

Public (1897) Department.

ORDINARY MS.

G.O., No. 1357

DATED 11. 10 97

[Despatch Abstract.]

Comg: to the Secy to the Secretariat
letter from the G. & S. stating that if the
power of the Govt. of Madras to remove
officers from their appointments when
such powers exist is absolute, the
instructions contained in the letter
of that Govt. of 14th July last will not
have any application in this
Presidency.

BACK PAPERS.

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

FURTHER PAPERS.

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

Public (1897) Department.

ORDINARY PRINTED.

G.O., No. 1357

DATED 11-10-97

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Public Servants (Inquiries) Act, 1850.

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

Government {1897} of Madras. PUBLIC.

Recd.

Enclosures

Regd.

1897.

Spare copies

G.O., No. 1357, 11th October 1897.

OCTOBER.

Public Servants (Inquiries) Act, 1850.

Communicating to the departments of the Secretariat letter from the Government of India stating that, if the power of the Government of Madras to remove officers from their appointments, where such powers exist is absolute, the instructions contained in the letter of that Government of the 14th July last will not have any application in this Presidency.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—again the following paper :—

G.O., Nos. 1110, 1111, Public, dated 23rd August 1897.

Read—the following letter from J. P. HEWETT, Esq., C.I.E., Secretary to the Government of India, Home Department (Public), to the Chief Secretary to the Government of Madras, dated Simla, 14th July 1897, No. 1462.

I am directed to say that the Government of India have recently had under their consideration the construction which should be placed on section 23 of the Public Servants (Inquiries) Act, 1850 (XXXVII of 1850, as amended by Act I of 1897), with reference to the extent of the power thereby conferred on Local Governments to order inquiries into the conduct of officers serving under them.

2. With a view to preventing divergence of practice, I am to point out that, in the opinion of the Governor-General in Council, such an inquiry can be ordered by a Local Government only when it has by law absolute power to remove the officer concerned from his appointment. In cases, therefore, in which such power is subject to the control of the Governor-General in Council (as for instance in the case of Commissioners, Deputy Commissioners and Assistant Commissioners in the Central Provinces under section 7 of Act XVIII of 1881) or is otherwise limited, the circumstances should be reported to the Government of India for orders before any action in the direction of appointing a commission is taken.

Order—No. 1110, Public, dated 23rd August 1897.

The Government of India will be addressed.

(True Extract.)

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

Letter—No. 1111, Public, dated 23rd August 1897, to the Secretary to the Government of India, Home Department (Public).

I am directed to acknowledge the receipt of your letter, No. 1462, dated 14th July 1897, regarding the construction to be placed on section 23 of Act XXXVII of 1850, as amended by Act I of 1897.

2. In reply, I am to observe that the power of this Government to remove an officer from his "appointment," where it exists, appears to His Excellency the Governor in Council to be absolute and not subject to the control of the Government of India. Under the circumstances, therefore, it would seem that, as the cases referred to in your letter alluded to above cannot arise in this province, the instructions regarding reports to the Government of India are not applicable to this Government. I am to inquire whether this view is correct.

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

READ—also the following paper :—

From L. M. THORNTON, Esq., Deputy Secretary to the Government of India, Home Department (Public), to the Chief Secretary to the Government of Madras, dated Simla, 30th September 1897, No. 1994.

I am directed to acknowledge the receipt of your letter, No. 1111, Public, dated the 23rd August 1897, inquiring whether the instructions contained in the letter from this department, No. 1462, dated the 14th July 1897, regarding the necessity, in certain cases, for reporting to the Government of India the circumstances of a proposed inquiry, under section 23 of Act XXXVII of 1850, as amended by Act I of 1897, into the conduct of officers serving under the Local Governments, are applicable to the Government of Madras.

2. In reply, I am to say that if, as appears to be the case, the power of the Government of Madras to remove officers from their appointments (where that power is conferred by the law for the time being in force) is absolute, the instructions referred to will not have any application in the Madras Presidency.

ORDER—No. 1357, Public, dated 11th October 1897.

Communicated to the departments of the Secretariat.

(True Extract.)

J. F. PRICE,
Chief Secretary.

To the departments of the Secretariat.

Exd. C. M. Thambuswamy.

Public (1897) Department.

CURRENT No. 257

From

The G. of I.
Home / Public

No. 1994

In Orders with ref to the letter at B.
India says if as appears to be
the case, the power of this Govt
is absolute, the instructions
referred to will not apply to an

Presidency. Orders are
requested whether in courts.

The letters from India to the depts
the Sect. ^{stated definitely} ~~should be~~

as suggested in the letter at C.
that as the power of this Govt

is subject to the control of the

G. of I., India's instructions
do not affect it.

Submitted that Mr. C. may be
"Order at 1357 of 11 Oct 97"

Communicated to the depts
of the Sect. ~~and the~~

107. ~~the~~ 10/12/97

MK.

10/12/97

Copy of the Government

Dated

20 - 9 - 97

Received

Registered

7 - 11 - 97

Enclosures

Spare copies

Recd 6-40/100

SUBJECT.

Replying to letter No.

1111 Public d/ 28 - 8 - 97

re the necessity for

reporting to the G. of I.

the circumstances of a

proposed inquiry under

Act XXXVI of 1

amended by a

into the conduct

BACK PAPERS.

G.O.	No.	Department.	Date.
1110-11	897		
1189-90	996		

FURTHER PAPERS.

G.O.	No.	Department.	Date.

First copy sent to Press.

Returned for signature.

Despatched in print.

REMARKS (If any).

PRESENT NO.

PREVIOUS G. O. No.

NAME OF GOVERNMENT

NAME OF GOVERNMENT

NAME OF GOVERNMENT

NAME OF GOVERNMENT

NOTE—
 1 = Print in full.
 2 = Not to be printed.
 P = Print abstract only.
 Q = Print heading only.

NAME OF GOVERNMENT
 ORDERED BY
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When given for copying _____
 When copied _____ 13/10
 When examined _____ 14/10
 When signed _____

189

READ AGAIN G O., No. 189 . DATED

SUPPLEMENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B.—

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whole day and energy of a day
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show to the, 11th-12th, on every
Ed. Oct.
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