. .                                       | 6  |
|                 | Meteorological Reporter .. .. .                               | 1  |
|                 | President, Board of Examiners .. .. .                         | 1  |
|                 | Private Secretary to the Right Honorable the Governor .. .. . | 1  |
|                 | Government Astronomer .. .. .                                 | 1  |
|                 | Superintendent, Government Central Museum .. .. .             | 1  |
|                 | Chemical Examiner .. .. .                                     | 1  |
|                 | Superintendent of Stationery .. .. .                          | 1  |
|                 | Protector of Emigrants .. .. .                                | 1  |
|                 | Superintendent, Government Press .. .. .                      | 1  |
|                 | Tamil Translator to Government .. .. .                        | 1  |
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| POLITICAL.      | { Malayalam do. to do. .. .. .                                | 1  |
|                 | Canarese do. to do. .. .. .                                   | 1  |
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|                 | British Consular Agent, Pondicherry .. .. .                   | 1  |
|                 | Superintendent, Archaeological Survey .. .. .                 | 1  |
|                 | Government Epigraphist .. .. .                                | 1  |
|                 | Resident in Travancore and Cochin .. .. .                     | 6  |
|                 | Paymaster, Carnatic Stipends .. .. .                          | 1  |
| POLITICAL.      | { Political Agent, Pudukota .. .. .                           | 1  |
|                 | Do. Sandur .. .. .                                            | 1  |
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| ECCLESIASTICAL. | { The Right Reverend the Bishop of Madras .. .. .             | 3  |
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|                 | Chairman, Harbour Trust Board .. .. .                         | 1  |

Scpd  
13/2/95

FINANCIAL.

Accountant-General  
Commissioner of Paper Currency

6  
1

EDUCATIONAL.

Director of Public Instruction  
Commissioner for Government Examinations

20  
1

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- North Arcot (Chittoor)
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- South Canara (Mangalore)
- Chingleput (Saidapet)
- Coimbatore
- Cuddapah
- Ganjam (Chatrapur)
- Godavari (Cocanada)
- Kistna (Masulipatam)
- Kurnool
- Madura
- Malabar (Calicut)
- Nilgiris (Ootacamund)
- Nellore
- Salem
- Tanjore
- Tinnevelly
- Trichinopoly
- Vizagapatam

DISTRICT AND SESSIONS JUDGE  
OF

- North Arcot (Chittoor)
- South Arcot (Cuddalore)
- Bellary
- South Canara (Mangalore)
- Chingleput
- Coimbatore
- Cuddapah
- Ganjam (Berhampore)
- Godavari (Rajahmundry)
- Kistna (Masulipatam)
- Kurnool
- Madura
- North Malabar (Tellicherry)
- South Malabar (Calicut)
- Nellore
- Nilgiris (Ootacamund)
- Salem
- Tanjore (Tanjore)
- Tinnevelly (Palamecottah)
- Trichinopoly
- Vizagapatam

Cal. G. O. No.

DATED

C. No.

GOVERNMENT

GOVERNMENT

WITH DITTO.

BEING MEANT FOR DESPATCH

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