1879 Sel Sec Proc

8217/RH/94

M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 2120	Press ~~Mis.~~
208-209	
Dated 13 11 1860.	

Not to be folded or roughly handled

No. 208. Read the following letter from A. J. ARBUTHNOT, Esq., Director of Public Instruction, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Coonoor, 22nd October 1860, No. 1,879 :—

SIR,

1. I have the honor to acknowledge the receipt of the Proceedings of Government in the Revenue Department, No. 1,775, under date the 3rd instant, referring to the Civil Auditor, for report, my letter of the 21st ultimo regarding the stoppage of income tax from the Military Medical Students and the Assistants employed in the Medical College; and, with reference to my omission to submit the letter from the Principal of the College *or a copy of it*, calling my attention to the order of Government under date the 21st of May 1859, No. 801, as to the mode of conducting correspondence with Government.

2. I have always construed the instructions conveyed in paragraph 5 of the order in question as leaving it to the discretion of Heads of Offices or Departments to determine whether or not the correspondence referred to in their letters should be sent to Government, and the whole order as prohibiting the practice, which formerly obtained, of sending copies of such correspondence.

3. The wording of the first sentence of paragraph 5 is certainly capable of the interpretation that the discretion is to be exercised by the Government in regard to referring to the correspondence, and not by the Head of the Office in regard to transmitting it; but reading this paragraph with the following one, in which it is ordered that letters reporting on petitions snd applications shall invariably be accompanied by the petition or application under report, I have supposed that, in other cases, it was intended that a discretion should be exercised by the Head of the Office.

4. It will be observed that, in the case under notice, all the material facts stated in the letter of the Principal, which is enclosed, are given in my letter; and, as the matter is a very simple one, it appeared to me that to send both letters, would entail unnecessary trouble on the Government, without serving any useful purpose.

5. In another letter despatched by me on the same date, recommending a grant of books to the Tinnevelly Book Society, I, for a similar reason, adopted a similar course; and in numerous other cases in which my recommendations are based on, or are connected with, letters which I have received from the subordinate Officers of my department, I have been in the habit of submitting questions for the orders of Government, stating the circumstances fully in my letters, but not sending with them any portion of the correspondence referred to. The latter course, I have considered, was to be confined to applications of a personal character, such as those referred to in paragraph 6 of the order, and to reports on questions of importance, and on which, in the event of there being diversity of opinion, the Government might desire to refer to the opinions of the subordinate Officers consulted, as contained in their original letters. As an instance of the inconvenience which might be entailed, by the adoption of a different course, in increasing the bulk of the correspondence laid before Government, I may refer to the case of a letter recommending a grant towards the erection of a building for a Government school. In such cases, it frequently happens that several letters pass between the Inspector and myself regarding the amount required, all of which would have to be submitted, if the Government desired to have before it the whole of the correspondence on which my recommendation was based.

6. If, therefore, my construction of paragraph 5 of the order in question is considered to be erroneous, I take the liberty of suggesting that the order should be so far modified as to admit of a certain amount of discretion being left to the Heads of Offices or Departments in regard to the submission of correspondence connected with the recommendations they have occasion to make to Government.

7. I enclose copies* of letters addressed by me to Government within the last two or three months, in fourteen cases in which I have exercised a discretion in regard to the submission of the correspondence to which I referred, and in only three of which I deemed it necessary to submit the correspondence—two† of the three being applications of a personal character, and the third,‡ a voucher relating to a payment which formed the subject of my letter.

* *Requested to be returned.*

† (1) *Mr. Duncan's application for an advance, No.* 1,625.
(2) *Captain Carpendale's application with reference to his salary, No.* 1,520.

‡ *Letter relating to books supplied to the Ceylon School Commission.*

No. 209. ORDER THEREON, 13th November 1860, No. 2,120.

Referred to the Public Department for consideration whether any modification is necessary in the order of May 21st 1859 of the nature suggested by Mr. Arbuthnot.

(Signed) J. D. BOURDILLON,
Secretary to Government.

No 2120/124

Referred to the Public Department for consideration whether any modification is necessary in the order of May 21/59 of the nature suggested by Mr Arbuthnot

Fort St. George
13th November 1860

4 Copies
To the Public Dept. with 32 Encls.

27th May 59. No. 57-58.
3d Oct. 65. " 48-49.
30th Sept. 1861 No. 47-48.

From Madras Gen. Public Departt.
D/29th Nov/60 C. No 2824

No 208 & 209.

Revenue Public Department
Proc. Gen. for Nov. No 2108.

From
The Director of Public Instruction, Madras

To
The Chief Secretary to Government Fort St. George

Dated 22d October 1860
Rec. 1st November 1860

No 879
Copies 2 Enclosures 1844.
Shown as Spare
No 1714.

Submitting with reference to the Proceedings of Government in the Revenue Department No 778 dated the 3d Sept. an explanation of the construction which the Director put upon the Rules of Govt. Dated 21st May 1859 No 804, and which has led to the omission on his part to submit, with his letter of the 21st ult., the letter of Dr Shaw, regarding the stoppage of Income tax from the Native Medical Students & the Assistants employed in the Medical Colleges

No 2120. 13th Nov.
Withdrawn order