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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue.

DEPARTMENT

G.O. No.
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Dated

16. 8. 1876

196

Not to be folded or roughly handled

Acceptance of Presents.

No. 94. Read the following circular letter from T. H. THORNTON, Esq., D.C.L.,
Officiating Secretary to the Government of India, Foreign Department,
to the Chief Commissioners, Mysore and Ajmere; Residents, Hyderabad,
Nipal and Mandalay; Agents, Governor-General, Central India, Raj-
pootana, and Baroda; Political Resident, Persian Gulf; Political Agents,
Munnipoor and Turkish Arabia; Agent, Governor-General; Ex-King of
Oudh; and Superintendent of Political Pensions; and General Superin-
tendent of Operations for the Suppression of Thuggee and Dacoity; dated
Simla, 20th June 1876, No. 1299-G:—

I am directed to forward, for your information and guidance and communi-
cation to your subordinates, the following summary of the existing law and rules
regarding the acceptance by Government servants of presents from Native Chiefs
and others:—

- (I.) The main provisions of the law on the subject are contained (see
Appendix) in 13 Geo. III, Chap. 63, Sections 23-24; 33 Geo. III,
Chap. 52, Sections 62-63; 3 and 4 Wm. IV, Chap. 85, Section 76.
- (II.) The prohibition of the receipt of presents from Native Chiefs and
others does not extend to the receipt of a few flowers or fruits,
and articles of inappreciable value, although even such trifling
presents should be discouraged.
- (III.) It does not extend to the exchange of presents between Governors,
Lieutenant-Governors, Chief Commissioners, Agents to the
Governor-General or Political Officers generally in their ceremonial
intercourse with Native Chiefs, on which occasions the presents
from the Chiefs are deposited in the Government Toshakhana, and
return presents are given at the Government expense.
- (IV.) It does not apply to presents to Medical Officers made *bono fide* for
services rendered.
- (V.) The general prohibition extends to all servants of Government,
Native or European, Covenanted or Uncovenanted, in whatsoever
Department they may be serving.
- (VI.) Where presents cannot absolutely be refused without giving offence,
they must be delivered up to Government, and to this rule no
exception whatsoever is permissible save with the express sanction
of His Excellency the Governor-General in Council, which will
only be given under very special circumstances.

2. The Governor-General in Council desires that the above rules may be
strictly observed and no deviation therefrom permitted, except with the previous
sanction of the Government of India.

No. 1300-G.

Copy forwarded to the Home Department for information and circulation to
all Local Governments within British Territory.

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Proceedings of the Madras Government, Public Department,
31st July 1876. No. 850.

APPENDIX.

[Extract 13 Geo. III, Chap. 63, Sections 23 and 24.]

XXIII. And be it further enacted by the authority aforesaid, that no Governor-General or any of the Council of the said United Company's Presidency of Fort William in Bengal, or any Chief Justice, or any of the Judges of the Supreme Court of Judicature at Fort William aforesaid, shall, directly or indirectly, by themselves, or by any other person or persons for his or their use, or on his or their behalf, accept, receive, or take, of or from any person or persons, in any manner, or on any account whatsoever, any present, gift, donation, gratuity, or reward, pecuniary or otherwise, or any promise or engagement for any present, gift, donation, gratuity, or reward.

XXIV. And be it further enacted by the authority aforesaid, that from and after the first day of August one thousand seven hundred and seventy-four no person holding or exercising any Civil or Military office under the Crown, or the said United Company, in the East Indies, shall accept, receive, or take, directly or indirectly, by himself, or any other person or persons on his behalf, or for his use or benefit, of and from any of the Indian princes or powers, or their ministers or agents (or any of the natives of Asia), any present, gift, donation, gratuity, or reward, pecuniary or otherwise, upon any account, or on any pretence whatsoever, or any promise or engagement for any present, gift, donation, gratuity, or reward.

[Extract 33 Geo. III, Chap. 52, Sections 62 and 63.]

LXII. And be it further enacted, that the demanding or receiving any sum of money, or other valuable thing as a gift or present, under colour thereof, whether it be for the use of the said Company, or of any other person whatsoever, by any British subject holding or exercising any office or employment under His Majesty, or the said United Company in the East Indies, shall be deemed and taken to be extortion and a misdemeanor at law, and shall be proceeded against and punished as such, under and by virtue of this Act; and the offender shall also forfeit to the King's Majesty, his heirs and successors, the whole gift or present so received, or the full value thereof.

LXIII. Provided always, and be it further enacted, that the Court or Jurisdiction before whom any such offence shall be tried, shall have full power and authority to direct the said present or gift, or any part thereof, to be restored to the party who gave the same, or to order the whole, or any part thereof, or of any fine which the Court shall set on the offender, to be paid or given to the prosecutor or informer, as such Court in its discretion shall think fit.

[Extract 3 and 4 William IV, Chap. 85, Section 76.]

LXXVI. And be it enacted, that there shall be paid to the several officers hereinafter named the several salaries set against the names of such officers, subject to such reduction of the said several salaries respectively as the said Court of Directors, with the sanction of the said Board, may at any time think fit; that is to say—

To the Governor-General of India, two hundred and forty thousand sicca rupees :
To each ordinary Member of the Council of India, ninety-six thousand sicca rupees :
To each Governor of the Presidencies of Fort St. George, Bombay, and Agra, one hundred and twenty thousand sicca rupees :
To each Member of any Council to be appointed in any Presidency, sixty thousand sicca rupees :

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and the salaries of the said officers respectively shall commence from their respectively taking upon them the execution of their respective offices; and the said salaries shall be the whole profit or advantage which the said officers shall enjoy during their continuance in such offices respectively; and it shall be, and it is hereby declared to be, a misdemeanor for any such officer to accept for his own use, in the discharge of his office, any present, gift, donation, gratuity, or reward, pecuniary or otherwise, whatsoever, or to trade or traffic for his own benefit, or for the benefit of any other person or persons whatever, &c., &c.

Acceptance of gratuities a misdemeanor.
Passage-money fixed.

No. 1145.

Copy forwarded to the Government of Madras for information.

(By order)

HOME DEPT. (PUBLIC),
SIMLA, 13th July 1876.

(Signed)

T. J. C. PLOWDEN,
Offg. Under Secy. to Govt. of India.

No. 95.

ORDER THEREON, 31st July 1876, No. 850.

Communicated to all Departments.

(True Extract.)

Chief Secretary.

To the Revenue Department.
" Public Works Department.
" Military Department.

Exd. J. W. Fischer.

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