

Financial (1899) Department.

ORDINARY MS.

G.O., No. 1423-24

DATED 30.12.99

INDEXED.

9/10

[Despatch Abstract.]

Informing the Govt. of India of the practice in this Presidency in regard to the interpretation of the expression "Public Conveyance" in Art 54 of the C.I.R. & suggesting certain amendments to the article in question.

BACK PAPERS.

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

FURTHER PAPERS.

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

Financial (1897) Department.

CURRENT No. 3702

Memo No 2767730. x 99

Order No. 1574 of 4.11.98

The foregoing letter will be referred to the Accountant General and to the Examiner of Accounts for favour of remarks.

No. 46805 R.

Dated 13

Received 19

Registered 20

Enclosures

Spare copies.

SUBJECT.

Re the definition of the term Public Conveyance

in Act 54 C.S.R.

The Acct. General. (a)
P.W.D. (a)

4.11.98

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS!

G.O.	No.	Department.	Date.
22.4.126/27			

3702

No. 4080 SR

GOVERNMENT OF INDIA.

FINANCE AND COMMERCE DEPARTMENT.

Simla, the 15 October 1897.

SECRETERY
1 OCT 19
FINANCE DEPT.

The Secretary to the Government of
Madras,
Financial Department

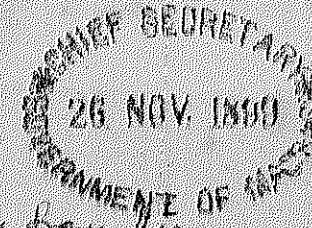
1. It has been brought to the notice of the Government of India that the Government of Madras have been adopting in the Madras State a system of Finance which is not in accordance with the policy that prevails regularly in the Government of India. It is therefore a definite course must.

2. On the other hand in the Civil Department of the same province the Government of India have been following a definite course. The former is to put it appears to the Government of India to be too wide. It would be a mistake of a commission office which is engaged daily for a number of years under Article 100 of the Civil Service Regulations practically on every occasion on which he travels by rail.

3. As it is desirable that there should be a uniformity of interpretation in all Provinces and in all Departments, I am to request that the Government of India should be informed of the position and

Financial (1899) Department.

CURRENT No. 7, 36



To await receipt of reply from the
Examination, P.W. Accounts, to whom also
reference on the subject has been
made (vide S.O. R1574 dtd 7.11.99)

From

The Accountant General
of the Govt. of Madras

No. J. 667 Genl.
9305

Dated 26th November 1899

Received 26

Registered 7

Enclosures

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SUBJECT.

Stating that since the receipt of
S.O. No. 474 dtd 13-6-88 the practice
has been to accept the opinion of the
Collector re public conveyance as final
& interpreting the term public conveyance
as given by Govt. of India in its order
of 21-2-83.

K.P.A.
27.11.99

Order

Remission and

K.P.A.
28.11.99

For C.A.

The file is resubmitted. The reply
has not yet been received

K.P.A.
1.12.99

For C.A.

Submitted. The reply has not
yet been received. A telephone may
probably be sent to P.W.S.

K.P.A.
21.11.99

It came in yesterday
10.10.99
2.11.99
4.11.99

BACK PAPERS.

G.O.	No.	Department.	Date.
R.	15-14	Finance	13-6-88
Wm	474	Idid	
"	536	"	8-8-83

It is requested that, in future communications on the subject, the No. and date of this letter, and the distinguishing letters above the number as given opposite, may be quoted.

No. *2467 Paul* 2467 November 1899
9305

From

T. HENRY 1893 830.,

ACCOUNTANT-GENERAL TO THE

GOVERNMENT OF MADRAS,

To

The Chief Secretary to Government,

Financial Department.

Sir,

With reference to ~~the~~ ^R G.O. No. 1314, Financial, dated the 4th of November 1899, I have the honour to state that since the receipt of G.O. No. 474 Financial, dated 13th June 1888 the practice has been to accept ^{to} opinion of the Collector as to what constitutes a public ~~conveyance~~ ^{conveyance} ordinarily as final.

3. The principle to adopt should in my opinion be to allow travelling allowance by public conveyance only when such conveyance is one which is kept regularly for hire and run over a definite course, though not at fixed intervals.

This is in accordance with the interpretation of the term "Public Conveyance" given by Government of India in its order No. 943, dated 21st February 1883.

I have the honour to be,

Sir,

Your most obedient servant,

Arthur H. Tapp
Accountant-General

FURTHER PAPERS.

G.O.	No.	Department.	Date.

to Sub:

Public Works (1899) Department.

CURRENT No. 4223



Sub CURRENT NO. 4223
No. 4896 C d/2 d Doccin

1899 From

The Engineer P.W. Accounts
Madras T Cony

Order Sub

Forwarded to
The Financial Dept.

No. 3949 B
2

Dated 1st December 1899
under Secy

En
11/12/99

A²

Some
N/A
57

Received
Registered
Enclosures
Spare copies.

SUBJECT.

Public Conveyance —
Furnishes Co remarks regarding
the definition of the term of —

No.	Date.
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No.	Date.
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No.	Date.
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No.	Date.
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Public Works (189) Department.

CURRENT No.

The Financial Department.

R No. 1514

Dated 4-11-99

Received

Registered

Enclosures *2*

Spare copies.

SUBJECT

No. 3949 B/E dated 1st; December 1899.

70

W

In the Madras P.W.D. the term -- Referring to the Accountant-General
"Public Conveyance" is not understood and to the Examiner, P.W. Accounts latter
in quite the particular sense in which from the Government of India, Finance &
it is defined in Article 54 of the C.S. Commerce Department, No. 4580-S.R., 1/13-10-
R. 99, the definition of the term "Public

2. When a ministerial officer performs a journey be it by a boat or public conveyance or any other means, the practice has been to admit, under a certificate --

only

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500-17 11-00.

Clg. 0.72
R4 12.99

NR

3. To make C.S.R. Article 54 more explicit I would suggest that it read thus - "Public Conveyance" means a "train steamer or other conveyance -- which plies regularly for the conveyance of passengers over a definite course regardless of the number of -- passengers. The term may not be applied to any conveyance or means of conveyance that has to be specially "negotiated for".

OFFG: C.

19

Interpretation of the term

"Public Conveyance".

(1) Letter from the Govt. of India,
Fin. & Com. Dept. No. 4880 S. L., d/15-10-99

(2) G.O.B. No. 1-14, Finl., d/ 14-11-99.

(3) Letter from the Asst. Genl., No.
T. 447 61-930, dated 24-11-99.

(4) Indt: of P.W.D. No. 4896 C, d/2-12-99

NOTE FOR THE ~~Chief~~ *Secretary*.

The Govt. of India enquires as to the practice in Madras in regard to the interpretation of the term "Public Conveyance", which is defined in article 14 of the Civil Service Regulations as meaning "a train, steamer, or other conveyance which plies regularly for the conveyance of passengers: the term includes such conveyances as the "express" tongas plying between Simla and Kalka, and palanquins plying in connection with the Patnamkot-Dalhousie Ghuli dak." India points out that the term has been taken, on the one hand, to include "any tonga, chakra cart or pony that plies regularly for hire of passengers, whether it plies over a definite course or not;" and on the other, ^{as applying to} "tonga daks plying over a definite course". The former interpretation, it observes, is too wide, and would admit a ministerial officer exchanging a daily allowance for mileage under article 1170(ii) of the Civil Service Regulations practically on every

00000101

occasion on which he travels by road.
2. As regards the practice in Madras, the Accountant-General reports that he accepts as final the opinion of the Collector as to what constitutes a public conveyance. The practice with the Examiner of P.W. Accounts appears to be much the same.

3. As regards the interpretation that should be placed on the term, the Accountant-General suggests the adoption of the definition proposed by India in 1885, i.e. "a conveyance which is kept regularly for hire and runs on a regular course whenever engaged by a passenger, even though it does not necessarily run at fixed intervals." The Examiner of P.W. Accounts, would define the term as a "train, steamer or other conveyance - which plies regularly for the conveyance of passengers over a definite course regardless of the number of passengers. The term may not be applied to any conveyance or means of conveyance that has to be specially negotiated for."

It is submitted that with the addition of the words "though not necessarily at regular intervals" after the word "passengers" in the first sentence of the definition ~~the~~ appears to be complete.

Letter No. 7447
Page 1 of the document

Page 5 of the document
In letter No. 7447
No. 533 dated 28/12/99

Page 6 of the document

Since the word "regularly" is used
18/12/99

of the Examiner's proposed definition, the word "regularly" is not necessary.

It will read better to say "and [not "though"] not necessarily at regular intervals," and add these words at the end of the sentence after the words "number of passengers."
MA 20.12.99

G. No. 3702 From the Govt. of India P.W. Dept., No. 4060, dated 13-10-1899 S.P.
G.O.P. No. 1014 Financial, dated 4-11-99
G.O. No. 1136 Acct. Genl. 427 G1, 22-11-1899 9500
P.V.D. 1899 C. 2-12-1899

CS. From order

Print

ORDER No 1423 of 30 Decr 99

The Govt. of India will be addressed.

17/12/99

LETTER No. 1424 of

COPIED 28/12/99

TO The Secy. to the Govt. of India, Fin: & Com: Deptt. Calcutta.

Sir,

I am directed to reply to Fin: & Commerce Dept. letter No. 4060 S.P., dated the 13th Oct. 1899, enquiring as to the practice in this Presidency in regard to the interpretation of the expression "Public conveyance" in art. 54 of the C.S.D. and inviting suggestions as to the most suitable definition of the term.

16-12-99
18/12/99
19/12/99
20/12/99

2. It is the practice in the Civil & P.W. Depts. in Madras to accept as final the opinion of the Collr. or head of the office, as to what constitutes a public conveyance and to admit charges on based on certificates duly countersigned by these officers.

3. With a view to secure uniformity of interpretation in all provinces in all depts. article 34 ~~of the Madras Regula-~~ should, in the opinion of the Governor in Council, be amended as follows:-

"PUBLIC CONVEYANCE" - "Public Conveyance" means a train, steamer, or other conveyance, which ~~carries~~ ^{lies} for the conveyance of passengers, over a definite course, regardless of the number of passengers, and not necessarily at regular intervals. The term may not be applied to any conveyance or means of conveyance that has to be specially negotiated for."

and travelling all passengers by "public conveyance" means of admitted when the conveyance falls within the strict definition of the term

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189

HEAD MAIN G.O., No.
189

, DATED

Current No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT

STATEMENT WITH DITTO

PAPERS NOT FIELD UP, BEING MEANT FOR DESPATCH IN ORIGINAL.

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