

Government of Madras.

Fwd CM
S383Leave noticePublic ¹⁸⁹⁸ (~~191~~) Department.Press.
ORDINARY MS.

G.O., Nos 1300-1301

DATED 27 - 10 - ¹⁸⁹⁸ ~~191~~.

[Abstract.]

Administration of the Civil Medl Dept

directing that the Govt of India be addressed
on the question of the powers of the Director General, DMS,
as regards the — in the Presidency and the officers
of the DMS serving under the orders of this Govt.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Government {1898} of Madras.
PUBLIC.

Recd.

Regd.

} 1898.

Enclosures

Spare copies

G.O., No. 1300, 27th October 1898.

OCTOBER.

Administration of the Civil Medical Department.

Directing that the Government of India be addressed on the question of the powers of the Director-General of the Indian Medical Service as regards the — in this Presidency, and the officers of the Indian Medical Service serving under the orders of this Government.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—the following papers :—

From the Surgeon-General with the Government of Madras, dated Ootacamund, 3rd May 1898, No. T/77.

From the same officer, dated 28th May and 13th June 1898, Nos. T/150 and T/195, respectively.

ORDER—No. 1300, Public, dated 27th October 1898.

The following letter will be despatched.

[Here enter letter, No. 1301, Public, dated 27th October 1898.]

(True Extract.)

G. STOKES,
Chief Secretary.

Exd. Shaik Karim.

Government (1898) of Madras.

PUBLIC.

Recd.

Enclosures

1898.

Regd.

Spare copies

Letter, No. 1301, 27th October 1898.

OCTOBER.

Administration of the Civil Medical Department.

Addressing the Government of India on the question of the powers of the Director-General of the Indian Medical Service as regards the — in this Presidency, and the officers of the Indian Medical Service serving under the orders of this Government.

PUBLIC DEPARTMENT.

LETTER—from

THE CHIEF SECRETARY TO THE GOVERNMENT OF
FORT. ST. GEORGE,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

SIR,

The attention of this Government has, for some time past, been attracted to the growing inconvenience caused by the want of a definite understanding on certain points connected with the administration of the Civil Medical Department, and I am accordingly directed to address you on the subject.

2. The question to which I am now specially to refer is that of the exact position of the Director-General of the Indian Medical Service, and his relations with the local Surgeon-General. Neither the scheme for the unification of the Indian Medical Service, communicated with Military Department letter No. 284 G., dated 31st March 1894; nor the arrangement finally published in the notification of the Government of India No. 260, dated 6th March 1896, afforded any information as to the duties or powers of the Director-General. The former made no reference to that officer, while the latter merely stated that he would be the head of the Indian Medical Service when that service was amalgamated under the direct administrative control of the Government of India. There is nothing on record to suggest any intention on the part of the Government of India to confer upon the Director-General the right, which he has since assumed, to intervene in matters which relate to Civil Medical administration in this Presidency, and which are therefore under the control of this Government.

3. The necessity which exists for a distinct understanding on the subject will be apparent from certain instances, to which I am directed to refer, in which the intervention of the Director-General has led to considerable inconvenience. The first of these cases has already been brought to the notice of the Government of India. My predecessor's letter No. 1518, Public, dated 23rd November 1897, a reply to which is awaited, commented upon the action of the Director-General in instructing the Surgeon-General with this Government in July 1897, to warn certain medical officers that they might be required for military duty. It was mentioned that the result of this unauthorized direction was that the medical officers who had been warned were removed from plague inspection stations, and had left for the front before they could be stopped, and the efforts of this Government to guard against the introduction of plague into this Presidency were thereby considerably hampered. It is no doubt true that the responsibility for this result rested in some measure on the Surgeon-General who had no authority to obey the Director-General's instructions in the matter. In addition, however, to the inconvenience thus caused, the Director-General's action in issuing the orders in question direct to a subordinate of this Government constituted, in the opinion of His Excellency the Governor in Council, a distinct encroachment on the functions of this Government.

4. The second instance of the intervention of the Director-General to which I am to allude occurred in connection with the recent deputation of Surgeon-Captain Bourke for training in the office of the Chemical Examiner at Madras. Mention has already been made, in Mr. Arundel's letter, No. 591, dated 25th April 1898, of the fact that the communications between the Surgeon-General and the Director-General regarding the appointment of a successor to Surgeon-Captain VanGeyzel, in the event of the latter officer being granted leave, were carried on throughout without the knowledge or the sanction of this Government. In communicating to the Director-

No. 1200, dated 14th September 1897.
No. 1197 " 17th November 1897.

General the proceedings of this Government, noted in the margin, the Surgeon-General acted without authority. The orders necessary to prevent a repetition of

this error can however be issued by this Government. At present I am to invite special attention to Surgeon-Captain Bourke's communication, dated 21st April 1898, addressed to the Director-General of the Indian Medical Service, which forms an enclosure to this letter. In it Surgeon-Captain Bourke mentions that he had been informed by the Director-General that he was likely shortly to act as Chemical Examiner at Madras, and it was apparently on this understanding that he accepted the appointment as probationer in the Chemical Department. If Surgeon-Captain Bourke's account of the matter is correct, it is clear that the Director-General went entirely beyond his powers. The appointment of the Chemical Examiner rests with the Governor in Council, who had no intention of appointing Surgeon-Captain Bourke, and indeed at the time was not aware of that officer's existence. The subsequent correspondence, and Surgeon-Captain Bourke's unnecessary journey to Madras, are to be attributed entirely to the Director-General's unauthorized action in the matter.

5. Finally I am to refer to the procedure adopted in connection with a change which has lately been introduced with regard to applications for leave from officers of the Indian Medical Service. It has come to notice that in April 1897 the Director-General directed the Surgeon-General to forward to him all applications for leave (other than privilege leave or leave on medical certificate) submitted by medical officers in civil employ. The Surgeon-General has in recent cases complied with this instruction, and several applications for leave have been received by this Government with an endorsement by the Director-General. Article 935 of the Civil Service Regulations has, it is observed, been altered so as to sanction this procedure. His Excellency the Governor in Council desires to point out that this important change has been introduced not only without any previous reference, but even without subsequent communication to this Government. In fact, until the Director-General's endorsements began to be received, the Governor in Council was unaware that any such change had been effected. Had an intimation on this subject been made in the ordinary official course by the Government of India to this Government instead of by the Director-General to the Surgeon-General, this Government would have been afforded an opportunity of stating its views on the subject. I am now directed to observe that the change in procedure introduced appears to be open to grave objections. The officers of the Medical Department whose services are placed at the disposal of this Government should, His Excellency the Governor in Council thinks, be entirely under its control. The question whether or not leave should be granted depends in the first instance on the views of His Excellency the Governor in Council in the matter, and secondly on the question whether there is an officer available to fill the vacancy. If there is not, and if it is decided to grant the leave, the proper and convenient course would appear to be that this Government should apply to the Government of India for the services of another officer. Under the arrangements newly introduced the Director-General may or may not countersign the application for leave. It seems however to be of little moment whether he does so or not, for the Governor in Council has full liberty to grant the leave irrespective of the opinion of the Director-General. If however that officer's endorsement is to be looked upon as authoritative, His Excellency the Governor in Council strongly demurs to a procedure which has the appearance of placing this Government in subordination to the head of a department, and regrets that he cannot accept the position.

6. The position assumed by the Director-General in these instances renders it, in the opinion of His Excellency the Governor in Council, essential that the powers of that officer in regard to direct correspondence with the Surgeon-General with this Government should be clearly defined. Prior to the unification of the presidential services, the arrangement in force was that the Surgeon-General with the Government of India could communicate direct with the Surgeon-General with this Government only in regard to statistics and the operation of departmental rules and orders, and it was clearly understood that such communications were to be confined to the giving and receiving of information on these points, and that no attempt should be made to give

*Vide letter from the Government of India, Home Department, Medical, No. 623, dated 1st October 1889.

orders or issue instructions on the one hand, or to obtain them on the other.* The amalgamation of the medical services, while it altered the position of this Gov-

ernment as far as regards the recruitment, promotion and retirement of medical officers and the disposal of the reserve set apart to fill leave and other vacancies, did not, I am to observe, modify in any degree the control of the local Government over the officers of the Civil Medical staff actually serving under its orders. The Surgeon-General remains a subordinate of this Government and any arrangement under which he receives orders from a subordinate of the Government of India on matters in which this Government is concerned is, His Excellency in Council considers, a serious infringement of the statutory position and authority of this Government. I am accordingly to ask that the powers of the Director-General may be distinctly limited to those formerly enjoyed by the Surgeon-General with the Government of India, as far as regards the civil medical administration of this Presidency and the officers of the Indian Medical Service serving under the orders of this Government, and that, with the exception of correspondence which relates to professional matters, to statistics or to the operation of departmental rules or orders, all communications regarding the Civil Medical Department may in future be addressed by the Government of India to this Government and not by the Director-General to the Surgeon-General.

7. With regard to the letter addressed by Surgeon-Captain Bourke to the Director-General alluded to in paragraph 4 above, I am to explain that the letter was submitted to this Government by the Surgeon-General with a request that it might be forwarded to the Director-General of the Indian Medical Service. This Government was however unable to constitute itself a channel of communication between the Surgeon-General and a subordinate of the Government of India. I am therefore directed to submit the letter in question to the Government of India for disposal. The Surgeon-General was at the time informed that the letter would not be forwarded to the Director-General, and Surgeon-Captain Bourke was advised to communicate with that officer direct.

I have the honour to be,

Sir,

Your most obedient servant,

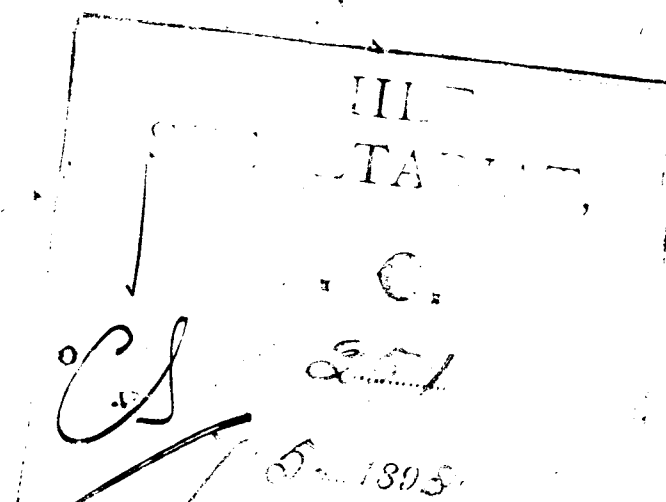
FORT ST. GEORGE,
27th October 1898.

G. STOKES,
Chief Secretary.

Encl. Shaik Karim.

Public (1898) Department.

CURRENT No. 1544



From

The Surg. Genl

do.
Order

7th May 1898

My dear Sir,

For: Mr. Widdow

the Surg. Genl. in the

subject of the relations

between Surg. Genl. and

yourself, recent events having

shown that a definite understanding

exists in the subject is

necessary. Will you please

send me ~~some~~ copies of any

circles or other publications

which you may have received

from the D.G. regarding

the relations in which you

should correspond with him,

and also let me have your

opinions on any points on

which you think a change in

procedure advisable. The undersigned is a subordinate of the

7.5.98 M. 7/5/98

No. 1/47

Dated 3 May 98

Received 3. "

Registered 4. "

Enclosures 2.

Spare copies. -

SUBJECT.

Transmitting letter from Surg. Cap. J. J. Bourke to the address of the Director Genl. I.M.S. requesting that his name may be removed from the list of probationers in the Chemical Dep.

Surgeon Major J. C. S. S. S. S. S.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Through the Honble the Chief Secretary to Govt. Madras
 [3] Enquest - 1^o 1544
 No. 177
 OFFICE OF SURGEON-GENERAL
 WITH THE GOVERNMENT OF MADRAS,
 Madras, 31 April 1898

From

SURGEON-MAJOR-GENERAL F. SIBTHORPE, F.B., F.R.C.P.J.

To

CHIEF SECRETARY'S
 -3 MAY 1898
 GOVERNMENT OF MADRAS
 SURGEON-GENERAL WITH THE
 GOVERNMENT OF MADRAS,
 THE Director-General,
 Indian Medical Service,
 Simla.

SIR,

I have the honor to transmit the accompanying letter N^o 468, dated 21st April 1898 to your address from Surgeon-Captain J. J. Bourke I. M. S. requesting that his name may be removed from the list of probationers in the Chemical Department.

I have the honour to be,

Sir,

Your most obedient Servant,

F. Sibthorpe

Surgeon-Major-Genl.,
 Surgeon-General with the Government of Madras.

From

REGN. MAJOR-GENL. C. SIBTHORPE, C.B., F.R.C.P.I.,

SURGEON-GENERAL WITH THE

GOVERNMENT OF MADRAS,

The Director-General,
Indian Medical Service,
Simla.

No. 477

Dated

Received

30 } April 1898.

Subject.

Transmitting letter from
Sargem-Captain J. J. Bourke
to the address of the Director-Genl.,
I. M. S., requesting that his
name may be removed from
the list of probationers in the
Chemical Department.

CS

Public
4 May 1898

do

My dear Sibthorpe. 2/5/98
Your letter d. 24/4/98
advising a letter from
Sargem-Captain Bourke to
the D.G. has just been
received. Govt. will have
to consider whether it
can act as a channel
of communication between
you & the D.G. The discussion
of the question may take
some time. I therefore
write to suggest that, if
you consider that delay
will cause inconvenience,
you should forward a
copy of the letter direct
to the D.G.

AK

4/5/98

MA

4.5.98

Surgeon Major Genl C. Sibthorpe C.B. 2/5/98
deposited
with copy of the
4/5/98

BACK PAPERS.

G.O.	No.	Department.	Date
	2nd army circular		15.4.93 p. 17
80	670-72	Pub:	25.6.94
	276	"	20.6.95
	275	"	11.4.95
	266	"	9.4.95
	2712	"	24.9.94
	617	"	24.8.94
	586	"	2.8.94
	850	"	25.6.94

FURTHER PAPERS.
Back

G.O.	No.	Department.	Date
	705	Pub:	20.2.97
	600	"	12.7.97
	280-1	Pub:	16.2.97
	4	Curry	pub

Civil Medical Department, Madras.

Standing Order No. 67.

Applications for Leave from Commissioned Medical Officers in Civil Employ.

THE following letter No. 2227, dated 12th April 1897, from the Director-General, Indian Medical Service, laying down procedure for the submission of applications for leave is hereby published for the information and guidance of Commissioned Medical Officers in Civil Employ.

2. Applications for privilege leave or leave on medical certificate should be forwarded direct to this office.

(By Order.)

R. H. ELLIOT, M.B., Surgeon-Captain,
Ag. Secretary, Surgeon-General
with the Government of Madras.

Office of Surgeon-General
with the Government of Madras,
Madras, 29th April 1897.

Copy of a letter from the Director-General, Indian Medical Service, to the Surgeon-General with the Government of Madras, No. 2227, dated 12th April 1897.

With reference to your No. 1442, dated 18th March 1897, I have the honor to inform you that the following is the procedure that has been fixed upon in respect of applications for any leave, except privilege leave and leave on medical certificate, from officers of the Indian Medical Service, whether in permanent or temporary civil employment:—

(a) An application for any leave except privilege leave and leave on medical certificate from a Commissioned Medical officer in permanent or a temporary civil employment should be submitted by the applicant together with the Audit officer's certificate to the Local Administrative Medical officer by whom it will be forwarded to the Director-General, Indian Medical Service.

(b) The Director-General, Indian Medical Service, will countersign the application, if the state of the public service admits of leave being granted, and forward it to the Local Government. If the state of the public service does not admit of the leave being granted, the Director-General, Indian Medical Service, will abstain from countersigning the application.

(c) On the application so countersigned or from which countersignature has been withheld the Local Government will at once be in a position to pass the necessary orders.

(d) The same procedure will be followed in the case of Medical officers applying for extension of furlough on private affairs.

(e) An application from a Medical officer appointed by the Government of India should be forwarded, with the Audit Officer's certificate, through the Administrative Medical officer and Local Government to the Department of the Government of India concerned who, after consultation with the Director-General, Indian Medical Service, will pass the necessary orders.

2. Article 935 of the Civil Service Regulations, I would mention, will be altered in the next edition of those regulations to correspond with the procedure described above.

Copy of Circular from the Director-General
Indian Medical Service to the all Civil
Administrative Medical Officers
No. 3-1, dated 7th April 1897.

With reference to India Army Circular, Volume 50 of 1896, regarding the date on which to submit applications for the form Extra pensions of £100/- per annum, two of which are available for eligible officers on the Bengal list, and one each for those on the Madras and Bombay lists, I am directed to request that you will inform all officers concerned, who are serving under you, that applications for these pensions must reach this office on, or before, the 1st March of each year, so as to enable the Government of India to consider the claims of all applicants at the same time. The selection of officers will then be made, and any application received on a later date, or any which has been withdrawn and resubmitted after the 1st March, will not be considered.

Should a pension, for any reason, be available after the 1st March, it may be allotted to an eligible officer who, through unavoidable causes, was unable to submit his application on the prescribed date, or who, through the occurrence of unforeseen circumstances, is obliged to retire from the service.

N.B. Circular approved in Government of India
Privy Dept. letter 22581A 2724 27 1897

Sir James Mcleod M.D., C.I.S.
Surgeon-Major-General
Director-General, Indian Medical Service

(True Copy)

Lt Col. ...
Surgeon-Major-General
Surgeon-General with the ...



MA
18.5.98

Notacamund 16th May 1898.

My dear Anundel,
A In reference to your DO. of the 7th May regarding the relations between the Govt. of Madras, the Director-General and myself which were so modified by the Notification published in the Gazette of India N^o 260 dated 7th March 1896 and in which the position of the Director-General and the Presidential Surgeon-General were defined I have to submit the following remarks:-

2. By this Notification and by G.O. N^o 870 of 1895 Presidential Surgeon-Generals have to carry out the Director-General's orders regarding the administration of the Indian Medical Service and the Indian Subordinate Medical Department. All Confidential

Notacamund 16th May 1898

Refers only to Sub. Acd
Def.

See also to ...
to ...

(True Copy)

216
Surgeon-Major-General
Surgeon-General

S.O. No. 352

x In Confidential Cover

reports on Commissioned Medical Officers in Civil employ with the remarks of the Local Government have to be forwarded to the Director. General vide G.O. No. 1190 Public dated 10 Sept: 1897 (Confidential) -

The withdrawal during Emergencies of Medical Officers in Civil employ in the various Presidencies rests with him vide para 5 of Government of India letter recorded in G.O. No. 685 Public of 30 June 1896. It will be seen that in these matters I have to correspond with the Director. General either direct or through the Govt of Madras according to the importance of the subject & to carry out his orders - no.

I attach a copy of S.O. No. 67 of 1897 in which the Director. General it will be seen that all applications for leave (except privilege or on medical certificate) from Commissioned Medical Officers in Civil

employ should be sent to him for countersignature before transmission to the Local Govt for disposal.

As the head of the Indian Medical Service I think it would be advisable if the Director General was consulted by the Madras Govt. in all matters affecting the interests of Officers of the Indian Medical Service which are not of a purely local character and that all references to the Government of India regarding questions of medical administration and all applications for the services of Officers should be sent through him to enable him to give his own opinion which the Government of India now always obtains before passing orders. This would in my opinion facilitate matters and in many instances be productive of good results as the Director. General knowing he is recognized by the Madras Govt. would probably be inclined

See to it
No. 352

See to it
No. 352

IV

Public

OK. D. 11/17/18-5-20.

The Surgeon General
is requested to be so
good as to forward sub-
stantiated copy of his letter
no 1442 d. 10/3/17 to
Mr. Director General of
the Indian Medical
Service.

AK
10/5/18

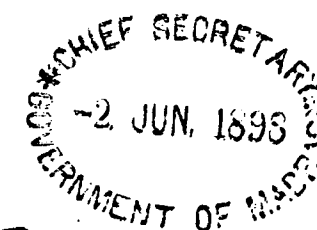
To

The Surgeon General
11/17/18
11/20/18

11

Public (1898) Department.

CURRENT No. 1827



E
From
Surgeon-Major-General C. Sibthorpe,
C.B., F.R.C.P.I.,
Surgeon-General with the Government
of Madras.

N
Order

OK. No. 125373-6-98.

No. *4400*

*The S.G. is requested
to forward a copy of
the letter of the D.G.
of the I.M.S. No 1207
d. 4/3/87 with
his letter No 1442
d. 15/3/87 to
the*

Dated 28 May.
Received } *2.6.98*
Registered }
Enclosures *1.*
Spare copies *—*

SUBJECT.

Forwarding a copy of his letter No.
1442 dated 18th March 1897 to the
Director General, Indian Medical
Service, Simla, as applied for in his
Memorandum No. 1161 dated the 18th
May 1898.

M
2/6/88

*S. Y (V) Recd 122
3/6/98*

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Current No 1824

Copy of a letter from the Surgeon-General with the Government of Madras to the Director General, Indian Medical Service, Simla, No. 1442 dated 18th March 1897.

With reference to para 2 of your letter No. 1207 dated 4th March 1897, I have the honor to state that the application for leave of Surgeon-Major D.F. Dymott was disposed of by this office in accordance with para 9 of G.G.O. No. 134 of 1895 - extracted below - which was of a more recent date than G.O.C.C. No. 1061 of 1894

"On or after 1st April 1895 applications for "furlough or leave under Military rules from officers whether "in Military or Civil employ will be submitted through the "Controller of Military Accounts x x x x x "who will forward them to the sanctioning authority."

2. Appendix I of the G.O.C.C. of 1894 says that such applications should be sent "through the Civil Head of Department and Local Government to Lieutenant-General Commanding "with Controller's statement". This practically means that the Civil Head of the Department, who in the case under reference was myself, should send the application in the first instance to the Controller for the necessary statement and for transmission by him to the sanctioning authority agreeably to para 9 of the G.G.O. of 1895 quoted above - so that the two orders do not apparently seem to conflict in this respect.

3. Article 935, Civil Service Regulations, if not since revised, refers to cases of Medical Officers serving in Bengal, Burma, or directly under the Government of India and subject to the Civil Leave Rules - conditions which do not exist in the case of Surgeon-Major Dymott.

4. Under the foregoing circumstances, I have the honor to request the favor of instructions as to whether the procedure now suggested by you should be adopted in future.

(True copy)

C. J. S. S. S.

Surgeon-Captain,

Secretary to the Surgeon-General

with the Government of Madras.

Current N^o 1827

[1]

No. 4/55

OFFICE OF SURGEON-GENERAL
WITH THE GOVERNMENT OF MADRAS,

Madras, May 1898

From

C.B.,
SURGEON-MAJOR-GENERAL C. SIBTHORPE, F.R.C.P.I.,

SURGEON-GENERAL WITH THE

GOVERNMENT OF MADRAS,

To

THE HON'BLE THE CHIEF SECRETARY TO GOVERNMENT,

Public DEPARTMENT.

Sir,

I have the honor to forward a copy of my
letter No. 1442 dated 18th March 1897 to the Director
General, Indian Medical Service, as applied for in your
Memorandum No. 1161 dated the 18th May 1898.

I have the honor to be,

Sir,

Your most obedient servant,

C. Sibthorpe

Surgeon-Major-General,

Surgeon-General with the Government
of Madras.

Q. 1161

Encl^{os} H^o 16 Sub
C. H^o 1827 of 98

[G.
75]

NOTE FOR THE UNDER SECRETARY.

What has become
of the draft letter
to be sent to India
protesting against
the Director General's
interference.

Act 70.6.98

Slip Sub. 15414, 1827
10/8

NOTE FOR THE C.S.

The matter is awaiting a
reply by the S.G. to a
memorandum asking him
to submit a copy of
certain correspondence
between him & the D. G.
on the subject of the procedure
to be applied with respect
to applications for leave
by medical officers.

Mr.
10/14/95

Atk. 10.6.98.

seen by H.S.
10/14/95

Public (1898) Department.

CURRENT No. 1958

From

Surgeon-General
C. Sibthorpe C.B. F.R.C.S.

Surgeon-General
with the Govt. of Madras.

No. 7425

Dated

Received

Registered

Enclosures

Spare copies

SUBJECT.

Forwarding copies of the
~~correspondence~~ ^{letter} No 1207 of
the Director-General, L. H. S.
together with copies of
correspondence referred to
therein regarding the
lease application of
Dr. Dymott:

BACK PAPERS.

G.O.	No.	Department.	Date.
80	354	Public (Red)	
90	653	Public	13.5.98
"	682-3	Ind:	22.4.98
"	479	Public	28.3.98 (at)
"	245	"	14.2.98
"	1557-2	"	26.11.97
"	670-2	"	25.6.96
"	921	"	8.11.95
"	296	"	20.4.95

FURTHER PAPERS. Back

G.O.	No.	Department.	Date.
✓	275	Public	11.4.95
✓	266	"	9.4.95
✓	712	"	24.7.94
✓	617	"	24.2.94
✓	586	"	9.2.94
	476	Ind.	7.7.93
	850	Public	25.10.89
	705	"	20.8.89
	600	"	12.7.87

280-1 Ind: 14.2.89
 1757 Public 21.8.88
 + encl. G.O. in encl.
 G.O. vol of 94 + G.O. in
 of 95.

[18]

Copy of a letter from the Surgeon-General
 with the G.O. of Madras to the Controller
 of Military Accounts Madras Command.
 No. 5745, dated 7th November 1896.

With reference to the correspondence
 ending with your No. 5203 dated the 3rd
 instant, you will have observed that
 the application for furlough submitted
 by Surgeon-Major Dymott and which
 left this office on the 2nd October 1896
 had not been received in the office of
 the Principal Medical Officer in India
 on the 30th idem, I have the honor to
 enquire what has been the cause of
 delay and if it was due to the form
 of procedure laid down in such case
 whether in your opinion it is not
 desirable that such form of procedure
 should in the interests of despatch
 of public business undergo a change.
 2. If the delay has not been in
 your office kindly forward this to the
 next office concerned until we
 find out the cause of delay.

(True Copy)
 H. P. S. S. S.

No. 5968

From

The Controller of Military Accounts
Madras Command

Medical
14075 To

The Deputy Adjutant-General,
Madras Command.

Madras, the 11th of November 1896

Sir,

In forwarding the accompanying letter
No. 5745, dated 7th November 1896, from the
Surgeon-General with the Govt: of Madras,
I have the honor to state that Surgeon
Major D. F. Dymott's application for
furlough, forwarded under Surgeon-General's
No. 5215, dated 2nd October 1896 was
received in this office on Saturday,
the 3rd idem. The application was
taken in hand on Monday the 5th, and
my report thereon No. 5203 was despatched
to you on the 10th idem, from which it
will be seen that there was no undue
delay in my office.

2. I have informed the Surgeon-General
accordingly.

I have etc.

Sgt. G. W. Sawyer.

Sub-Cont

Controller of

14075 No. 3 to Sub

Madras Command.
Medical Division

Colacament the 11th Nov: 1896.

Farlong & Leave.

N^o. Med
72568

Is

The Surgeon-General.

with the Gmt. of Madras.

Surgeon-Major Dymott having failed to submit his application through the Channel prescribed in N^o. 4131 dated 6th November 1895, his application was sent to the Principal Medical Officer, Secunderabad District, on the 14th October 1896 for re-submission through the officer Commanding the 22nd Regiment M. I., the District Principal Medical Officer and the District General Officer. The application was finally sent to the P. M. O. India from this office on the 27th October 1896. The delay was therefore due to the application not having been submitted originally through the proper channel.

Sgt. J. W. Gibbard.

Surgeon Captain

In P. M. O. Madras Command.
(on Tour)

(True Copies)

W. H. H. H.

Surgeon

Madras. 11th Nov 96

Copy of a letter from the Surgeon-General with the Gmt. of Madras to the Director General, Indian Medical Service. Simla

No. 863, dated 20th February 1897.

I have the honor to forward for your perusal the enclosed correspondence regarding the leave application of Surgeon-Major D. F. Dymott.

2. It appears to me that the rule quoted by the Principal Medical Officer, Madras Command is likely to operate hardly if by chance the regiment to which an officer officiating in civil employ belongs were in Buama, Aden or Africa and I therefore consider that it should be modified so as to simplify the procedure.

3. I favour of return of the enclosure is requested.

(True Copy)

W. H. H. H.

Surgeon-Captain,

Madras, } For Secy. Surgeon-General
11th June 1896 } with the Gmt. of Madras.
W. H. H. H.

Copy of a letter from the Director-General
Indian Medical Service to the Surgeon
General with the Govt. of Madras.
No. 1207, dated 4th March 1897.

* Enclosures returned
herewith as requested

With reference to your letter No. 863, dated 20th February 1897, I have the honor to state that the procedure laid down in Memorandum No. 4131, dated 6th November 1895 refers to applications for leave from officers of the Indian Medical Service serving under the orders of His Excellency the Commander-in-Chief in India. The procedure does not, therefore, apply to the application for leave submitted by Surgeon Major D. F. Dymott who at the time he submitted his application for leave was in Civil employment and he did not revert to military duty until he actually proceeded on leave.

2. The procedure that should be observed in respect of applications for leave from officers in Civil employ whose appointments would lapse on taking furlough is that laid down in Appendix I to G. O. P. O. No. 106 of 1894, referred to in G. G. O. No. 134 of 1895. In accordance therewith the application of Surgeon Major Dymott should have been forwarded by you to the Director-General, Indian Medical Service.

Encls 2 to Sir

C. H. 1930 of 98

service. After countersignature the application would have been returned to you (Article 935 Civil Service Regulations) you could then have forwarded the application to the Local Govt., and the Local Govt. to the Lieutenant-General Commanding, who would have notified the grant of leave in command orders.

(True Copy)

A. Cunningham

Madras, 11th June 1898 }
Surgeon-Captain,
In Secy, Surgeon-General
with the Govt. of Madras.

Encls 4. 1 to Sub. C
7. 9. 193 of 98

Current - No 1930

No. 1935

OFFICE OF SURGEON-GENERAL

WITH THE GOVERNMENT OF MADRAS,

Madras, 11th June 1898

From

SURGEON-MAJOR-GENERAL C. SIBTHORPE, C.B., F.R.C.P.I.,

SURGEON-GENERAL WITH THE

GOVERNMENT OF MADRAS,

To

THE HON'BLE THE CHIEF SECRETARY TO GOVERNMENT,

Public Department.

SIR,

With reference to your Memorandum No. 1253, Public, dated 3rd June 1898, I have the honor to forward a copy of the letter of the Director-General, Indian Medical Service, No. 1207, dated 4th March 1897 and also copies of the correspondence referred to therein to make the subject complete.

I have the honor to be,

Sir,

Your most obedient Servant,

C. Sibthorpe

Surgeon-Major-General

Surgeon-General

with the Govt. of Madras.

C. Sibthorpe

Public

do 1890. 1st July 1890.

My dear Mr. Thorpe.

In the last paragraph
of your do. d. 16th May
regarding the position of
the D. G. of the 1st B.S.
you refer to a circular
declaring that applications
from officers of the 1st B.S. for
this pension must be
sent through the Local
Govt. to the D. G. The
Circular no 37^c d. 7/8/86
which you enclosed does
not show this. Will you
please let me know, as
soon as possible, whether
there is any other circular
giving the directions which
you quote.

Surgeon Major General C. S. Thorpe (1890)

E
Vancouver B.C.
11/7/85

11/7/85

11/7/85

Wm. Robertson
1890

[$\frac{G.}{9}$]
 100-110-47.
 0

Public (1898) Department.

D. O. No. 510

From

Durgesonkejaal C. Silathope.

No.

Dated 6 July 1920

Received *2* — 0 — 6

Red for 4
Registered 7

Registered /

Enclosures

Spare copies

SUBJECT.

Re. the submission
by members of the I.M.S.
of applications for extra
pension through the
Government.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.



Stacum
 CHIEF SECRETARY
 -6 JUL 1898
 GOVERNMENT OF
 1898

My dear Stokes

With reference to your
 D.O. of 1st July, Circular
 No: 3/c dated 7 Augt 1898
 says that applications
 for the Subm pension of
 £ 100 should be
 submitted to the
 Director General Dist.



CHIEF SECRETARY
17 AUG. 1898
GOVERNMENT OF MADRAS

16 to Aug. '98.

My dear Stokes,

Re letter to India
about the interference
of the Director Genl and
(Box returned yesterday)
my suggestion that
proposals to increase the
cadre of the medical
staff should form

CHIEF SECRETARY
19 AUG 1963
GOVERNMENT OF MADRAS

My dear Stokes

Not having the papers, it
is difficult to decide. I should
think, however, that a separate
letter w^d be best, the interference
of the D.G. & the increase of our
medical staff (or rather the
growth of our accustomed
staff) being separate matters.
But I am willing to agree
to any course H.R. may prefer.

Yours sincerely
H.W. Stiles

17/8/98

D.O.



Chief Secretariat,
OOTACAMUND,

17. 8. 1898

My dear Sir Henry.

Will you please look
at the enclosed note and let
me know your wishes.

Yours sincerely
G. Stokes

P.S. Please return the enclosure

[G.]
26
500-27-4-19.

24/10/8 C 15/8
15/8 R 23/9

Public DEPARTMENT.

1927
O. No. 1544, 1627, 8-354, 576.

(3) HIS EXCELLENCY THE GOVERNOR.

(1) THE HON'BLE SIR HENRY BLISS, K.C.I.E.

Mr. Arundel
(2) THE HON'BLE MR. GROSE, C.I.E.

SUBJECT.

Relations between the Local Govt.,
the Director Genl. of the Indian
Medical Service and the Surgeon Genl.

FOR ORDERS.

For some time past questions have arisen showing the necessity for some definite understanding as to the relations which should exist between the Director Genl. of the Indian Medical Service and the S.G. The necessity for such an understanding was most forcibly brought to light in connection with the arrival of Dr: Bourke at Madras with a view to his taking up the appointment of Chemical Examiner when it fell vacant.

2. Although the relations between the S.G. and the Director Genl. can date only from the amalgamation of the Indian Medical Service, it seems necessary to go back before that ^{time} ~~date~~. In notification No. 361 d/30th July 1886, vide G.O. No. 1757 Public, d/21st August 1886, flag the Govt. of India defined the duties of the Surgeon Genl with the Govt. of India and those with the Govts. of Madras and

and Bombay, and stated that the S.G. with the Govt. of India will be entitled to receive any information he desires from the Dy: Surgeon General attached to the local Govts. and administrations and to communicate with these officers in regard to the operation of departmental rules and orders but ~~he~~ will exercise no ^{direct} practical authority over these officers, who will ^{be} solely ~~be~~ under the orders of the local Govt. or administration to which each belongs.

In 1889 this Govt. objected to Dr: Walker, who was then acting as S.G. with the Govt. of India, communicating direct with the local ^{Surgeon General} ~~Commissioner~~. (vide G.O.No. 280 Judl., d/14-2-89-flagged Y) The Govt. of India replied in its letter in G.O.No. 705 Pub., d/20-8-89 explaining that in the notification of 1886 a clerical error had made it appear that the S.G. with the Govt. of India was entitled to communicate with and receive information from the Dy.-Surgeon-Generals only and not the Surgeon-Generals. The Govt. of India suggested that there could be no harm in allowing a reciprocal arrangement to exist under which the Surgeon-Generals could communicate with and receive information from each other. This Govt. in reply suggested that the ^{fact} ~~content~~ of the matter was that the notification of 1886 was not originally intended to give the S.G. with the Govt. of India any control whatever over the S.G. in this Presy. Assuming however that there was no intention

on

*There was no Dy Surgeon General in
Bombay then & this was also
not really applied then. But it was
plain from the order that the
S.G. in India was entirely free & the
independent. It was the Head of
a Dept.*

W

Z

2
on the part of the Govt. of India to centralize the administration of the Medical Dept: by curtailing the powers of the ^{Local} ~~Presy.~~ Govts., this Govt. had no objection to the establishment of direct communication between the S.G. with this Govt. and the corresponding official under the Govt. of India in regard to statistics, and the operation of departmental rules and orders, Govt. wished it however to be distinctly understood that such communications should be entirely confined to the giving and receiving of information on these points, and that no attempt should be made to give orders and issue instructions on the one hand, or to obtain them on the other. The Govt. of India replied in its letter in G.O.No. 850, d/25-10-89, that this Govt's view of the matter was correct. In the meantime India had published an amended notification vide G.O.No. 600, d/12-7-89. In this it declared that the local S.G. in addition to performing ~~the~~ civil administrative duties, was to be the head of the Indian Medical Dept: in the Presidency. It was to be his duty, among other matters, to propose transfers ^{the} between military and civil departments to recommend for promotion to the administrative grade, and to advise the Govt. on all questions relating to the admission of officers and subordinates to the Indian Medical Service, to the conduct

conduct and services of ~~the~~ Indian Medical Officers of all grades, and to the supply of medicines and hospital stores.

In 1894 arose the question of the unification of the three Presy.

Services. India's proposals will be found in the letter printed in G.O.No. 617 Pub., d/24th of August 1894. Those of them which are relevant to the present enquiry are Nos. 1, 3 and 5 viz. (1) that the Govt. of India should take over the direct ^{departmental} administration of the Indian Medical Service in this Presy. (2)

that the S.G. with this Govt. should in future be restricted to the exercise of the functions of an administrative medical officer and civil I.G. of Hospitals in respect of the civil medical staff in this Presy. and (5) that the S.G. should cease to exercise any control over ~~these~~ ^{that} sections of the existing medical establishments in Madras which ^{is} ~~are~~ composed of officers employed in Army, or over the reserve of 25 per cent, the administration of which should in future be conducted directly under the orders of the Govt. of India.

De Fabeck looked with doubt upon the Govt. of India's proposals which he considered would be prejudicial to the local administration of the medical service. Govt. however agreed to proposal I on the stipulation that it should retain its present powers of complete control over the officers employed in the civil medical dept:

so

It is plain that under these ^{changes} the S.G. Madras was acting independent of the S.G. India as was also the medical service under his control.

T

3
so far as such control is compatible with the general departmental administration by the Govt. of India. Proposal III was considered by Dr: DeFabeck to be vague. It was nowhere stated definitely what the functions of Administrative Medical Officer and Civil I.G. of Hospitals are. The Govt. however agreed generally to its provisions. With regard to proposal V this Govt. considered that it should have control over the 10 per cent reserve of officers thrown temporarily out of civil employ, instead of their being at once transferred to the military duty. This reserve would, of course, be quite distinct from the 25 per cent to be maintained under the control of the Govt. of India to meet casualties, leave vacancies, emergencies, epidemics etc.

The next communication on this subject is the notification of the Govt. of India in the Mily. Dept: d/6th of March 1896 printed in G.O.No. 670, d/25th June 1896, containing the final arrangements for the unification of the three services as approved by the Secy of State. Comparing this notification with the previous proposals of the Govt. of India, it will be seen that while its first proposal the Govt. of India suggested that the direct departmental administration of the Indian Medical Service should be taken over by the Govt. of India, in the rule as finally sanctioned the word departmental has been

and

and the Govt. of India is given the administrative control of the whole service. Para 3 ^{having} the Director Genl. as the Head of the amalgamated Indian Medical Service is new. Para 7 is the same as proposals ^{III} V

Turning to the recent cases in which the right of the Director Genl. to interfere has been questioned, attention is invited to the correspondence in G.O.No.1519, d/23-11-97 in confidential cover (flagged R) In his ^{telegram} d/2nd of July 1897 (flagged Q) the Director Genl. told the S.G. to warn four junior Indian Medical Officers that they might be required for military duty. As a consequence of this telegram ^{certain} medical officers in charge of plague stations had left their stations before Govt. was able to cancel the orders of the S.G. directing them to proceed to the front.

The next instance of the Director Genl's intervention occurred in connection with Dr: Bourke's arrival in this Presy. Circumstances connected with that event are still fresh. It will be remembered that the S.G. acting apparently under a misapprehension, applied to the Director Genl. of the Indian Medical Service for the services of an officer to be trained in the Chemical Laboratory with a view to taking the place of Surgeon Major Geyzel who was likely to proceed on

Here I can see the S.G. took action from the S.G., which I had no business at all to do. I cannot admit that any subordinate of the S.G. can issue orders to any officer of this sort - I suppose he has issued them must come from India to this sort.

*Certainly
M.A.*

As to this case, I have already stated fully & accurately what I said before - That S.G. cannot be trusted out of sight & should be told to mind his own day to day affairs & not interfere with the business which passes between him & the S.G. except on purely professional subjects, as to which I am quite willing that he should have a free hand - He should also be prohibited from coming to the S.G. any communications made to him by this sort.

I doubt the advisability of treating the S.G. in this manner.

What is chiefly wrong is the quasi-independent position of the S.G. who assumes or has been given power to issue instructions on matters about which this Govt. is ignorant - E.g. the despatch of four medical officers to military duty & the app't of Capt Bourke. When this has been set right it will not be so easy

*G.O. 590
25-4-98*

for S. Gen. Littlepage to go wrong. In any case his tenure of office expired on 17th May next year.

I am inclined to take the same view of this as the Hon. Mr. Farnwell. A.A.H.

This procedure ought I think to be changed. The medical officers under the Govt. of Madras ought to be entirely under the orders of that Govt. & leave applications should not have to go to an officer who is not under the orders of this Govt. So far as I can see this Govt. might grant leave whether the S.G. could or signed the application or not. The Govt. of India can pass orders if they like, but their subordinates cannot. I refer of course to ordinary services & not to a kind of stress from war etc. such as we have recently passed through.

M.A.

on leave. This application was, it is presumed, made in accordance with the regulation under which the reserve of 25 per cent remains under the orders of the Govt. of India. Correspondence ensued between the Director Genl. and the S.G. with the result that without any warning to this Govt., Surg. Capt. Bourke was ordered to proceed to Madras for training. From Surg. Capt. Bourke's letter dated 21st of April 1898 it appears that ~~Surgeon Capt. Bourke~~ was given by the Director Genl. to understand that he would probably soon officiate as Chemical Examiner.

Finally attention is invited to the procedure adopted in the case of the applications for leave from Surgeon Capt: Leet Palk and Surgeon Major O'Hara. In each of these instances the application has been forwarded by the S.G. to the Director Genl. who in submitting it to this Govt. has counter-signed it, ~~on condition~~ on condition that no substitute is asked for.

With a view to arriving at a clear understanding in this matter, the S.G. was asked demi-officially whether there were any points with regard to which he considered that the relation between him and the Director Genl. should be more clearly defined. He replies in D.O.No.354 d/16th of May 1898 to which attention is invited. In para 2 of that D.O. he says that provincial Surgeons General have to carry out the

Certainly not. But
 in the order of the S. G.
 out of this fact - If India wants any
 thing done it can issue its orders
 itself. It seems to forget that, subject
 to the orders of the Govt. of India, the
 Government of the P. & F. is vested in the Govt.
 in C. & that its subordinate can have no
 hand therein.

As you this point ought
 to be emphatically insisted on.

R. S.

[Handwritten signature]

[Faint handwritten notes]

Co. 1150 Public M (in conf^t case)
10-9-89

[Handwritten signature]

le.

L in capitalised cover.

1/19/88 Bro

This is the very point about wh. we have already protested.

Reply has not yet been received I think.

TCB

Here we have full grounds for
emphatic remonstrance (in suitable
language!)

The D.C. acted ultra vires in all this.
Art 935 C.S.R., however, actually appears
to have been altered to correspond with his
directions in the last (1897) Edition of the C.S.R.,
which is stated on the title page to have been
corrected to May 1, 1897, but which does not appear
to have been rec. in the office until Aug. 14, 1897.

~~It~~ The course followed in regard to these
applications has therefore been advised by
India, but I think we should protest most
strongly against the issue of orders so patently
affecting us without any notice whatever, but,
which have only come to our notice as it were
by accident - I shall write, was ignorant
of them until I looked up the article on

not admit of the leave being granted, the Director-General will abstain from countersigning the application. He adds that article 935 of the C.S.R. will be altered in the next edition of those Regns. to correspond to the procedure prescribed above. This is the first intimation that this Govt. has had of the proposed change in procedure and a strong protest should, it is submitted, be addressed to the Govt. of India against the introduction of this change without any reference whatever to the local Government.

In the last paragraph of his D.O. the Surgeon-General says that under circular J.C. dated 7th of August 1896, applications for the extra pension of £100 a year must be sent to the Director General by the civil administrative medical officer through the local Govt. As a matter of fact in the recent case of Dr. Cranfoot this Govt. forwarded the application not to the Director-General but to the Govt. of India.

The S.G. holds that, for the future, it would be ^{well} ~~advisable~~ if the Director-General ^{were} ~~was~~ consulted by the Madras Govt. on all matters affecting the interests of the officers of the Indian Medical Service which are not of a purely local character, and that all references to the Govt. of India regarding questions in medical administration and all applications for the services of officers should be sent through the Director-General who, then, he says, probably "be inclined to

Reading this note
This ought to be pointed out to the Govt. of India. The D.G. assumes powers wh. India has not formally given him & then gets the C.S.R. altered to suit!

It should be specially noted that this great change involving an important limitation of the powers of this Govt. has been carried out without any consultation from India to this Govt.

19/1/97 M.A.
The S.G. here, it is to be observed only recently began to conform to this direction of the D.G. Dr. Walker's application for leave, d. 14-4-95 (2 yrs after the D.G.'s letter) was submitted to this Govt. not this Govt. D.G. Dr. Peck's, d. 25/4/96 was to the D.G.

G.O. 405 Pub 7-3-98
and that was the proper course. Local correspondence with the D.G.

Sent with "bated breath & whispered humbleness!"
This attitude wd be more becoming to a jelly-fish!

I don't know. All that he has said is to say the same thing
yes!

I don't think this mission makes any practical difference
This is difficult to know whether it has made any change or not, but at any rate the Govt. of India should have adhered to its proposal or given the reasons for departing from it.

to give the recommendations the weight of his support". The S. G. is aware from the correspondence in G.O. No. 555 Pub dated 13/1/95 the Govt. has already refused to send any communications to the Govt. of India through the Director General.

It will thus be seen that the S.G. has afforded little assistance in arriving at a conclusion in this matter. It remains therefore to consider what lines should be adopted in addressing the Govt. of India on the subject.

The question turns, in some measure, on the intention of the Govt. of India in departing from the wording of its original proposals and omitting the word "departmental" in the notification finally issued regarding the unification of the three medical services. Assuming that this was not intended to place in the hands of the Govt. of India any more power than was contemplated on the original proposals, it is clear that it is only on matters of departmental administration that the Govt. of India desires to interfere with the civil medical service of this Presidency. What are departmental questions is, of course, far from certain: a definition seems very necessary. Some idea however of the questions which the Govt. of India considers to be of a departmental nature may be gathered from the terms of the notification of 28th June 1889. It is there stated that,

that, in addition to his civil administrative duties, the local Surgeon-General will be the head of the I.M.S. in this Presidency and as such he will propose transfers between the Mily. and the Civil Depts., recommend for promotion to the administrative grades, advise Govt. on all matters relating to the admission of officers to the I.M.S., to the conduct and services of all officers of the I.M.S. of all grades, and to the supply of medicines and medical stores". It is a fair inference that when the position of Head of the I.M.S. in this Presidency was transferred from the Surgeon-General to the Director-General, the duties which changed hands were those detailed above. But even if these duties have changed hands, there has been nothing to give the Director-General as head of the Dept. any greater power than was exercised locally by the S.G. He is merely the head of a Dept. under Govt. and as such he can only issue orders with the sanction express or implied of this Govt.

It is submitted therefore that the Govt. of India should be asked to set matters right. An explanation of what are the departmental matters with which the Director-General is concerned should be requested. This Govt. may claim that the wishes of the Govt. of India on matters which do not fall strictly within the term "departmental" should be communicated in the ordinary

A good deal of this is necessary and of date. What I think we should think of is a distinct statement of the subjects on which the D.G. may correspond direct with the Govt. or in the case, a statement of the duties of persons of the S.G. You don't say as in the letter, everything not mentioned goes to the D.G. - but I think we should rather say that everything not mentioned will go to the S.G. - What then are the subjects on which direct correspondence should be allowed? Putting a correspondence on purely professional subjects with which we have no direct business, I don't see how we can do better than to go back to the order of 1886, v. p. 2 of this note. Perhaps the questions might be added, but on the whole I think better not. The man required for the work is a Surgeon & through that class have to be trained in a College and school for which the Govt. has to pay a special fee & it is not a responsible, & it is not a matter of the Govt. but a matter of the Govt. of India with the Govt.

I agree. The interference of the D.G. in these affairs at ordinary times should be specially objected to.

Both regard to this it is submitted that the Govt. has already agreed that this subject should be dealt with by the D.G. in direct communication with the Govt. (note mil Dept. letter, 6.9.94. no 3512. Also 1111)

I don't know whether, as things are, the Govt. of India can help us much, as to whether how much it may wish to do. But there is no doubt we are in a bad way. Our no. of appointments is 46, & the no. of men we have is only 49. All told, by the Civil med. list consisted of 30/6/90, with one deducted for Dr. Ditypatraik, retired. Of the 49 in the list I am on a long leave. Dr. Pitha is on furlough, and 2 (I think) have still 6 months to go. I don't count priv. leave vacancies. Since April '96, so far as I can make out, only 3 men have been posted to our Civil employ (Mutter, Subbitt & Munnay). How many have retired in their period, I don't know. The figure should be calculated. These facts should be represented to the Govt. of India. I have 10 or 12 more men at present - but India has them 6 years.

I agree - but I think this should form the subject of an separate letter to India arising out of the letter to the Govt. of India. What we have to do first principally is to protest against the assumption of unsanctioned powers by the D.G. against the limitations of the authority of this Govt. by India. (note para 3 of G.O. 644 158-93 in book file) + (note - G.O. 1946 flag B) If we mix up the question of cable with the protest the latter may be lost over the dispatch - undoubtedly.

official way by the Govt. of India. The D.G.'s. right to lay down procedure regarding leave applications may be questioned. If Govt. finds at any time that it cannot grant leave without asking for a substitute from outside the Presidency, then the application should be made by this Govt. to the Govt. of India, and not by the Surgeon-General to the Director-General. With regard to this it is submitted that the opportunity should be taken to obtain some modification of the arrangement under which the whole of the reserve of 25% is at the disposal of the Govt. of India. This practically means that it will soon be impossible for this Govt. to grant leave at all without India's sanction, unless it is prepared to do without a commissioned substitute. The difficulty has apparently not yet made itself felt, as the old Madras service which is left at the disposal of this Govt. still retains sufficient officers on its list to provide substitute for some men on leave. The number of Class I appointments is 46 and the number of men on the Civil Medical list is 52. But as officers retire, or get promoted to administrative rank the local list will gradually be reduced. The number of men at the disposal of this Govt. will then be kept at such figure as will just suffice to fill the sanctioned appointments, with the addition a few officers, not more than 10%, who having

been taken for civil duty are temporarily out of employment. These will ordinarily be holding class II appointments waiting for another Class I post. With the exception of these (4 in number) who will probably be required for privilege leave vacancies, Govt. will have no effenee officers to do civil work on furlough vacancies; it will therefore be necessary to apply to the Govt. of India for a substitute before any furlough is granted. The probable results of this may be easily foreseen. The grant of leave will practically rest with the D.G. and officers in the neighbourhood of Simla or Calcutta will, caeteris paribus, have a better chance of getting leave, than those in the Southern Presidencies.

In his note on the unification proposals the Hon. Sir Henry Bliss put forwards a scheme under which the local civil dept. of the I.M.S. might be placed entirely at the disposal of this Govt. India made no reply to this. It is submitted that some such measure should now be pressed for, Except for promotion, and for military purposes, there seems to be no reason why the Govt. of India should interfere, and though it will almost certainly not consent to any measure which could involve a departure from the unification scheme, there is it is submitted no reason why it should not "affiliate" a certain portion of the I.M.S. to this Presidency as was done under the old system

P.O. 644
15-8-95

flg T.

*...the result of the ...
...the result of the ...
...the result of the ...*

*Let India ...
...not only for ...
...but also for ...
...in a ...
...it wants an ...
...to take them away ...
...the point of leave to ...
...them.*

I cannot see that a reasonable arrangement for supplying an ordinary want, and the best interference with India's extraordinary calls for plague or other emergencies. On the contrary, more completely an ordinary want are applied, the more easily shall we be able to help India when called upon to do so.

*...but let us make it the ...
...of a separate letter, arising out ...
...of the other.*

in the provinces of Bengal (vide G.O. 186, Public) dated 20th April, 1888, and leave it to this Govt. to do what it likes with these officers, subject to the right of India to demand their services for military duty. It is obvious that the grant of leave can be properly controlled only by the local Govt. and on this ground alone some such step seems to be desirable. This Govt. could undertake that the grant of leave should not be allowed to interfere with the obligation to comply with India's demands for officers for military service up to the limit fixed upon.

- To sum up, the points on which India should be addressed appear to be
- (1) The necessity for a definition of the departmental questions on which India is to interfere.
 - (2) The right of the D.G. to issue orders about leave applications without any reference to this Govt.
 - (3) The right of the D.G. to make such communications as he did to Dr. Bourke without this Govt's authority and
 - (4) The general question of leave reserve.

Orders are requested.

*Mr. 2/8/95 The result of the ...
...to be that the control ...
...of the medical ...*

of the Funding will in many
 practical particulars turn
 away from the Local but the
 Medical Officers will have to be
 the servants of the Local but
 I see no way in which this can
 better be avoided than by the
 adoption of some such scheme
 as that proposed by Sir H. St. John
 in the letter of 11/8/98. It seems
 to be essential that it should be
 recognized that this but is
 entitled to the services of a definite
 number of Officers sufficient to
 fill its appointments with a
 reserve sufficient to enable leave
 etc to be granted in accordance
 with the rules and ^{to fill} outside (in the original but)
 demands ^{which may arise} to be met. The cadre to
 be maintained & the arrangements
 for filling it involve questions for
 the discussion of which there is
 too material in these papers. ^{briefly}
 but I think our fundamental requirements are settled and
 that the determination must be the C.A. ^{that}
 of the ^{the} requirements are settled and
 that these requirements must be met
 by direct recruitment but by
 direct in India.

I don't suppose India will accept the
 scheme, but it might be pointed out that
 they will have to accept it at some
 time or other.

MS
 11/8/98

We need not enter into calculations
 as to the commitment required. That
 India to do for all India. What would
 be the cost, first for our full strength of
 58 or 59 in each division, and, secondly,
 for one man extra for each man who
 retires or dies.

MS
 11/8/98
 15.8.98.
 22.9.08

Government (1898) of Madras.
 PUBLIC.

24/10
 10-
 24/10

Recd. } 1898. Enclosures
 Regd. } Spare copies

Letter, No. 1301, 27th October 1898.

OCTOBER.

Administration of the Civil Medical Department.

Addressing the Government of India on the question of the powers of the Director-General
 of the Indian Medical Service as regards the — in this Presidency, and the officers of the Indian
 Medical Service serving under the orders of this Government.

PUBLIC DEPARTMENT.

LETTER—from

THE CHIEF SECRETARY TO THE GOVERNMENT OF
FORT ST. GEORGE,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

SIR,

The attention of this Government has, for some time past, been attracted to the growing inconvenience caused by the want of a definite understanding on certain points connected with the administration of the Civil Medical Department, and I am accordingly directed to address you on the subject.

2. The question to which I am now specially to refer is that of the exact position of the Director-General of the Indian Medical Service, and his relations with the local Surgeon-General. Neither the scheme for the unification of the Indian Medical Service, communicated with Military Department letter No. 284 G., dated 31st March 1894, nor the arrangement finally published in the notification of the Government of India No. 260, dated 6th March 1896, afforded any information as to the duties or powers of the Director-General. The former made no reference to that officer, while the latter merely stated that he would be the head of the Indian Medical Service when that service was amalgamated under the direct administrative control of the Government of India. There is nothing on record to suggest any intention on the part of the Government of India to confer upon the Director-General the right, which he has since assumed, to intervene in matters which relate to Civil Medical administration in this Presidency, and are therefore under the control of this Government.

3. The necessity which exists for a distinct understanding on the subject will be apparent from certain instances, to which I am directed to refer, in which the intervention of the Director-General has led to considerable inconvenience. The first of these cases has already been brought to the notice of the Government of India. My predecessor's letter No. 1518, Public, dated 23rd November 1897, a reply to which is awaited, commented upon the action of the Director-General in instructing the Surgeon-General with this Government in July 1897, to warn certain medical officers that they might be required for military duty. It was mentioned that the result of this unauthorized direction was that the medical officers who had been warned were removed from plague inspection stations, and had left for the front before they could be stopped, and the efforts of this Government to guard against the introduction of plague into this Presidency were thereby considerably hampered. It is no doubt true that the responsibility for this result rested in some measure on the Surgeon-General who had no authority to obey the Director-General's instructions in the matter. In addition to the inconvenience thus caused, the Director-General's action in issuing the orders in question direct to a subordinate of this Government constituted, in the opinion of His Excellency the Governor in Council, a distinct encroachment on the functions of this Government.

4. The second instance of the intervention of the Director-General to which I am to allude occurred in connection with the recent deputation of Surgeon-Captain Bourke for training in the office of the Chemical Examiner at Madras. Mention has already been made, in Mr. Arundel's letter, No. 591, dated 25th April 1898, of the fact that the communications between the Surgeon-General and the Director-General regarding the appointment of a successor to Surgeon-Captain Van Geyzel, in the event of the latter officer being granted leave, were carried on throughout without the knowledge or the sanction of this Government. In communicating to the Director-General the proceedings of this Government, noted in the margin, the Surgeon-General acted without authority. The orders necessary to prevent a repetition of

No. 1200, dated 14th September 1897.
No. 1497 " 17th November 1897.

this error can however be issued by this Government. At present I am to invite special attention to Surgeon-Captain Bourke's communication, dated 21st April 1898, addressed to the Director-General of the Indian Medical Service, which forms an enclosure to this letter. In it Surgeon-Captain Bourke mentions that he had been informed by the Director-General that he was likely shortly to act as Chemical Examiner at Madras, and it was apparently on this understanding that he accepted the appointment as probationer in the Chemical Department. If Surgeon-Captain Bourke's account of the matter is correct, it is clear that the Director-General went entirely beyond his powers. The appointment of the Chemical Examiner rests with the Governor in Council, who had no intention of appointing Surgeon-Captain Bourke, and indeed at the time was not aware of that officer's existence. The subsequent correspondence, and Surgeon-Captain Bourke's unnecessary journey to Madras, are to be attributed entirely to the Director-General's unauthorized action in the matter.

5. Finally I am to refer to the procedure adopted in connection with a change which has lately been introduced with regard to applications for leave from officers of the Indian Medical Service. It has come to notice that in April 1897 the Director-General directed the Surgeon-General to forward to him all applications for leave (other than privilege leave or leave on medical certificate) submitted by medical officers in civil employ. The Surgeon-General has in recent cases complied with this instruction, and several applications for leave have been received by this Government with an endorsement by the Director-General. Article 935 of the Civil Service Regulations has, it is observed, been altered so as to sanction this procedure. His Excellency the Governor in Council desires to point out that this important change has been introduced not only without any previous reference, but even without subsequent communication to this Government. In fact, until the Director-General's endorsements began to be received, the Governor in Council was unaware that any such change had been effected. Had an intimation on this subject been made in the ordinary official course by the Government of India to this Government instead of by the Director-General to the Surgeon-General, this Government would have been afforded an opportunity of stating its views on the subject. I am now directed to observe that the change in procedure introduced appears to be open to grave objections. The officers of the Medical Department whose services are placed at the disposal of this Government should, His Excellency the Governor in Council thinks, be entirely under its control. The question whether or not leave should be granted depends in the first instance on the views of His Excellency the Governor in Council in the matter, and secondly on the question whether there is an officer available to fill the vacancy. If there is not, and if it is decided to grant the leave, the proper and convenient course would appear to be that this Government should apply to the Government of India for the services of another officer. Under the arrangements newly introduced the Director-General may or may not countersign the application for leave. It seems however to be of little moment whether he does so or not, for the Governor in Council has full liberty to grant the leave irrespective of the opinion of the Director-General. If however that officer's endorsement is to be looked upon as authoritative, His Excellency the Governor in Council strongly demurs to a procedure which has the appearance of placing this Government in subordination to the head of a department and regrets that he cannot accept the position.

6. The position assumed by the Director-General in these instances renders it, in the opinion of His Excellency the Governor in Council, essential that the powers of that officer in regard to direct correspondence with the Surgeon-General with this Government should be clearly defined. Prior to the unification of the presidential services, the arrangement in force was that the Surgeon-General with this Government only in regard to statistics and the operation of departmental rules and orders, and it was clearly understood that such communications were to be confined to the giving and receiving of information on these points, and that no attempt should be made to give orders or issue instructions on the one hand, or to obtain them on the other.*

* Vide letter from the Government of India, Home Department, Medical, No. 623, dated 1st October 1889.

The amalgamation of the medical services, while it altered the position of this Government, as far as regards the recruitment, promotion and retirement of medical officers and the disposal of the reserve set apart to fill leave and other vacancies, did not, I am to observe, modify in any degree the control of the local Government over the officers of the Civil Medical staff actually serving under its orders. The Surgeon-General remains a subordinate of this Government and any arrangement under which he receives orders from a subordinate of the Government of India on matters in which this Government is concerned is, His Excellency in Council considers, a serious infringement of the statutory position and authority of this Government. I am accordingly to ask that the powers of the Director-General may be distinctly limited to those formerly enjoyed by the Surgeon-General with the Government of India, as far as regards the civil medical administration of this Presidency and the officers of the Indian Medical Service serving under the orders of this Government, and that, with the exception of correspondence which relates to professional matters, to statistics or to the operation of departmental rules or orders, all communications regarding the Civil Medical Department may in future be addressed by the Government of India to this Government and not by the Director-General to the Surgeon-General.

7. With regard to the letter addressed by Surgeon-Captain Bourke to the Director-General alluded to in paragraph 4 above, I am to explain that the letter was submitted to this Government by the Surgeon-General with a request that it might be forwarded to the Director-General of the Indian Medical Service. This Government was however unable to constitute itself a channel of communication between the Surgeon-General and a subordinate of the Government of India. I am therefore directed to submit the letter in question to the Government of India for disposal. The Surgeon-General was at the time informed that the letter would not be forwarded to the Director-General, and Surgeon-Captain Bourke was advised to communicate with that officer direct.

I have the honour to be,
Sir,
Your most obedient servant,

FORT ST. GEORGE,
27th 1898.

Chief Secretary.

Exd. Shaik Karim.

Public Department

C. 1544 + 1827 27-10-98
W. 1304 27-10-98

ORDER 27-10-98

The following letter will be despatched.

Letter 27-10-98

To The Secy. to the Govt. of India
Home Department.

Sir,
The attention of this Govt. has for some time past been attracted to the growing inconvenience caused by the want of a definite understanding on certain points connected with the administration of the Civil Medical Dept., and I am accordingly directed to address you on the subject

2. The question to which I am now specially to refer is that of the exact position of the Director General of the I.M.S., and his relations with the local S.G. Neither the scheme for the unification of the Indian Medical Service, communicated with Mily. Dept. letter No. 284 G., d/31st March 1894, nor the arrangement finally published in the notification of the Govt.

India

(1) A. L.

(2) Min. Mr. Amund

(3) H. E. Mr. Governor

(Letter to the Govt.)

(of D. L. Chai)

Letter to India re. the relations between the local Govt. & the D. G. of Indian Medical Service & the S. G.

This of course is to be followed by another letter as to the maintenance of a sufficient strength of medical officers in this Presidency

The letter will be drafted in accordance with the above

Subject to attention & remarks below

57/10/98

MA 7.10.98

This is a particularly well drafted letter.

It is now as amended and the other letter which has to be. T. H. 10/98.

India No. 260, d/6th March 1896, afforded any information as to the duties and powers of the Director Genl. The former made no reference to that officer, while the latter merely stated that he would be the head of the Indian Medical Service when that service was amalgamated under the direct administrative control of the Govt. of India. There is nothing on record to suggest any intention on the part of the Govt. of India to confer upon the Director Genl. the right, which he has since assumed, to intervene in matters which relate to civil medical administration in this Presy., and are therefore under the control of this Govt.

3. The necessity which exists for a distinct understanding on the subject will be apparent from certain instances, to which I am directed to refer, in which the intervention of the Director Genl. has led to considerable inconvenience. The first of these cases has already been brought to the notice of the Govt. of India. My predecessor's letter No. 1518 Pub., d/23rd Novr. 1897, commented upon the action of the Director Genl. in instructing the S.G. with this Govt. in July 1897, to warn certain medical officers that they might be required for military duty. It was mentioned that the result of this unauthorized direction was that the medical officers who had been warned were removed from plague inspection stations, and had left for the front before

(in confidential cover) *Was this letter upheld to? If not, a remark should be made that a reply is omitted* *MB*

before they could be stopped, and the efforts of this Govt. to guard against the introduction of plague into this Presy. were thereby considerably hampered. It is no doubt true that the responsibility for this result rested in some measure on the S.G., who had no authority to obey the Director Genl's instructions in the matter.

But considering the position of the latter officer as head of the I.M.S., this Govt. does not think that the S.G. can be held to blame. In addition to the inconvenience thus caused, the Director Genl's action in issuing the orders in question direct to a subordinate of this Govt. constituted, in the opinion of H.E. the Governor in Council, a distinct encroachment on the functions of this Govt.

4. The second instance of the intervention of the D.G. to which I am to allude occurred in connection with the recent deputation of Surgeon Capt: Bourke for training in the office of the Chemical Examiner at Madras. Mention has already been made, in Mr. Arundel's letter No. 591, d/25-4-98, of the fact that the communications between the S.G. and the D.G. regarding the appointment of a successor to Surgeon Captain VanGeyzel, in the event of the latter officer being granted leave, were carried on throughout without the knowledge or the sanction of this

In

I think however much blame is acting as he did - this was the view taken in the G.O. 1519 and the S.G. staff, as reported in moderate terms, is distinctly against the S.G. *MB*

Better omit the sentence which strictly speaking is irrelevant *MB*

re-echoed the fact that it was understood from the G.O. 1519, and the S.G. staff, as reported in moderate terms, is distinctly against the S.G. *MB*

MB
6-8-98

4.

In communicating to the D.G. the proceedings of this Govt., noted in the margin, the S.G. acted without authority. The orders necessary to prevent a repetition of this error can however be issued by this Govt. At present I am to invite special attention to ^{Singh} Capt: Bourke's communication d/21-4-98, addressed to the D.G. of the I.M.S., which forms an enclosure to this letter. In it ^{Singh} Capt: Bourke mentions that he had been informed by the D.G. that he was likely shortly to act as Chemical Examiner at Madras, and it was apparently on this understanding that he accepted the appointment as probationer in the Chemical Dept: If ^{Singh} Capt: Bourke's account of the matter is correct, it is clear that the D.G. acted entirely beyond his powers. The appointment of the Chemical Examiner rests with the Governor in Council, who had no intention of appointing ^{Singh} Capt: Bourke, and indeed at the time was not aware of that officer's existence. The subsequent correspondence, and ^{Singh} Capt: Bourke's unnecessary journey to Madras, are to be attributed to entirely to the D.G.'s unauthorized action in the matter.

5. Finally I am to refer to the procedure adopted in connection with a change which has lately been introduced with regard to applications for leave from officers of the I.M.S. It comes to notice that in April 1897 the D.G. directed the S.G. to forward to

No.1298, d/14-9-97
No.1497, d/17-11-97

note
I assume that subordinates will be issued

BS
MA. 4/24/98

went BS
MA

114 Pub. 15-46-1827

5.

to him all applications for leave (other than privilege leave or leave on medical certificate) submitted by Medical officers in civil employ. The S.G. has in recent cases complied with this instruction, and several applications for leave have been received by this Govt. with an endorsement by the D.G. [to the effect that they are countersigned "on condition that no substitute is asked for".] Article 935 of the C.S.R. has, it is observed, been altered so as to sanction this procedure. H.E. the Governor in Council desires to point out that this important change has been introduced not only without any previous reference, but even without subsequent communication, to this Govt. In fact, until the D.G.'s endorsements began to be received, the Governor in Council was unaware that any such change had been effected. Had an intimation on this subject been made in the ordinary official course by the Govt. of India to this Govt. instead of by the D.G. to the S.G., this Govt. would have been afforded an opportunity of stating its views on the subject. I am now directed to observe that the change in procedure introduced appears to be open to grave objections. The officers of the Medical Dept. ^{Some} services are placed at the disposal of ^{the} Govt. should, H.E. the Governor in Council thinks, be entirely

I think this is superfluous. The point is that they pass through the D.G.'s hands

Stop omit after the words "by the D.G." It doesn't matter what the endorsement was.

MA. 4/24/98

The local should be a local for the Govt. India may make it an order for local for the Govt. of India. This is a very different position from a Govt. in C. This Govt. is a very different expression.

BS
MA 4/24/98

under

its control.
W
JL 8.17

Why "apparently"? Strike out the word. *Bo*
MA 8.27

Submitted that the
board was instructed
with regard to the H. P.
Aren told note on page
7 of this one for address

Ch The words in brackets will be omitted after 2000 to the
beginning of the century.

on the left side of the
the
BS MR regrets that he
and cannot accept the
position
BS MR

This is too vague - I should ~~of~~
omit the underlined words & say
"renders" RS

As
MA

that the powers of that officer in regard to direct correspondence with the S.G. with this Govt. should be clearly defined. Prior to the unification of the Presidential ~~in~~ services, the arrangement in force was that the S.G. with the Govt. of India could communicate direct with the S.G. with the local Govt. only in regard to statistics and the operation of departmental rules and orders, and it was clearly understood that such communications were to be confined to the giving and receiving of information on these points, and that no attempt should be made to give orders or issue instructions on the one hand, or to obtain them on the other. The amalgamation of the medical services, while it altered the position of this Govt., as far as regards the recruitment and retirement of Medical Officers and the disposal of the ~~the~~ reserve set apart to fill leave and other vacancies, did not, I am to observe, modify in any degree the control of the local Govt. over the officers of the Civil Medical staff actually serving under its orders. The S.G. remains a subordinate of this Govt. and any arrangement under which he ~~would~~ receive orders from a subordinate of the Govt. of India on matters in which this Govt. is concerned, ~~would~~ His Excellency in Council considers, ~~be~~ a serious infringement of the principles which govern ^{statutory} the position and authority of ^{this Government.} Provincial administrations. I am accordingly

* inside letter from the
Govt. of India, Home Dept.
Medicine no 623 d.
oct 12th 1889.

Walter as shown
 Mrs
 M. A. H.

the "Provincial"? Your word is to place
the Court on a level with the Gov. & Ch. Courts
who are legally (if I haven't mistaken), as well as
in practice of the custom of generation, in a totally
different position from the Gov. in Ch. I don't think
the Gov. has even a statutory existence. Should
this assumption reduce
Ch. Courts to a West India
Court of Appeal only

and accordingly to ask that the powers of
 the D.G. may be distinctly limited to
 those formerly enjoyed by the S.G. with
 the Govt. of India, as far as regards
 the civil medical administration of this
 Presy. and the officers of the I.M.S.
 serving under the orders of this Govt.,
 and that with the exception of corres-
 pondence which relates to professional
 matters, to statistics or to the opera-
 tion of departmental rules or orders,
 all communications regarding the Civil
 Medical Dept. may in future be addressed
 to this Govt. and not the S.G.

7. With regard to the letter
 addressed by ^{Supr} Captain Bourke to the D.G.
 alluded to in para 4 above, I am to
 explain that the letter was submitted
 to this Govt. by the S.G. with a re-
 quest that it might be forwarded to the
 D.G. of the I.M.S. This Govt. was however
 unable to constitute itself a channel
 of communication between the S.G. and
 a subordinate of the Govt. of India.
 I am therefore directed to submit the
 letter in question to the Govt. of India
 for disposal. The S.G. was at the time
 informed that the letter would not be
 forwarded to the D.G. ^{Supr} Capt: Bourke
 was advised to communicate with that
 officer direct.

AK

3/4/98

(from orders)

11/4/98

[74] Pub. 154441827.
 G. C. v. 12-1, Pub. by 27-12-98
 NOTE FOR THE CHIEF SECRETARY.

Submitted for
 perusal before the
 file goes to H.E.

AK

6.10.98

Carry out when necessary
 the H. his instructions &
 send on to H.E.

11/7/98

AK

11/7/98

AK

MA

6.10.98

AK

9.10.98

DATE GIVEN FOR ISSUE _____

COPIED _____

EXAMINED _____

SIGNED _____