CONFIDENTIAL.

Revenue (1897) Department.

G.O., No. 1803 Fins

Confidential No. 929

DATED 3rd April 1897

[Despatch Abstract.]

Recording ~~resolution~~ Pro of the Public Dept on the Resolution of the Govt of India laying down the procedure to be followed in the case of the removal of Military Officers from Civil employ-

BACK PAPERS.

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

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Revenue (1897) Department.

CURRENT No. 2865

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GOVERNMENT OF MADRAS * 12 APR 97 * RECEIVED

From the Public Dept

Order Mds Rs 1803 of 3rd April 1897

Remitted.

No. 316

3/4/97.

Dated 20th March 1897

Received 1 April 1897

Registered 1 April 1897

Enclosures nil

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Copy to the Board of Rev (Rs. Ls. & A) Sep^d 5/4/97

SUBJECT.

List

Recording resolution of the Govt of India laying down the procedure to be followed in the case of the removal of a military officer from Civil employ for misconduct.

C&V 1/4/97.

BACK PAPERS.

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Government {1897} of Madras.

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GOVERNMENT OF MADRAS
1 APR 97
SECRETARIAT

G.O., No. 316, 20th March 1897.

MARCH.

Military Officers in Civil Employ.

Recording resolution of the Government of India laying down the procedure to be followed in the case of the removal of a military officer from civil employ for misconduct.

First copy sent to Press.

NUMBER OF COPIES REQUIRED. { Order complete. / Letter only.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—again the following papers :—

G.O., No. 5428, Military, dated 28th September 1877.
" " 546 " " 29th January 1883.
" " 1908 " " 2nd April 1891.

READ—also the following paper :—

Extract from the Proceedings of the Government of India in the Home Department (Public), No. 5 (Public)/234-52, dated Calcutta, the 28th February 1897.

Read—the following papers :—

Despatch from Her Majesty's Secretary of State for India, No. 165 (Military), dated the 10th May 1877.

Home Department Resolution No. 55—1974-84-A., dated the 15th December 1882.

Despatch from Her Majesty's Secretary of State for India, No. 337 (Military), dated the 18th December 1884.

Despatch to Her Majesty's Secretary of State for India, No. 123 (Military), dated the 2nd July 1895.

Despatch from Her Majesty's Secretary of State for India, No. 84 (Military), dated the 22nd August 1895.

Resolution.—In the Home Department Resolution of the 15th December 1882, read in the preamble, the Governor-General in Council directed that, when it was determined to remove from his appointment a military medical officer in civil employ, his services should be placed at the disposal of the Commander-in-Chief. His Excellency in Council further directed that the Commander-in-Chief should be made fully acquainted with the reasons for which the Local Government desired to dispense with the services of such officer, in order that His Excellency might be in a position to decide what further steps, if any, should be taken upon the cessation of his employment on civil duty.

2. As it appeared that the existing orders on the subject left some room for difference of opinion as to the exact procedure to be followed in the case of a military officer whom a Local Government may wish to remove from civil employment for misconduct, the Government of India have recently referred the question of procedure to the Secretary of State, and now, with His Lordship's sanction, lay down the following rules to regulate it :—

I.—When charges are brought against a military officer in civil employ of misconduct of such a character that, if proved, it would, in the opinion of the Local Government, or, if he is serving directly under the Government of India, the Department of the Government of India under which he is serving, justify his removal from civil employ, the Local Government or Department will determine whether to suspend him at once, or merely inform him officially of the charges against him and call upon him for his defence. Should the Local Government or Department supend him at once, it will, at the same time, inform him of the charges against him, and call upon him for his defence.

In case after receiving the officer's reply to the charges, the Local Government or Department consider it desirable that he should be removed from civil employ, it will suspend him, if not already suspended, and, in the case of a Local Government, will submit to the Government of India a full report as to the circumstances of the case, and of the detailed charges made against him, and of his explanation as to each charge.

II.—In any such case the Government of India in the Military Department will obtain the opinion of the Commander-in-Chief whether the officer should—

(*a*) revert to military duty ;
(*b*) be tried by court-martial ; or
(*c*) be removed from the service without trial.

(*a*) In the case of the Commander-in-Chief being willing to receive the officer back to military duty, the Government of India will determine whether this course should be followed or not.

(*b*) In the case of the Commander-in-Chief being of opinion that the officer should be tried by court-martial, his services will be placed temporarily at the disposal of the Commander-in-Chief for the purpose of trial. If the verdict of the court is that he is not guilty, he will be immediately reinstated in civil employ ; but, if the finding of the court be that he is guilty, the question of permanent removal from civil employ will then be considered in the light of the finding and sentence of the court and of the facts disclosed during the trial.

(*c*) If, in the opinion of the Commander-in-Chief, it is not desirable to try the officer by court-martial, though his removal from the service is considered desirable by the Commander-in-Chief, the case will be sent by the Military Department to the Department concerned for consideration in Council.

As in all the above cases the removal of the officer from the line he has been permitted to adopt as his career, if not altogether from the service, is in question, each case will be considered at a meeting of the Governor-General's Council at which either the Commander-in-Chief or the Military Member is present.

III.—If, in case (*c*), it is considered desirable that the officer should be removed from the service without trial, he will be informed, through the Local Government or Administration under which he is serving, of the intention of the Government of India to forward the charges against him to the Secretary of State, together with his explanation, for consideration whether it should not be recommended to Her Majesty that he should be compulsorily retired from the service on the pension to which he may be entitled under regulation, or removed with or without any compassionate allowance, and he will be asked if he has anything further to urge against this course being taken.

If it is decided to make such a recommendation to the Secretary of State, the officer will remain in civil employ, but suspended from duty until such time as the decision of the Secretary of State is received. Until the Secretary of State's final decision is received the officer should not be allowed to leave India except on the special report of a medical board that he cannot safely remain in the country.

IV.—With regard to inefficiency, in cases in which there has been no actual misconduct, but in which the Local Government or Department of the Government of India under which the officer is serving, consider that he should be removed from civil employ, the officer will not be suspended unless this course is considered absolutely necessary, but he will be called upon to show cause why he should not be removed from civil employment.

A full report of the circumstances of the case will then be forwarded to the Government of India, together with his own statement in defence.

If the Government of India are of opinion that the officer should be removed from civil employ, the Military Department will consult His Excellency the Commander-in-Chief as to whether the officer should be permitted to revert to military duty. When the Commander-in-Chief's opinion has been received, the case will be considered at a meeting of Council at which either the Commander-in-Chief or the Military Member is present. If the Commander-in-Chief is willing to receive the officer back for military duty, and it is decided, after discussion in Council, that he should be permitted to revert to military employ, he will be placed at His Excellency's disposal in the usual manner. If the Commander-in-Chief is not willing to receive the officer back for military duty, and if it should in consequence be decided in Council that his removal from the service is desirable, the case will be submitted for the decision of the Secretary of State, the officer being at the same time informed as in clause III. and asked if he has anything further to urge against this course being taken.

Pending the decision of the Secretary of State, the officer, if not suspended, may continue to perform his duties, or may be granted leave at the discretion of the

Local Government or Department, but he should not be allowed to leave India except on the special report of a medical board.

V.—The above procedure is not intended to apply to cases of such departmental faults as can be dealt with departmentally by stoppage of leave or advancement, or other minor disciplinary measures, and as do not, in the opinion of the Local Government or Department concerned, necessitate removal from civil employ.

VI.—A report submitted by a Local Government under I. and IV. should be forwarded to the Department of the Government of India administering the branch of the service in which the officer to whom is relates is employed.

Order.—Ordered that a copy of this Resolution be forwarded to Local Governments and Administrations for information, and that a copy be forwarded to the departments marginally noted for information.

Military Department. | Department of Revenue and Agriculture.
Public Works Department. | Finance and Commerce Department.
Foreign Department.

Also, that a copy be forwarded to the Director-General, Indian Medical Service, the Sanitary Commissioner with the Government of India, and the Superintendent of Port Blair for information.

(True Extract.)

(Signed) J. P. HEWETT.
Secy. to the Govt. of India.

To the Government of Madras.

ORDER—No. 316, Public, dated 20th March 1897.
Recorded.
(True Extract.)

Chief Secretary.

To the Surgeon-General.
" Revenue Department. with two Sp. Copies
" Public Works Department.

Exd. A. D. Xavier.

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Returned for Signature.

Despatched.

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