

ANNO VICESIMO QUARTO & VICESIMO QUINTO

VICTORIÆ REGINÆ.

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CAP. LIV.

An Act to confirm certain Appointments in *India*, and to amend the Law concerning the Civil Service there. [1st *August* 1861.]

WHEREAS by Section Fifty-six of an Act of the Thirty-third Year of King *George* the Third, Chapter Fifty-two, it was enacted that all the Civil Servants of the *East India* Company in *India* under the Rank or Degree of Members of Council should have and be entitled to Precedence in the Service of the said Company at their respective Stations according to their Seniority of Appointment, and that no such Civil Servant should be capable of being advanced or promoted to any higher Station, Rank, or Degree therein than he should be entitled to according to the Length of his Service; and by Section Fifty-seven of the same Act it was enacted that all Vacancies happening in any of the Offices, Places, or Employments in the Civil Line of the Company's Service in *India* (being under the Degree of Counsellor) should be from Time to Time filled up and supplied from amongst the Civil Servants of the said Company belonging to the Presidency wherein such Vacancies should respectively happen: And whereas by reason of the Exigencies of the Public Service Vacancies in certain Offices, Places, and Employments in *India* have been filled up by the 33 G. 3. c. 52.

Appointment of Persons not being Civil Servants, or not being Civil Servants belonging to the Presidency wherein the Vacancies have happened, and otherwise not in accordance with the Provisions of the said Enactments, and it is expedient that such Appointments should be rendered valid, and also that the Authorities in *India* should be empowered to make such Appointments in like Cases in future: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Appointments not in accordance with 33 G. 3. c. 52. valid.

1. All Appointments made by the Authorities in *India* to any such Offices, Places, or Employments shall be and be deemed to have been as valid and effectual as if the Act herein-before recited or referred to had not been passed.

Vacancies in Offices to be supplied by Covenanted Civil Servants.

2. All Vacancies happening in any of the Offices, Places, or Employments specified in the Schedule annexed to this Act, and all such Offices which may be created hereafter, shall be filled up and supplied, except as herein-after provided, from amongst the Covenanted Civil Servants of the Crown in *India*.

Persons not Covenanted Civil Servants may, under special Circumstances, be appointed to such Offices, subject to certain Restrictions.

3. Where it appears to the Authority in *India* by whom an Appointment should be made to any Office, Place, or Employment specified in the said Schedule, that such Appointment, under the special Circumstances of the Case, should be made without regard to the recited Qualifications, Conditions, and Restrictions of the said Act, it shall be lawful for such Authority to make such Appointment accordingly; provided that no Person shall be so appointed who has not resided for at least Seven Years in *India*, and that every Person previously to his being so appointed to any of the Offices in the Revenue and Judicial Departments specified in the said Schedule shall pass an Examination in the vernacular Language of the District in which he is to be employed, where such Examination is now required, and shall be subject to all the departmental Tests and other Qualifications and Restrictions which are or may be imposed in the like Case on Covenanted Civil Servants.

Such Appointment in each Case to be reported to the Secretary of State.

4. Every such Appointment shall be provisional only, and shall forthwith be reported to the Secretary of State in Council of *India*, together with the special Reasons for making the same; and unless the Secretary of State in Council shall approve such Appointment, with the Concurrence of a Majority of Members present at a Meeting, and shall within Twelve Months from the Date of such Appointment notify such Approval to the Authority by whom the Appointment was made, then such Appointment shall be cancelled.

5. All

5. All Vacancies happening in any other Offices, Places, or Employments than those mentioned in the said Schedule, and all other Offices than those so mentioned that may hereafter be created in *India*, may be filled up and supplied without regard to the Qualifications, Conditions, and Restrictions prescribed by the said Act. Certain Offices may filled up without regard to Restrictions prescribed by recited Act.

6. Provided always, That this Act shall not apply to the Office of Lieutenant Governor of any Part of Her Majesty's Dominions in *India*, or to any Offices for the Supply of which Provision may be made by any other Act of the present Session of Parliament. Act not to apply to Office of Lieutenant Governor, &c.

7. Section Fifty-six of the said Act of the Thirty-third Year of King *George* the Third, and so much of the other Sections of the said Act and of any other Act now in force as requires Seniority as a Condition or Qualification for the Appointment of Civil Servants to Offices, Places, or Employments, shall be repealed. So much of 33 G. 3. c. 52. as requires Seniority, &c. for Appointments repealed.

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SCHEDULE.

Secretaries, Junior Secretaries, and Under Secretaries to the several Governments in India, except the Secretaries, Junior Secretaries, and Under Secretaries in the Military, Marine, and Public Works Departments.

Accountant General.

Civil Auditor.

Sub-Treasurer.

Judicial.

1. Civil and Session Judges, or Chief Judicial Officers of Districts in the Provinces now known as Regulation Provinces.
2. Additional and Assistant Judges in the said Provinces.
3. Magistrates or Chief Magisterial Officers of Districts in the said Provinces.
4. Joint Magistrates in the said Provinces.
5. Assistant Magistrates or Assistants to Magistrates in the said Provinces.

Revenue.

1. Members of the Board of Revenue in the Presidencies of Bengal and Madras.
2. Secretaries to the said Boards of Revenue.
3. Commissioners of Revenue or Chief Revenue Officers of Divisions in the Provinces now known as Regulation Provinces.
4. Collectors of Revenue or Chief Revenue Officers of Districts in the said Provinces.
5. Deputy or Subordinate Collectors where combined with the Office of Joint Magistrate in the said Provinces.
6. Assistant Collectors or Assistants to Collectors in the said Provinces.
7. Salt Agents.
8. Controller of Salt Chowkies.
9. Commissioners of Customs, Salt, and Opium.
10. Opium Agents.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1861.