

Public (189 P) Department.

ORDINARY MS.

G.O., No. 1015

Dated 9-8-82

[Despatch Abstract.]

Informing the H.S. that the gratuity of two months' pay to Hospital Asst. K. C. Ramnathi was sanctioned under Art. 90 (b) of the C. S. R. and G.O. No. 526 of 11-9-35 as a reward for special services in connection with the administration of Justice.

T
11-1-82

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 (1898) Department.

CURRENT No.

Order

From The Accountant General
Madras
-7 JUL 1898
GOVERNMENT OF MADRAS

No. 3509.

Dated 6 July 1898.

Received 7. " "

Registered 8. " "

Enclosures -

Spare copies -

SUBJECT.

Requesting to be informed
of the Rule or order under
which the gratuity to the
Hosp. Asst. Rammiah
is sanctioned in the
present case.

BACK PAPERS.

G.O.	No.	Department.	Date.
	784	Pub. <u>papers</u>	21-6-98

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Treasury Account DEPARTMENT.

FORT ST. GEORGE,
Accountant-General's Office,
6th July 1898.

No. 3509

From J. Hesketh Biggs Esq.,

ACCOUNTANT-GENERAL TO THE

GOVERNMENT OF MADRAS,

To

THE Chief Secretary to Government,
Public Department.

SIR,

With reference to Government Order No. 784, Public dated 21st June 1898 sanctioning a gratuity of two months pay to Hospital Assistant Ramnathi, I have the honour to observe that under Article 91 of the Civil Service Regulations the sanction of the Government of India appears to be necessary for the grant of remuneration from the public revenues in addition to the fixed pay of any public officer and to request that I may be informed of the rule or order under which the gratuity is sanctioned in the present case.

I have the honour to be,
Your most obedient servant,
M. H. R.
Accountant General

Note

Article 90(b) did not exist, as it now stands, in the 1st edition of the Civil Service Regulations (1889). The rules were amplified in April 1890 with a view (i) to extend the powers of the Local Govts. and the Govt. of India and (ii) to define in what cases rewards may be drawn ~~by~~ by public servants from private funds not controlled by Govt.

Advantage appears to have ^{then} been taken to legalise by a general rule, Art. 90(b) 5 the grant and acceptance of rewards in aid of the administration of justice, police &c, which had been allowed under executive orders from the earliest years.

(vide G.O. No. 1380 Judl. d/23-8-62
,, No. 342 ,, d/19-2-79)

These orders are reproduced in G.O. No. 523 Judl., dated 9th March 1895 and it is submitted that if article 90(b) legalises the acceptance of these rewards which can be sanctioned only by officers of Govt, under the general authority vested in them by Govt, it tacitly recognises ipso facto the power of Govt. to authorise the rewards for the benefit of the administration.

Thos Public

CS.

To the above may be added the fact that G.O. No. 1567 d/19-11-90 and G.O. No. 236 Judl. d/15-2-92

P.O. No. 543 d/11-9-90

sanctioned rewards which have
indubitably been paid to the A.G.
without protest and that the
rule which governs these grants
must govern the present one. The
foregoing note is the only defence
that can be given of the grant, if
it is to be defended by the rules in
the C.S.R. but perhaps as a
preliminary to ~~settling~~
~~settling~~ this matter the A.G.
might be asked under what ^{article} rules or orders
he admitted the gratuities (or rewards)
in the cases referred to above

Civil
21.1.05

C.S.

Submitted that notice
of making this reference
supported above is well
be simpler to issue the
draft below - & let the
A.G. question the applicability
of Art. 90(b) if he sees fit

M.

22/7/05

It is true that the rules
of Art. 90(b) of the C.I.R. are
described as "internal rules for the"
"acceptance of fees by, and the grant of rewards from"
"public revenues to officers in 'best employ'" but
rule 90(b) refers only to the acceptance. The idea of the
there that the power is probably a survival from
a ~~former~~ power conferred by the legislature
under the old regulation. This should be investigated.

BC
for further investigation
Civil
22/7/05

NOTE FOR THE Chief Secretary

Section ~~2.1~~ ^{2.3} of Madras
Regulation No. 78 of 1816 em-
powered a Magistrate to
offer a reward to the extent
of Rs 100 for the detection of
offenders in cases of serious
crime, or when he might be
of opinion that the ordinary
processes would not suit.
The Court of Fowz-darry
Adawlat could enhance
the reward to Rs 500, report-
ing for the orders of Govt.
Cases where this sum would
appear to be inadequate.

Section ~~2.1~~ ^{2.3} permitted
Courts of circuit to grant
rewards to a maximum
of Rs 100 for meritorious
service rendered by the
Police or others, in the de-
tection of offenders; the
Court of Fawz-darry Ada-
wlat being empowered to
raise it to Rs 500 and
cases requiring higher
rewards being sent up
to

to Government.

The power to reward meritorious service was extended to Magistrates and Criminal Judges by Section X of Regulation VIII of 1832.

These powers were exercised until 1862, when the Code of Criminal Procedure (Act XV of 1861) was brought into force; and the two Madras Regulations were repealed by India Act VIII of 1862.

It was then that G.O. No 1380. Judicial, dated 23rd August 1862, was passed to validate the grant of rewards as before.

These executive orders have practically the force of law and their authority has not been questioned till now.

The Index of the Indian Statutes, Police orders &c. have been searched, but no further legal authority is

is traceable.

Submitted that it would be enough to quote G.O. 526. Judicial, dated 9.3.98 in addition to Article 90 (6) in the draft order in the file.

K.
1/8/98

Vinayak.

1/5/1898.

Submitted to the C.S. with ref. to his order d. 23/7/85

1/1/85
4/8/85

A Regulation for reducing into ^{one} Regulation certain Rules which have been passed regarding the Office of the Zillah Magistrate, for modifying and defining his powers, and for transferring the Office of Zillah Magistrate from the Judge to the Collector of the Zillah: Passed by the Right Honourable the Governor in Council of Fort St. George, on the 15th of September, 1816, corresponding with the 31st Avani of the year Dhatu, 1738th year of Saliwahana, and with the 20th Shawal, 1231 Hijra.

x	x	x	x
x	x	x	x
x	x	x	x

Magistrate M.I. In cases of gang robbery, murder, or other heinous crime, when the Magistrate shall be of opinion that the appearance of public offenders would be ineffectual, or when the offenders may not be known, if it appear advisable to the Magistrate of the Jurisdiction in which the crime may be committed to offer a reward for the discovery and apprehension of the offender or offenders, he shall offer such reward as shall be deemed sufficient, not exceeding in any case the sum of one hundred Arcot rupees for a sirdar or leader of a gang, and twenty rupees for each of the inferior offenders that may be discovered and apprehended in consequence. In any case which may appear to the Magistrate to require a larger reward, he shall report the same to the Court of Foujdarry Adawlut, with his opinion of the reward that should be offered, and the Court of Foujdarry Adawlut may authorize such reward as shall appear sufficient, not exceeding the sum of five hundred Arcot rupees for a sirdar or leader, and one hundred rupees for each of the inferior offenders. If these rewards appear to be in any case insufficient, the Court of Foujdarry Adawlut shall report the same for the consideration and orders

Discretion vested in the Magistrate in such cases,

and in the Court of Foujdarry Adawlut.

In what case a report to be made for the orders of Government.

orders of Government.

XXII. All specific rewards offered under the discretion of the Magistrate, or which may have been duly sanctioned by the Court of Foujdarry Adawlut, or the Governor in Council under the preceding section, shall be payable on the conviction of the offender or offenders before the Courts of Circuit.

The Courts of Circuit are also hereby empowered to direct the payment of any part of the specific rewards authorized, although the persons apprehended may not be convicted of the crimes charged against them, if from proof of their notorious bad character and the whole of the evidence, there appear to be ground of presumption that the information given against the prisoners was well founded: provided farther, that it

Reward sanctioned under the preceding section, when In what cases the Courts of Circuit may order payment, in whole or in part without conviction of the persons apprehended

shall be competent to the Court of Circuit to withhold and prohibit the payment of the whole or any part of the specific rewards offered under the preceding section, although the persons informed against and apprehended may be convicted, if it should appear on the trial that any improper means have been taken by the informer with a view to the conviction of the accused, or that the latter has suffered any mal-treatment from the former, or from any person under his influence.

In what case the Courts of Circuit may also, withhold the payment of the rewards offered under preceding section, notwithstanding the conviction of the persons apprehended.

XXIII. In cases wherein any meritorious service may have been rendered by police officers or others in the apprehension or discovery of public offenders, for whom no specific reward may be payable to the persons or persons who have performed such meritorious service, the Courts of Circuit, on due consideration of the service rendered, the exertions made, and any expense incurred in the performance of it are authorized to direct the payment of such remuneration as may be considered adequate, not exceeding the sum of one hundred rupees for a sirdar, and ten rupees for an accomplice. If a larger reward be deemed proper, a report of the case shall be made to the Court of Foujdarry Adawlut, who are authorized to direct the payment of any sum not exceeding five hundred rupees. If in any case it appear proper to grant a higher reward or compensation than five hundred rupees, the Court of Foujdarry Adawlut shall report the same for the consideration and orders of Government.

Authority vested in the Courts of Circuit to direct a remuneration for meritorious service by police officers and others in the discovery or apprehension of public offenders when no specific reward may be payable to them;

And in the Court of Foujdarry Adawlut.

In what case a report to be made to Government.

[G]
24
1,000-22-11-97.

Public DEPARTMENT.

Papers to be read in Proceedings:—

Again GO., No.	, dated	189 .
Again G.O., No.	784 ²⁴ , dated	21-6. 1898.
Current No.	2466 of 1898, dated	6-7-1898 from the A.G.
" "	" 189 , "	" "
" "	" 189 , "	" "

C.S.
X
ORDER. No. 1015, of 9th August 1898.
his.

And G.O. No. 526 Judicial D. 9 3 95.

5-8-98.

§ 14 M.

The A.G. will be informed that the ^{under that, 20th C.S. R.} ~~prohibition~~ was sanctioned as a reward for special services in connection with the administration of justice.

(from orders of C.S.)

AK 9/7/25

AK 8/8/25

To the

Sept 12 8.98

A.G. (1) of the present.

Note please see the note by Finmill 7.

8-7-98.

When given for copying 4/8
When copied 3/4/8
When examined 3/4/8 } 189.
When signed

READ AGAIN G.O., No. , DATED
189 ,

CURRENT No.

ENCLOSURES TO G. No

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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

N.B.—

- A = Copy in full.
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