M.R.O. 1—77,006—8-6-37.

(1) Number of pages 10.

(2) Date of repair 16.3.40.

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Finance DEPARTMENT.

G.O. No. 812. Press ~~Mis.~~

83-84.

Dated 10-6- 1873.

Not to be folded or roughly handled

No. 83. Read the following Proceedings of the Board of Revenue, dated 30th April 1873, No. 681 :—

Read the following letter from W. S. WHITESIDE, Esq., Acting Collector of North Arcot, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Tripathy, 20th February 1873, No. 116 :—

THE Local Fund Board of the Chittoor Circle have, under the tenor of the Orders of Government dated 7th June last, No. 763, Financial Department, communicated with the Board's Proceedings dated 21st idem, No. 4434, invited tenders, by a Notice in the District Gazette, for the execution of some road work on contract.

2. The District Engineer, however, takes exception to this procedure, and has accordingly addressed to me two letters,* of which I enclose copies.

* Dated 27th January 1873, No. 414.
,, 14th February ,, ,, 549.

3. I am of opinion that Colonel Moberly is wrong in his interpretation of the rules; and, as that officer now positively declines to allow the subordinates of his department to surpervise works given on contract by the Local Fund Board, I have no alternative but to refer the question for the final orders of Government.

4. I do myself not see how the officers of the Public Works Department can very well refuse to supervise the works given on contract by the Local Fund Board, seeing that the Board are actually charged regularly for such "supervision."

ENCLOSURE No. 1.

From Colonel F. J. MOBERLY, R.E., for District Engineer, to W. S. WHITESIDE, Esq., President, Local Fund Boards, North Arcot District, dated Gundy, 27th January 1873, No. 414.

IN reply to your No. 32, dated 24th instant, I have the honour to point out that, under Local Fund Rule XL., all work should be executed by the Department of Public Works, and, if the Local Fund Board employ other agency, they must apply for special sanction to Government, through the Board of Revenue.

2. This, I submit, leaves to the Department of Public Works the option of executing work departmentally or by contract, and it is only when we select the latter method that the Local Fund Board becomes an executive agent.

3. The funds for this work have been placed at our disposal. If you think I am wrong in my reading of the rules, they must be taken back and replaced under your agents (see Rule XLI.), when they will be responsible to the Controller of Public Works Accounts, and we shall be relieved of the disagreeable duty of examining work executed by another Department.

(True Copy.)

(Signed) W. S. WHITESIDE,
Acting Collector.

ENCLOSURE No. 2.

From the same Officer, dated 14th February 1873, No. 549.

I HAVE the honour to forward copy of a letter from the Range Officer, Wallajah, regarding the action of the Local Fund Board on the road from Sholinghur to Annadana Chuttrum.

2. I beg to point out that the Government have nowhere decided that all works are to be executed by contract. Their order merely says that when contracts are made they shall be made

by the Local Fund Board. The officers of the Department of Public Works avoid contracts, as their terms hamper their actions, and prefer task work which can be stopped on the shortest notice.

3. By Rule LXXII. I should have had a week's notice in the District Gazette of all business intended to be brought before the Board. I am not aware that the rule has ever been carried out. Had I had any idea that such interference with our proceedings as the present was contemplated, I should have attended at any inconvenience.

4. You will observe that these contracts have been drawn up without consulting the Department of Public Works officers concerned. They are, in fact, one of the contracting parties, as you call upon them to supervise and, I presume, intend them to be responsible for the quality of the work. They probably know more of the contractors, their capability as judged by previous experience, etc., than the Board; but they are barred by the action of the Local Fund Board.

5. I see no alternative but to decline to supervise on such terms, and to request that you will work under Rule XL., Clause 2, and XLI.

6. I shall be glad to be furnished with the authority under which you consider yourself justified in your action. None of the other Boards, of which I am a member, have read the Government Order in this manner. The works must all be stopped, unless I hear soon. You will observe that, at present, the allotments have been all made to the Department of Public Works, not to the private agency of the Board.

(True Copy.)

(Signed) W. S. WHITESIDE,
Acting Collector.

SUBMITTED for the orders of Government.

2. The Chittoor Local Fund Board claim the power, under Government Order dated 7th June 1872, No. 763, of determining whether work entrusted to the Public Works Department shall be done by contract or not.

3. The District Engineer, on the other hand, contends that, when work is entrusted to the Public Works Department, it is for them to decide whether it shall be done by contract or otherwise. He admits that, when the Department of Public Works work by contract, the Local Fund Board must execute the contracts.

4. The ruling in Government Order, dated 7th June 1872, No. 763, does not settle the exact point now raised, and it is accordingly brought to the notice of Government. On the one hand, it may be urged that it is due to the Professional Department to leave them to decide whether work supervised by them shall be done on contract or not; on the other hand, it is to be feared that the concession would induce Public Works officers to avoid the inconvenience of obtaining contracts, through Local Fund Boards, by doing all work departmentally.

(True Copies and Extract.)

(Signed) J. GROSE,
Secretary.

No. 84. ORDER THEREON, 10th June 1873, No. 812.

The G. O. of 7th June 1872, No. 763, Financial, merely decided that, when contracts are made for work to be paid for from Local Funds, the Local-Fund Board must execute the contract.

2. The question now raised is distinct, viz., whether the Local-Fund Board are competent to decide whether work shall be done on contract or by the Public-Works Department, and this depends on the nature of the work regarding which the correspondence submitted affords no information.

3. Rules 40 and 41 prescribe that all work shall as a rule be executed by the Public-Works Department, and that the whole of the funds allotted under Grant I. (except the reserve and contributions to other funds) shall be placed at the disposal of that Department..

4. The Local-Fund Boards may, however, entrust ordinary repairs and petty works not requiring professional skill to other agency, and in that case, the Controller of Public-Works Accounts is to supply such agency with funds, and to deal with the expenditure as in the case of public works executed by Civil Officers.

5. If the Local-Fund Boards desire to entrust work of a description not included in the above category to agency other than the Public-Works Department, they must apply to Government for special sanction through the Board of Revenue. But so long as the work is of a class which the Public-Works Department should properly execute, the method of execution must be left to that Department to decide, unless the work itself is withdrawn from the Department by special sanction of Government.

(True Extract.)

W. HUDLESTON,
Chief Secretary,

To the Board of Revenue.
,, Public Works Department.

Exd. J. Wright.

Financial Department.

Attd accordd in Council L.T.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following ~~letter~~ Proc.

of the Board of Revenue,
dated 30th April 1873, No 681.

Order thereon - Abstracted. 10 June 1873. No 812

I do not think the order
suits the difficulty question
raised. Can the Local Fund
Board insist on an important
work being done by contract under
the supervision of the D.P.W. —
when the D.P.W wish to do
it departmentally? I think the
question had better be discussed
in Council. It is of great importance
PMC

I do not quite
see my way here.
It seems done that
when a work is
sanctioned by the
Board, the Dy Engr
who is a Member of

The G. O. of 7th June 1872, No 763, Financial, merely decided that when contracts are made for work to be paid for from Local funds, the Local Fund Board must execute the contract.

2. The question now raised is distinct, viz. — whether the Local Fund Board are competent to decide whether work shall be done on contract or by

the

Govt. of Madras

FINANCIAL.

To THE BOARD OF REVENUE, &c., &c., &c.

Dated June, 10th.

Read.

Read.

G. O., 10th June 1873, No. 812.

JUNE
Nos. 83-84.

Passing orders on the question in dispute between the Chittoor Local-Fund Board and the Engineer of the District as to whether Local-Fund Boards are competent to decide if work shall be done by contract or by the Public-Works Department.

the Public Works Dept. and this depends on the nature of the work regarding which the correspondence submitted affords no information.

3. Rules 40 and 41 prescribe that all work shall as a rule be executed by the Public Works Department, and that a whole of the funds allotted under grant I (except the reserve and contributions to other funds) shall be placed at the disposal of that department.

4. The Local Fund Boards may, however, entrust ordinary repairs and petty works not requiring

the Bd. can just as easily inform the Bd. how he means to execute the work - whether departmentally or by contract - as he proposes & submits his estimate & the collective Bd. can decide what by & how it shall be executed. The Board is the supreme authority in all matters. It is to think of how each body can be calculated to bring about a desirable result.

L.D.L

Thus D/F order seems to state the case clearly enough - If the work is of the kind mentioned in para 3 of the D/F Order, it appears that the P.W. Dept ought not to refuse supervision. If it is of the kind mentioned in para 5 he is justified in refusing, -

If it is of any other kind (para 3) it could be matter of control by the Local Board, but must the Bd. of Revenue - Public Works Dept. - execute by the P.W.D.

But perhaps

requiring professional skill to other agency, and in that case, the Controller of Public Works Accounts is to supply such agency with funds, and to deal with the expenditure, as in the case of public works executed by Civil officers. ~~The supervision or inspection of the work so executed will also follow the same rules.~~

5. If the Local Fund Boards desire to entrust work of a description not included in the above category, to agency other than the Public Works Dept, they must apply to Govt for special sanction, through the Board of Revenue.

But no

Govt. of [illegible] 187 [illegible]

To

Dated

Recd. } 187 , No.

Nos.

(10)

Walker
for Brinkerhoff
Comd

Dr Stretch

Comm[illegible]
Solongate
Architect
Superintend
Instruct & Exam
Cert[illegible]
6-6-73

not be called to explain the matter a little more fully in the Dft Order

[illegible]

× long as the work is in a class 2 the D.S.W. chooses persons to execute - the Instructions must be left to that Dept to decide - unless the work itself is laid down from the Dept by special sanction of W.D.

L.A.

Assistt Consul
6.6.73.

Brevet Lt Colonel
U.S. Engineers } assistant

C75-A 2/16/73.

Govt. of {1873} Madras.

Financial

To,

The Board of Revenue,

&c.

Dated 10th June

Recd. Encl.

G. O. 10th June, 1873, No. 812.

Nos. 83 - 84.

Passing orders on the question in dispute between the Chittoor Board & the Engineer of the District as to whether L. F. Bde. are competent to decide whether the work shall be done by Contract or by the P. W. Dept.