

Public (189 6) Department. ✓

ORDINARY PRINTED.

12-22com

G.O., No. 1227

DATED 17-11-96

INDEXED.

[Despatch Abstract.]

Rules regulating the Conduct of Govt. Servants.
Ruling that every public servant, whether European or Native, who holds a gazetted appointment or other position of trust and responsibility, shall disclose to the Head of his department his indebtedness to any individual or individuals resident in the district to which he may be under orders of transfer.

செப்பனிருபவர் பெயர்
செப்பனிருவதற்காக எடுத்த
கொள்ளப்பட்ட நாள் 1996
செப்பனிரு முடித்த நாள் 1996
சிறப்பாக்கும் ஆராய்ச்சி
மு. பா. எ. ந. 1996 உதவிப்பாளர்
கையொப்பம் கையொப்பம்

Ruling that every public servant, whether European or Native, who holds a gazetted appointment or other position of trust and responsibility, shall disclose to the head of his department his indebtedness to any individual or individuals resident in the district to which he may be under orders of transfer.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—the following paper :—

From H. J. S. COTTON, Esq., c.s.i., Officiating Secretary to the Government of India, Home Department (Public), to the Chief Secretary to the Government of Madras, dated Simla, the 9th October 1896, No. 32-Public—1555.

In continuation of Home Department Resolution, No. 22-Public—637-53, dated the 16th March 1888, on the subject of the pecuniary relations of Government officers with persons who are subject to their authority, I am directed to forward,

for the information of His Excellency the Governor in Council, a copy of a letter,* addressed to the Government of the North-Western Provinces and Oudh, which contains further orders of the Government of India in the matter.

ENCLOSURE.

From H. J. S. COTTON, Esq., c.s.i., Officiating Secretary to the Government of India, Home Department (Public), to the Chief Secretary to the Government of the North-Western Provinces and Oudh, dated Simla, the 9th October 1896, No. 32-Public—1541.

I am directed to acknowledge the receipt of your letter, No. 2700, dated the 28th August 1896, submitting, for the consideration of the Government of India, a proposal that the Home Department Resolution, No. 22-Public—637-53, dated the 16th March 1888, containing orders on the subject of the pecuniary relations of Government officers with persons who are subject to their authority, should be amended in order to place native public servants under the same obligation to disclose their indebtedness in districts to which they may be under orders of transfer, as is imposed on covenanted servants by section 6 of Bengal Regulation VII of 1823; and also suggesting that no distinction should be made, so far as the orders of 1888 are concerned, between the taking of loans and excessive indebtedness to tradesmen.

2. In reply, I am to say that the Government of India entirely agree with the opinion expressed by His Honour the Lieutenant-Governor and Chief Commissioner that it should be obligatory on native public servants to disclose to Government their indebtedness to individuals resident in districts to which they may be under orders of transfer. Although section 6 of Bengal Regulation VII of 1823, which contains directions in the matter, is only applicable to covenanted servants of Government, the principle is one which should be extended to native officers also, and this indeed is implied in the Home Department Resolution of the 16th March 1888. The Governor-General in Council would therefore approve of orders being issued by the Government of the North-Western Provinces and Oudh, if it should consider it desirable to do so, laying down distinctly the responsibility of officers other than members of the Indian Civil Service in this respect. At the same time, His Excellency in Council does not consider it necessary to amend the Resolution of the Government of India, which is drafted in general terms, and was never intended to preclude the issue of supplementary instructions by a Local Government.

3. The question raised in regard to trade debts involves more difficult considerations, and the Government of India have no desire to limit the discretion which they think is rightly left to Local Governments in dealing with particular cases. It is the degree of indebtedness, as pointed out by His Honour the Lieutenant-Governor and Chief Commissioner, which would indicate the desirability of interference in any case, but the character of such interference and the measures called for on the part of Government either to restrain individual officers or to avert a public scandal are matters for determination with reference to the circumstances of each particular case. The Governor-General in Council, while agreeing with His Honour that "excessive indebtedness" is a very serious disqualification for Government service, considers that it would be impossible to frame a precise definition of that expression applicable to all cases, and that it is not advisable to lay down a general rule that such indebtedness shall be punishable by dismissal from the service of Government.

ORDER—No. 1227, Public, dated 17th November 1896.

In Resolution of the Government of India, Home Department, No. 22—637-653, of the 16th March 1888, printed at page 1 of the "Rules and Orders of the Governor-General in Council regulating the conduct of public servants in respect to borrowing money, receipt of complimentary addresses and other matters," it is laid down that all Covenanted Civil Servants, Statutory Civilians, Uncovenanted officers who hold gazetted appointments, and Military officers in civil employ, are prohibited, under pain of dismissal, from taking loans from, or otherwise placing themselves under pecuniary obligations to, persons subject to the official authority or influence of such Government officers, or residing, possessing property or carrying on business within the local limits for which such Government officers are appointed; and by article 23 of the "Rules relating to the personal conduct of Government servants," similar orders are made applicable to all officers, whether European or Native, who hold gazetted appointments or other positions of trust and responsibility.

2. Under section 6 of Bengal Regulation VII of 1823, any Covenanted servant who may be appointed to any office and who shall at the time of such appointment be indebted to any person with whom it would be illegal for him to contract a loan while holding such office, shall, before entering on the duties of the office, make known the circumstance to the Governor-General in Council, and, if he fail to do so, shall be subject to the same penalty as if the debt had been contracted subsequently to his being appointed to the said office. General Orders to this effect have not hitherto existed in this Presidency.

3. His Excellency the Governor in Council is pleased to direct that it shall be obligatory on every public servant, whether European or Native, who holds a gazetted appointment or other position of trust and responsibility, to disclose to the head of his department his indebtedness to any individual or individuals resident in the district to which he may be under orders of transfer.

(True Extract.)

A. T. ARUNDEL,
Ag. Chief Secretary.

To all Members of the Indian Civil Service (Madras),
" all Departments of the Secretariat,
" all Heads of Departments under the Chief Secretariat,
Gazette (paragraph 3). } Order only.

Public (1896.) Department.

CURRENT No. 3669.

Order

From The Off Secy to the
Govt. of India
(Home Dept. Public)
No. 32 Public
1555

Dated 9th Oct.
Received 19th Oct.
Registered 21st Oct.
Enclosures 1

Spare copies. 7 of enclosure and 7 of
current

SUBJECT.

Forwarding copy of letter
addressed by the Govt. to the Govt.
of the No. Provinces and Oudh con-
taining further orders of the
Govt. in the matter of the
pecuniary relations of Govt. officers
with persons subject to their
authority.

BACK PAPERS.

G.O.	No.	Department.	Date.
	375	Post	7-4-88
	1537/40		17-11-87

FURTHER PAPERS.

G.O.	No.	Department.	Date.

C.A.

Perhaps this need not be 30 lbs.

Such as -

- 1/ The members of Council
- 2/ Secretaries to Council
- 3/ Judges of the High Ct.
- 4/ Members of the Board of Revenue
- 5/ Heads of Departments
- 6/ Heads of Police & Jail
- 7/ The Lt. Gov. & members of the High Ct., Revenue & Police & Jail for the Government.

W.H.

1/12

I think each member of the Service should be given a list of the above.

$$\left[\frac{G}{75}\right]$$

4,000-13-8-25

NOTE FOR THE UNDER SECRETARY

5 up - 5 ac - 1 pr.

Two resolutions of the
96 are wanted —

(1) with the current-potential
' ϵ ' of which furnish 180
capacitance, &

(2) in the letter to heads of houses.
 printed fully of which
 provides 30 copies please
 take addresses from
 attached & if in the
 edition (2) after the
 addresses added in
 italics order only
 show proof if necessary
 7-12/11/11

9th December of the 8. Ed. (VE)
all Dept of the Secretariat
all H^{rs} of Dept to which the
Chief Secretariat
have the para 3
for inclusion in the Memorandum

G.
25 A.
1,000-21-3-96.

Hmt & Co.

*In Ho. no 1227
81 17-11-96*

8
1000
PUBLIC

DEPARTMENT.

C. No. 3469

FOR ORDERS.

The Govt. of the N.W. Provinces and Oudh proposed to India that the resolution flagged **A** containing orders on the subject of the pecuniary relations of Govt. officers with persons ^{who are} subject to their authority should be amended in order to place native public servants under the same obligation to disclose their indebtedness in districts to which they may be under orders of transfer as is imposed on covenanted servants by sec. 6 of Bengal Regulation VII of 1833, and suggested that ~~under~~ no distinction should be made between the taking of loans and excessive indebtedness to tradesmen. In reply India stated that the principle of sec. 6 of Bengal Regulation VII of 1833 is one which should be extended to native officers also and this is implied in the resolution flagged **A**. The Govt. of the N.W.P. was therefore at liberty to issue orders to that effect should it so desire, but the amendment of the resolution appeared to be unnecessary. In regard to trade debts, India was of opinion that no general rule was possible but.

C 11/11 10/12/11

ut that each case should be dealt with
y local Govts. on its merits.

India has now forwarded a copy
of its letter to the Govt. of
the N.W. Provinces to
his Govt. for information. It is clear
from the wording of the resolution in
question that it has general effect and
is not confined to European officials.
It is embodied in the blue pamphlet put up-
side page 7- and also in art:23, page
of the rules in the red pamphlet. It is
quite clear that the latter applies
to natives equally with the European
officials, and to emphasize this the heading
art:23 is "Additional rules appli-
able to European officials". But the pro-
visions of sec.6 of Bengal Regn.VII of
1833 under which a Covenanted officer
could report to Govt. his indebtedness
in a district to which he is under orders
transfer do not appear to have been
extended to other officers.

Orders are requested whether, with
reference to India's letter to the Govt.
of the N.W. Provinces, a general order to
the above effect should now be issued
by this Govt.

SB
28/10/16
A General order
should be issued
giving effect to the
Res. of Govt. of India if the
rules in force in this Presy.
are deficient in that
respect. Note in the point
AT 29/10/16

Draft done
A similar order
is in existence.
SB
30/10/16

FOR ORDERS.

H. E. THE GOVERNOR.

THE HON'BLE MR. H. W. BLISS, C.I.

THE HON'BLE MR. J. GROSE, C.I.E.

G.
24.

500-22-4-96.

Public DEPARTMENT.

Papers to be read in proceedings:—

Again G.O., dated 189 , No.
Again G.O., dated 189 , No.
Current No. 3469 of 1896, dated 9/10, from the Govt. of India, Home Dep^t
" " " 189 , " " "
" " " 189 , " " "

ORDER.

LETTER:—
2-----

To
The Chief Secretary to the Govt.
of the N. W. P. & Oudh,
SIR,

I am directed to request that
this Government may be favoured with
copies of the orders passed on, and
of any rules that may be framed
with reference to, letter from the
Home Dept. No. 32 Pub./1541 of the
9th instant, copy of which has been
furnished to this Govt. by the Govt.
of India

I don't see that
anything more is
required than the
letter from India.
AT 26.10.

C.S.
India sends the letter
for information & it wd.
be convenient to know
what N.W.P. does on it.
Need this go to H.M. at
this stage?
SB
25/10/16

G.
24.
1-22-4-06.

Public DEPARTMENT.

Papers to be read in proceedings:—

10
12/11/96

Again G.O., dated

189 , No.

Again G.O., dated

189 , No.

Current No. 3469 of 1896, dated 9-10-96, from the Govt. of India, Home Dept.

" "

" 189 , " "

" "

" 189 , " "

3 8

ORDER. N^o 1227 8717^a Nov. 1896.

In Resolution of the Govt. of India, Home Dept., No. 22/637-653 of the 16th March 1896, printed at page 1 of the "Rules and Orders of the Governor-General in-Council regulating the conduct of public servants in respect to borrowing money, receipt of complimentary addresses and other matters," it is ^{laid down} ~~ordered~~ that all Civil Covenanted Servants, Statutory Civilians, Uncovenanted officers who hold gazetted appointments, and Military officers in civil employ, are prohibited, under pain of dismissal, from taking loans from, or otherwise placing themselves under pecuniary obligations to, persons subject to the official authority or influence of such Govt. officers, or residing, possessing property or carrying on business within the local limits for which such Govt. officers are appointed; and by art. 23 of the "Rules relating to the personal conduct of ^{Govt.} ~~public~~ servants," similar orders are made applicable to all officers;

AS
12/11/96

12/11/96

12/11/96

* whether European or Native, who hold gazetted appointments or other positions of trust and responsibility.

2. Under sec. 6 of Bengal Regn: VII of 1833 any Covenanted servant who may be appointed to any office and who shall at the time of such appointment be indebted to any person with whom it would be illegal for him to contract a loan while holding such office, shall, before entering on the duties of the office, make known the circumstances to the Governor-General-in-Council, and, failing to do so shall be subject to the same penalty as if the debt had been contracted subsequently to his being appointed to the said office. Orders to this effect have not hitherto existed in this Presy.

3. H. E. the Governor in Council is pleased to direct that it shall be obligatory on ^{every} public servant,

whether European or Native, who holds a gazetted appointment or other position of trust and responsibility to disclose to the Head of ^{his} dept. ^{his} indebtedness to individuals resident in the district to which ^{he} may be under orders of transfer.

OTB
10/10/96

10.11.96

All members of the Indian Civil Service (Madras) Dept. according to the Civil list corrected up by the T. Sec. 7 Nov. 1896.
1. Dept. of the Secretariat. Dept. 1/12
2. Dept. of the C.S. Dept. 1/12
3. C.A. Madras. Dept. 1/12

[G]
[44]
200-17-6-96

Public DEPARTMENT.

List showing the distribution of the Proceedings of Government
No. 1227 dated 17-11-96

Revenue Department	..	..	..	30
Public Works Department	..	..	..	40
Marine Department	..	..	..	5
Local and Municipal Department	..	..	..	5
Pension Department	..	..	..	5
				Depd 1/12
Honourable the Chief Justice with C.L.				30. Depd 1/12
Inspector-General of Police				6
Do. of Prisons				22
Do. of Registration				25
Chief Presidency Magistrate				2
Commissioner of Police				2
Judges of the Madras Court of Small Causes				2
Advocate-General				1
Government Solicitor				1
Administrator-General				1
Sheriff of Madras				1
Government Pleader				1
Crown Prosecutor				1
Registrar of Joint Stock Companies				1
				6
Surgeon-General				1
Meteorological Reporter				1
President, Board of Examiners				1
Private Secretary to His Excellency the Governor				1
Government Astronomer				1
Protector of Emigrants				3
Superintendent, Government Press				1
Tamil Translator to Government				1
Telugu do. to do.				1
Malayalam do. to do.				1
Canarese do. to do.				1
Hindustani do. to do.				1
British Consular Agent, Pondicherry				1
Superintendent, Archaeological Survey				1
Government Epigraphist				1
				4
Resident in Travancore and Cochin				1
Paymaster, Carnatic Stipends				1
Political Agent, Pudukkottai (Trichinopoly)				1
Do. Sandur (Bellary)				2
Do. Banganapalli (Kurnool)				1
Government Agent, Tanjore				1
Special Agent, South Arcot				1
				2
The Right Reverend the Bishop of Madras				2
Venerable the Archdeacon of Madras				2
Senior Chaplain, Church of Scotland				2
				4
Accountant-General				1
Commissioner of Paper Currency				1
Superintendent of Stationery				1
Submaster of Stationery				1

Dept 4/12/96

x Pub. Sec. order attached

1225

EDUCATIONAL.

Director of Public Instruction ..
 Commissioner for Government Examinations ..
 Superintendent, Government Museum ..

THE DISTRICT MAGISTRATE OF

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

THE 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 ..
 Tinnevelly (Palamecottah) ..
 Trichinopoly ..
 Vizagapatam ..