22.8.05 K]

# Financial (189~~5~~7) Department.

ORDINARY PRINTED.

G.O., No 839

Dated 8.10.97

48/48

---

[Despatch Abstract.]

Special Famine Assistants.

Recording Correspondence with the A.G. on the subject of the pay & allowances admissible to members of the Indian Civil service who are appointed as —; and declaring that all such appointments hitherto made be considered to have been done under Sec: 30 of the Famine Code.

## BACK PAPERS.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
|---|---|---|---|---|---|---|---|
|  |  |  |  |  |  |  |  |

## FURTHER PAPERS.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
|---|---|---|---|---|---|---|---|
|  |  |  |  |  |  |  |  |

---

# Government (1897) of Madras.

## FINANCIAL.

*Recd.* } 1897. *Enclosures*
*Regd.* } *Spare copies*

## G.O., No. 839, 8th October 1897.

**OCTOBER.**

### Special Famine Assistants.

Recording correspondence with the Accountant-General on the subject of the pay and allowances admissible to members of the Indian Civil Service who are appointed as —; and declaring that all such appointments hitherto made be considered to have been done under Section 30 of the Famine Code.

GOVERNMENT OF MADRAS.

## FINANCIAL DEPARTMENT.

**Read**—the following papers :—

Proceedings of the Board of Revenue (Revenue Settlement, Land Records and Agriculture), dated 18th December 1896, Mis. No. 6745.

*Read*—the following letter from the Accountant-General, dated 16th December 1896, No. 3870 :—

With reference to the Proceedings of Government, No. 630, Revenue, dated the 16th November 1896, sanctioning the appointment of a Special Assistant, to the Collector of Kurnool under Section 25 of the Famine Code, I have the honour to enquire whether it is intended to transfer an appointment of a Special Assistant to Kurnool and to post an officer to it without giving him enhanced pay.

*Resolution*—dated 18th December 1896, Mis. No. 6745.

Submitted for the orders of Government.

2. As pointed out in paragraph 6 of Board's Proceedings, No. 411 of 1896, the appointment alluded to has not yet been made, but the Board is of opinion that officers appointed as Special Assistants, under Section 25 of the Famine Code, should receive the pay and allowances of a Head Assistant Collector, unless officers of higher rank be appointed, when they should receive those of a Sub-Collector.

(True Copy and Extract.)
(Signed) R. V. SRINIVASIAR,
*Secretary.*

To the Secretary to Government, Revenue Department.
Copy to the Accountant-General.

From F. C. HARRISON, Esq., Officiating Accountant-General, to the Secretary to Government, Revenue Department, dated Fort St. George, 14th January 1897, No. 100.

With reference to the Proceedings of the Board of Revenue, Mis. No. 6745 (Revenue Settlement, &c.), dated the 18th December 1896, suggesting that officers appointed as Special Assistants under Section 25 of the Famine Code should receive the pay and allowances of a Head Assistant Collector, unless officers of higher rank be appointed when they should receive those of a Sub-Collector, I have the honour to point out that Section 25 of the Famine Code does not contemplate the creation of any appointment but merely a redistribution of the scale of officers fixed for a district. Section 30 covers the cases of new appointments to be created if Government consider it necessary.

Memorandum No. 444, Financial, dated 19th February 1897.

From F. C. HARRISON, Esq., Officiating Accountant-General, to the Chief Secretary to Government, dated Fort St. George, 26th February 1897, No. 685.

With reference to your memorandum, No. 444, dated the 19th of February 1897, I have the honour to state that Article 88, Civil Service Regulations, appears to contemplate the employment of Government officers in any manner without additional remuneration, whilst Article 101 makes an exception in favour of certain officers. From this latter section I infer that Civil officers belonging to the Presidency, in which famine occurs, should not be granted any extra allowances.

Memorandum No. 646, Financial, dated 13th March 1897.

From W. H. MICHAEL, Esq., Officiating Accountant-General, to the Chief Secretary to Government, dated Fort St. George, 23rd March 1897, No. 985.

With reference to your memorandum, No. 646, Financial, dated the 13th March 1897, enquiring if Article 101 of the Civil Service Regulations would apply if the officer deputed for famine duty is, under Article 98, granted merely the salary which but for such deputation he would have drawn either substantive or officiating without being granted any extra allowance, I have the honour to state that Article 98 does not apply to officers placed on famine duty, but there is no objection to such officers being granted the pay and acting allowance which [illegible] would have drawn if they were not deputed on famine duty (*vide* Government of India letter recorded in Madras G.O., No. 1415, Public, dated 26th October 1877).

I would observe that Article 101, Civil Service Regulations, applies only to officers deputed to famine work in another Presidency or Province.

Memorandum No. 1109, Public, dated 25th May 1897.

From F. C. HARRISON, Esq., Officiating Accountant-General, to the Chief Secretary to Government, dated Fort St. George, 3rd June 1897, No. 1711.

With reference to your memorandum, No. 1109, Public, dated the 25th of May 1897, I have the honour to report that, under Article 95, Civil Service Regulations, the Local Government have power to sanction temporary appointments whose remuneration exceeds 250 a month, provided they last for not more than six months. The sanction of the Government of India will be necessary if the appointment lasts for not more than one year (*vide* Article 96, Civil Service Regulations), and that of the Secretary of State if the period exceeds one year (*vide* Article 97, Civil Service Regulations).

In the case of the Special Assistant's appointment at Cuddapah, no period was mentioned and it was therefore stated that the sanction of the Secretary of State was necessary.

From F. C. HARRISON, Esq., Officiating Accountant-General, to the Chief Secretary to Government, dated Fort St. George, 4th June 1897, No. 1714.

With reference to G.O., Nos. 575, 575-A., Public, dated the 14th of May 1897, and G.O., No. 578, Public, dated 10th May 1897, appointing Mr. G. W. Elphinstone, Acting Sub-Collector, Gódávari, to be Special Assistant Collector, Ganjám, under Section 25 of the Famine Code, and permitting him to draw while so employed the pay and acting allowances of an Acting Sub-Collector, I have the honour to point out that, as Mr. W. W. Phillips has been appointed to act as Sub-Collector, Gódávari, in his place, the Government seems to contemplate the creation of an additional appointment under Section 30 of the Famine Code and not under Section 25 as recorded in the orders.

I would suggest, therefore, that the orders may be modified accordingly.

Memorandum No. 1607, Financial, dated 29th July 1897.

From F. C. HARRISON, Esq., Officiating Accountant-General, to the Chief Secretary to Government, dated Fort St. George, 14th August 1897, No. 2477.

With reference to your memorandum, No. 1607, Financial, dated the 29th of July 1897, desiring me to reconsider my views in respect to the appointments made under Section 25 of the Famine Code, and to state whether I am still of opinion that the provisions of Articles 95 to 98 of the Civil Service Regulations do not apply to the appointments of Special Famine officers, I have the honour to state that Section 25 of the Famine Code lays down that, when State relief is administered in a district, a Special Assistant may be appointed to relieve the Collector of a portion of his routine or such other work as Collector would allot to him. This provision does not, I think, contemplate the creation of an appointment, neither should the officer so appointed be held to be on deputation, as the nature of the work is not such as would bring it under Article 94, Civil Service Regulations.

If it is considered necessary to create any appointment, this can be done under Section 30 of the Famine Code.

The argument adduced in paragraph 2 of the proceedings is not, I would respectfully submit, convincing. If sections corresponding to the present Sections 25 and 26 of the Famine Code provided only for the relief of Collectors of ordinary work, and did not give any power regarding creation of appointments (and Local Government had not such power then to create new appointments, even temporarily), there is no reason for supposing that they confer this power now under the new code, particularly when Article 30 has been introduced.

In my letter, No. 685, dated 26th February 1897, what I meant was that, when an officer is deputed on famine duty, he must, of course, be considered to be on deputation under Article 98, Civil Service Regulations, but that he is only entitled to draw the salary he would have ordinarily drawn and to no extra remuneration. I relied on Article 101 of the Civil Service Regulations and the Government of India letter communicated in Madras G.O., No. 1415, Public, dated 26th October 1877, to support my view.

In these circumstances, I would suggest a reference to the Government of India on both these points.

Memorandum No. 1800, Financial, dated 27th August 1897.

From F. C. HARRISON, Esq., Officiating Accountant-General, to the Chief Secretary to Government, dated Fort St. George, 6th September 1897, No. 2748.

With reference to your memorandum, No. 1800, Financial, dated the 27th August 1897, I have the honour to state that, in my opinion, when the appointment of a member of the Indian Civil Service to be a Special Famine Assistant constitutes a temporary addition to the cadre of that service, or when it carries a salary in excess of the salary ordinarily admissible, the appointment should be declared to be made under Section 30 of the Famine Code.

ORDER—No. 839, Financial, dated 8th October 1897.

Recorded.

2. All previous appointments of members of the Indian Civil Service to be Special Famine Assistants will be considered to have been made under Section 30 of the Famine Code.

(True Extract.)

for *Chief Secretary.*

To the Revenue Department.
" Accountant-General.
" Famine Commissioner.

Exd. W. D'Moss.

---

8

INDIAN TELEGRAPHS. Monthly Number.

G
118
0—16-11-

Public Department.

C. No. 10.

TELEPHONE MESSAGE.

From Chief Secy.

CHIEF SECRETARIAT,

To Acct. Genl.

Dated 7. 1. 1897.

Fo 839 Fnl
8 10. 97

If Gillman, Ag. Sub. Colr. Kistna, were appd. Special Asst. Bellary under sec. 25 Famine Code what salary would he be entitled to

CWS
7.1.97

Sent
7/1/97
15/32

7.1.97

✓

9 Return 7/1/97

[illegible]

Chief Secy.

Acct. Genl.

7/1

7

If Gillman, Ag. Sub Colr. Kistna, was appd. Spec. Asst. Bellary under sec. 20 Famine Code [illegible]

With reference to your memorandum, No. 1800, Financial, dated the 27th August 1897, I have the honour to state that, in my opinion, when the appointment of a [illegible] Indian Civil Service to be a Special Famine Assistant constitutes a

---

Code Class. INDIAN TELEGRAPHS. Monthly Number.

| | | | | | |
|---|---|---|---|---|---|
| To (Office) | Telephone | From (Office) | Message | | |
| Words. | Day. 7 | Hour. 17 | Minute. 42 | Official Instructions. | |

CHIEF SECRETARY GOVERNMENT OF MADRAS -7. JAN. 1897

To (Person) The Chief Secy

From (Person) The Acct Genl

If Mr. Gillman ag. Sub collector Kistna, be appointed as Special Asst. Bellary under section of the Famine Code he may be allowed to draw the salary & allowances as ag. Sub Collector Kistna provided no officer is appointed in his place to act as Sub collr. Kist In this connection see article 30 of the Famine Code x

A.C.
7/1/97

Recd. from LN. Sent to LN.
At Hrs. Mts. by At Hrs. Mts. by Telegra

C G P—No. 534 T—24-7-96—20,00000.

Public Dep

[G./25]
500—23-11-96.

80 64/20-1-97

C.No.10

H. E. THE GOVERNOR.

THE HON'BLE MR. BLISS, C.I.E.

THE HON'BLE MR. GROSE, C.I.E.

SUBJECT.

Appointment of Mr. Gillman

## FOR ORDERS.

With reference to His Excellency's instruction of the 6th instant on the docket of the current, the accompanying telephone messages to and from the Acct. Genl. are submitted from which it will be seen that if Mr. Gillman is appointed as Special Asst, Bellary, under section 25 of the Famine Code, he can be allowed to draw the salary and allowances ~~an~~ of an Ag: Sub-Collector ~~of Kistna only~~ provided that no officer is appointed in his place to act as Sub-Collr: of Kistna. The Acct. Genl refers to sec.30 of the Famine Code and his reading of this is apparently that the appointment of an officer to act as Sub-Collector of Kistna in Mr. Gillman's place would involve the creation of a new appointment which would require the sanction of the Secy. of State. It seems open, however, to Govt. to appoint Mr. Gillman to be Special Asst., Bellary, on the salary and allowances of an Ag: Sub-Collector, ~~and~~ to appoint another officer in his place at Guntur and to report its action to the Govt. of India for confirmation.

CWS 8.1.97

HD 9/1/97

Now that Mr. Gopalchari has gone to Cochin, the Provincial Service is entitled to another acting Sub. Collectorate. A Deputy Collector should be sent, in that capacity, to Guntoor, — to replace Mr. Gillman, who is about to go to Bellary.

A.GH 11.1.97

H.E. the Gov. & circ

Minute of appt (B) & Draft order (C) are submitted

CWS 13.1.97

HD 14/1/97

A.GH 16.1.97

B. 13/1

# Financial (1897) Department.

2 CURRENT No. 93

S

The idea of appt. a Special Asst. to Kurnool was dropped. Was it not? Put up papers & short nts please

Cws
15.1.97

R1254 Pub.
1.12.96

**From** The Revenue Dept

**Order**

No. 122 Mis

**Dated** 8th January 1897

**Received** 11. 1. 97

**Registered** —— do ——

**Enclosures** two

**Spare copies** ——

SUBJECT.

No. 3870 d/16 Dec 1896.

Transferring to the Jail. dept. B.P. submitting for orders of Govt. with the Bd's opinion letter from the A.G. enquiring whether it is intended to transfer an appointment of a Special Asst. Coll. to Kurnool and to post an officer to it without giving him an enhanced pay

G.O. No. 10 of 97 Pub

4

BACK PAPERS.

| G.O. | No. | Department. | Date. |
|---|---|---|---|
|  | 2 |  |  |

FURTHER PAPERS.

| G.O. | No. | Department. | Date. |
|---|---|---|---|
|  |  |  |  |

---

# Revenue (1896) Department.

**CURRENT No.** 9343

The Hon. Mr. Grose C.I.E.
H. E. the Governor

GOVERNMENT OF MADRAS
19 DEC 96
REVENUE DEPARTMENT

Transfer with notes to Financial. 7/1.97

For **Orders**.

The A-G enquires ~~what pay~~ whether when a Special Assistant to the Collr of a district is appointed under S. 25 of the Famine code, it is intended to transfer an appointment of this class to the district and to post an officer ~~wit~~ without giving him enhanced pay. It is not clear what the A-G precisely means.

2 The Board considers that the Special Ass. should receive the pay and allowances of a Head Assistant Collector and ~~who~~ that an Officer of a higher rank those of a Sub-Collector.

3. It is not understood ~~what~~ why each Officer should not draw his own pay and allowances before transfer to famine duty. In case a higher allowance is granted to one class of Officers, others such as Deputy Collectors, P.W., Police and Medical Officers will also put forward a claim for similar ~~increase~~ of pay

22/12/96

*From*

*The Board of Revenue*

*(Rev. Sett., L. R. & Agri.).*

Madras

**No.** 6745 Mis

**Dated** 18th December 1896

**Received** 19 — 12 — '96

**Registered** 19 — 12 — '96

**Enclosures**

**Spare copies**

## SUBJECT.

Submitting for the orders of Government with the Board's opinion, letter from the Accountant General enquiring whether it is intended to transfer an appointment of a Special assistant Collector to Kurnool and to post an officer to it without giving him an enhanced pay.

C. 26-12-96
R. 6/1/97

/5

6

Section 15 says clearly that "a Civil Officer who has been in independent charge of a division" is to be appointed as Special Asst. This indicates that the officer who must be a Cov Civilian since he is the Collr's locum tenens shd not be of a rank below that of a permanent Hd Asst. The rule in 1877-78 was as I remember that the officer put in as Asst to the Collr drew the pay & allowances which he wd have drawn had he not been employed on the special duty. I think the best way to meet the Acct. Genl's question wd be for the order in Financial which appoints the officer to assign him pay & allowances on the above principle. e.g. if he be a perm. Hd Asst acting as a Sub Collr when sent to the place he shd be treated as an Ag. Sub Collr while on the special duty.

24/12/96

## BACK PAPERS.

| G.O. | No. | Department. | Date. |
|---|---|---|---|
| | | | |

## FURTHER PAPERS.

| G.O. | No. | Department. | Date. |
|---|---|---|---|
| This | is right | J.G.<br>A.S.H. | |

J.G.
31.12.96

A.S.H.
5.1.97

1897
Finl Dept
Enclos. No 1
To
G. No. 93

---

F
16 3,000—14-7-94.

REVENUE DEPARTMENT.

CURRENT No 93.

## PROCEEDINGS OF THE MADRAS GOVERNMENT.

~~Read~~

Read Proceedings of the Board of Revenue (Revenue Sett. L.R.& Agri) dated 18th December 1896, No. 6745 Mis.

Order thereon No. 122 dated 8th January 1897.

Transferred to the Financial Department.

(True Extract)

Lionel Davidson
9.1.97
Under Secy. to Government.

To
The Financial Dept
with notes in orgl.

R1

# Financial (1897) Department.

**CURRENT No.** 176

*From* The Revenue Department

*Order*

No. 276 Mis.

**Dated** 18th Jany 1897.
**Received** 19. 1. 97
**Registered** 21 — " —
**Enclosures** one
**Spare copies** —
Ref 22/1
1 pm

SUBJECT.

Transferring to the Financial Depr letter from the Accountant-General No 152 / 14.1.97 stating that Section 25 of the Famine Code does not contemplate the creation of any appointment but only a redistribution of the scale of officers fixed for a district.

BACK PAPERS.

| G.O. | No. | Department. | Date. |
|---|---|---|---|
| | | | |

FURTHER PAPERS.

| G.O. | No. | Department. | Date. |
|---|---|---|---|
| | | | |

---

$\frac{(-1)}{77}$ 1,000-2-6-96.

CURRENT NO. 176

REVENUE DEPARTMENT.

## PROCEEDINGS OF THE MADRAS GOVERNMENT.

~~Read~~

Read letter from the Accountant General, dated 14th January 1897, No. 100

Order thereon No. 276 Mis of 18th Jany. 1897.

Transferred to the Financial Department in continuation of G. O. No. 122 dated 8th January 1897.

(True Extract)

Lionel Davidson
15-1-97
Under Secy to Govt

C. Fr.
93

To The Financial Dept.

## Govt. of {189 } Madras.

**REVENUE.**

To

Dated }
Recd. } Encl.

---

**Mis. G.O., 189 , No.**

---

SUBJECT.

---

[ 1/5 ]
1,000—14-12-96.

.......Financial DEPARTMENT.

C. No. 93

3. H. E. THE GOVERNOR.
1. THE HON'BLE MR. BLISS, C.I.E.
2. THE HON'BLE MR. GROSE, C.I.E.

Rev. Dept.

SUBJECT.

Salary of officers appointed for famine duty

FOR ORDERS.

The appointment of a special Assistant to the Collector of Kurnool has been dropped for the present vide G.O. No. 1254 Public of 1-12-96. A

Under para 25 of the Madras Famine Code this Govt. has authority to appoint a Civil officer who has been in independent charge of a division to be Special Asstt. to the Collector of the district in which it has been decided to administer state relief and under para 30 all ~~such~~ appointments which ordinarily require the sanction of the Govt. of India or the Secy. of State should be at once reported to the Govt. of India for confirmation –

To a reference made to the Accountant General as to what

c 26/1/97 | c [illegible]/1/97
R 25/1/97 | R 2/2/97

salary of an Ag. Hd. Asst. or Ag Sub

what salary Mr. Gillman Ag. Sub Collr, Kistna would be entitled if he were appointed Special Asstt to the Collector of Bellary under § 25 of the Famine Code, the Acctt. General replied that he might be allowed to draw the salary and allowances of Ag. Sub Collector provided no officer was appointed in his place to act as Sub Collr, Kistna - vide telephonic messages flagged B - The Accountant General referred to para 30 of the Famine Code and his reading of this was apparently that the appointment of an officer to act as Sub Collector of Kistna in Mr. Gillman's place would involve the creation of a new appointment which would require the sanction of the Secy. of State. Mr. Gillman was, however, appointed Special Asstt. to the Collr. of Bellary on the salary of an Ag. Sub Collr: and the Kistna Sub Collectorate was made over to the Provincial Civil Service temporarily - A G.O. to this effect is issuing, a copy being sent

flag C

sent to India -

In the notes in the Revenue Department it has been decided that an officer appointed to be Special Asstt: for famine purposes should draw the pay and allowances which he would have drawn had he not been placed on such special duty - It is submitted that it would save unnecessary references if paras 25 and 30 of the Famine Code ~~are~~ were so amended as to include this ruling - To any such amendment, the sanction of the Govt. of India is apparently necessary and as the Famine Code was worked out in the Rev. Dept., that Dept. should, it is submitted, make the requisite reference to India.

As paras 25 + 30 now stand it seems that if Govt. were ~~to~~ appoint an Ag. Head Asstt or Ag. Sub Collr as Special Asstt for famine duty it should, in order to enable such an officer to draw the salary of an Ag. Hd. Asstt. or Ag.

Sub

f. Sub Collr, either leave the ppt. he held in the regular ine vacant or appoint another officer in his place in the regular line and report the action to the Govt. of India for sanction.

Confirmation BS

~~[illegible]~~ In the ~~[illegible]~~ scarcity of 1891-2 Special Assts for Famine purposes were treated as being on special duty & were given the pay & allowances they would have drawn if employed in the regular line. This seems the simplest way to deal with the matter

CMB
20.1.97

22/1/97

It may be declared that the officer is on special duty under Art. 94 of the C.S. Regulations. In that case the sanction of the Govt. of India ~~to this appt.~~ is not needed for Sec 75 of the Code may be looked on as the necessary sanction: but see Sec 30. of the Famine Code. As it is proposed only to give the officer deputed the same pay & allowances as he was getting before his deputation no sanction of India is needed under Art. 98. ~~[illegible]~~ if any deputation allowance allowed is less than the limit there laid down. No deputation allowance seems needed

H 25/1/97

Shd. say this is what shd. be done.

BS
26/1/97

Yes, it seems to be the simplest way of meeting the difficulty

JG
28/1/97

It has been suggested to me that if Mr. Gillman's appt. be sanctioned for not more than six months under para. 98 of the C.S. Regns., it is within the competence of the Local Govt. to +

+ I got the pay of an Acting Collector when only a Sub Collr. on Famine duty. The sanction of the G of I was however obtained to this arrangement

LS
22/1/97

& dispose of the matter. If the appt. is to be for a longer period than six months, the matter shd. be referred to the G. of India for sanction. But six months will carry us up to July, when rain should have fallen. So perhaps the appt. need not be for more than six months. This course will give us greater freedom in appointing and moving officers. If it commends itself to Hon. Members, it might be referred to the Acct. Genl. for his opinion as to whether it would be regular.

A.H.
1.2.97

BS
4/2/97

13/2/97

---

G.
25

1,000—14-12-96.

Financial DEPARTMENT.

C. No. 934176.

~~H. E. THE GOVERNOR.~~

1. THE HON'BLE MR. BLISS, C.I.E.

2. THE HON'BLE MR. GROSE, C.I.E.

SUBJECT.

Salary of officers appointed for famine duty.

FOR ORDERS.

See in

BS
4/2/97

JG
13/2/97

Resubmitted to the Hon'ble Members with reference to His Excellency the Governor's note

FDB.
2.2.97

3/2/97

Financial Dept

Fair 17/2

enc No 93 & 176.

w.I 18/2/97

Reference (only) No. 444 d/19.2.97.

The Accountant General is requested to state his opinion whether it would be regular to place civilian officers who are required for famine work on special duty under article ~~98~~ 95 of the Civil Service Regns provided that if the duty extended beyond six months the confirmation of the Govt. of India ~~should~~ was ~~be~~ sought.

(From orders)

F.D.B. 16/2/97.

17.2.97.

x Is it not 95?

§ 98 refers to allowances & § 95 to period

The Acctt General. Des/pd 19/2/97.

cpdd xd } 18/2/97

# Financial (1897) Department.

**CURRENT No.** 682

CHIEF SECRETARY
27 FEB. 1897
GOVERNMENT OF MADRAS

*From* The Accountant-General, Madras.

*Order*

No. 685

*Dated* 26th February 1897.

*Received* 27th Do
Do for Regy 1–3–97
*Registered* 1–3–97.

*Enclosures*

*Spare copies*

SUBJECT.

stating that civil officers belonging to the Presidency in which famine occurs should not be granted any extra allowance

## BACK PAPERS.

| G.O. | No. | Department. | Date. |
|---|---|---|---|
|  |  |  |  |

## FURTHER PAPERS.

| G.O. | No. | Department. | Date. |
|---|---|---|---|
|  |  |  |  |

---

[G./25]
1,000—14-12-96.

……Financial DEPARTMENT

C. No. 93, 176, & 682.

H. E. THE GOVERNOR.
THE HON'BLE MR. BLISS, C.I.E.
THE HON'BLE MR. GROSE, C.I.E.

SUBJECT.

Salary of officers appointed for famine duty.

Note for C.S.
For orders whether this

## FOR ORDERS.

As directed in the notes at flag D the Accountant General was asked whether it would be regular to place Civilians who are required for famine work on special duty under Art: 95 of the Civil Service Regulations provided that if the duty extended beyond six months the confirmation of the Govt. of India was sought.

The Accountant General does not give a direct answer to the question put to him - He states that Art 88 of the C.S.R. appears to contemplate the employment of Govt. officers in any manner without additional remuneration whilst Art 101 appears to preclude the

No need to trouble H.E. with this yet. It appears to me however that the A.G. is right. Put the question proposed, to him through and let us see what he will say
10/3/97.

16

the grant of extra allowances to civil officers belonging to the Presidency in which the famine occurs.

The latter remark of the Accountant General would apply if an additional deputation allowance ~~under~~ is to be granted under Art. 98 of the C.S.R. But if the officer deputed for famine duty is to be granted merely the ~~[illegible]~~ +salary, which but for such deputation, he would have drawn either as substantive or officiating, then, it is submitted, Art 101 which alludes to additions to salary (& not pay) cannot apply. Orders are solicited whether this may be pointed out to the Acctt Genl and a more definite opinion invited.

~~[illegible]~~

J.D.B.
6.3.97

+ Salary = pay + acting allowance (§ 47 C.S.R.)

W4
12-3

Fincl. Dept

C.O. 93, 176 & 682

Refce (only) No. 646/13.3.97.

With reference to his letter No. 685 d 26 Feb 97 the Accountant General is requested to be so good as to state if Article 101 of the C.S.R. would apply if the officer deputed for famine duty is under Art 98 granted merely the salary which, but for such deputation, he would have drawn either substantive or officiating, without being ~~allowed~~ granted any extra allowance. It is observed that Art 101 contemplates additions to salary and not to pay.

Fd 11/3/97

J.D.B.
11/3/97.

Acctt Genl Despd
12/3/97.

# Financial (1897) Department.

S/24/3

CURRENT No. 985

CHIEF SECRETARY
23 MAR 1897
GOVERNMENT OF MADRAS

From The Accountant-General, Madras,

Order

No. 985

Dated 23rd March/97.

Received 23/3/97

Registered 24/3/97

Enclosures

Spare copies

SUBJECT.

Stating that article 98 of C.S.R does not apply to officers placed on famine duty but there is no objection to such offrs. being granted the pay & ag. allowce. which they would have drawn if they were not deputed on famine duty.

R.O. for papers
AS 24/3. Put up - 24/3/95

18

## BACK PAPERS.

| G.O. | No. | Department. | Date. |
|---|---|---|---|
| S.C. | 2084 | Finl | 20-11-96 |
| Mis | 1125 | Pub— | 21-8-77 |
| S.C. | 1275/6 | —"— | 26-9-77 |
| S.C. | 1415 | —"— | 26-10-77 |

## FURTHER PAPERS.

| G.O. | No. | Department. | Date. |
|---|---|---|---|
|  |  |  |  |

---

[ .5 ]
1,000—14-12-96.

Financial DEPARTMENT.

C. No. 93, 175, 682 & 985

3 H. E. THE GOVERNOR.

1. THE HON'BLE MR. BLISS, C.I.E.

2. THE HON'BLE MR. GROSE, C.I.E.

SUBJECT.

Salary of officers appointed for famine duty.

## FOR ORDERS.

I am not prepared to accept the Acct. Genl's reasoning. He says in his letter of 14 Jan/97 that para. 25 of the Famine Code refers only to existing Staff and not to additions to the Staff. He showed by his letter of the 16 Dec. 1896 that he thought there should be no enhanced pay. In his letter of the 26th Feb. 1897, he relies on para 58 of the C.S.R. to support this view, and he quotes the old G.O. 26 Oct. 1877, as an authority for enabling famine officers to get any acting pay at all.

The general effect of this is to shut out the application of paras. 95 & 98 of the C.S.R. from the cases of officers appointed under para. 25 of the Famine Famine Code;

C 30/1/97 C 2/4/97.
R 2/4/97 R 6/4/97

Please see the notes flagged D. As directed therein the Accountant General was asked to state whether it would be regular to place civilian officers required for famine work on special duty under Art. 95 C.S.R. provided that if the duty extended beyond six months the confirmation of the Govt of India was sought. The Accountant General reported that art 88 C.S.R. contemplated the employment of Govt. officers in any manner without additional remuneration whilst art. 101 appeared to preclude the grant of extra allowances to civil officers

belongi

belonging to the Presidency in which famine occurred.

The Accountant General was then asked whether art. 101, which contemplates additions to salary and not to pay, would apply if the officer deputed for famine duty was under art 98 granted merely the salary which, but for such deputation, he would have drawn either substantive or officiating, without being granted any extra allowance.

He replies that art 98 does not apply to officers placed on special famine duty but raises no objection to the grant of the pay and acting allowance which these officers would have drawn but for such deputation – vide G.O. No 1415 Pub of 26 Octr. 1877 – The ~~resolution~~ letter from of the Govt. of India recorded in this order clearly contemplates "famine" deputations on these terms.

A

It therefore does not seem necessary to in future report such the appointments to the Govt. of India as was done in the case of Messrs Gillman

I

Code; and ~~[illegible]~~ thus by every man so appointed, a vacancy will have to be left elsewhere. This seems obviously wrong. The whole bearing of para. 25 & the following paras. is that additional staff will be needed in time of famine; and it is absurd to suppose that such assistance is to be given at the expense of other districts. Such a proceeding might, and probably would, clog the administration. Para. 30 of the Famine Code seems simply to give the Govt. the power to act in anticipation of sanction; and is not in any way contrasted with para. 25.

I think this view might be put forward, but before writing to the Acct. Genl. it might be a safe precaution to look up the papers showing the considerations on which para. 25 was based, and to make sure whether or not they contain any thing to justify the Acct. Genl's conclusion.

A.S.H.
5.4.97

~~A~~ I

Roberts, provided this Govt certifies that the officers placed on famine duty would have in the ordinary line drawn the salary allowed.

The grant of any extra deputation allowance is however, barred ~~by~~ ~~[illegible]~~ by para 2 of India's letter in G.O. No 1415 Public of 26th October 1877

I →

CMS
28.3.97

29/3/97.

Seen
JG
1/4/97

30/3/97

This will affect Mr Buckley,

Seen

Mr. B's case is surely covered by paras. 95-98 of the C.S.R.?

A.S.H.
5.4.97

Urgent

To.

The Revenue Department

Please furnish, at an early date, the information indicated in the portion of H.E. the Governor's note of 5. 4. 97 marked A

CMS
6/4/97

14/4/97

Public Dept

Memo. No. 1109
d/25.5.97.

In his letter no 1381 d/ 3d May 1897 the Accountant General stated that if Govt. intended to grant Mr Roberts, ~~who has~~ been ~~appointed~~ Special Famine Assistant, Kurnool, the pay and allowances of an acting Head Assistant Collector, it would be necessary to create an appointment under Section 30 of the Famine Code, ~~on the pay and allowances~~ subject to the sanction of the Secy. of State. ~~But~~ When however, the Accountant General was consulted regarding the appointments of Mr Buckley as Famine Secretary and of Mr Le Fanu as Famine Commr., he ~~reported~~ was of opinion that the sanction of the Govt of India would be necessary to these temporary appointments only if they lasted for more than six months. The Accountant General

Original
cash
21/5/97 + Art 96 CSR.

Not yet recd from Madras.
Note sent for it on 19.5.97
V.Lm
21/5/97

Vs [illegible]
[illegible]
25/5/97

22

General is requested to be so good as to state how he reconciles these two opinions

report further in the matter

Chd
21/5/97

Do
22/5/97

Accountant General Desp'd 25/5/97.

---

Financial

# Public (189 ) Department.

1713 A

**CURRENT No.** ~~2102~~

CHIEF SECRETARY
-5 JUN. 1897
GOVERNMENT OF MADRAS

**From** The Accountant General
Madras

**Order**

**No.** 1711

**Dated** 3 June 1897
**Received** }
**Registered** } 5-6-97
**Enclosures** -
**Spare copies** -

## SUBJECT.

Stating that as no period was mentioned in the case of the special assistants' appointment it was stated that the sanction of the Secretary of State was necessary

S
please e.m. 2123
put Sanction
10/6/97

## BACK PAPERS.

| G.O. | No. | Department. | Date. |
|---|---|---|---|
| GO R | 587 | Pub | 12-5-97 |
| | 536 | .. | 8-5-97 rc |
| | 333 | .. | 24-3-97 Rev |
| Pubc No 1426 | of 97 | & memo thereon | |
| No 898<br>23.6.97 | | abstract | |
| Finl C Nos | 93, 176 | & 985 of 97 abst | |

GO 320-21 .. 23-3-97 Council

## ~~FURTHER PAPERS.~~

| G.O. | No. | Department. | Date. |
|---|---|---|---|
| GO | 50 | .. | 19-1-97 rc |
| | 1277 | .. | 4-12-96 Rev |

Financial

# ~~Public~~ (189 ) Department.

Cr Nos 2102 & 2103 CURRENT No. ~~2103~~ 1718A

Revenue Dept

Please expedite the information desired by His Excellency the Governor regarding the appointment of Famine Special Assistants under ~~the~~ articles 95-98 of the C.S.R.

CHIEF SECRETARY
-5 JUN. 1897
GOVERNMENT OF MADRAS

Order Curd. 11.6.97

11/6/97

⊕ what is this

12/6/97

From

The Accountant General to the Govt. of Madras

No. 1714.

Dated 4 June 1897

Received
Registered } 5-6-97

Enclosures —

Spare copies —

## SUBJECT.

Suggesting to modify the orders regarding the appointment of Mr G. W. Elphinstone as Special asstt Collr Ganjam and Mr W. W. Phillips as Sub Collector Godavari as creating an additional appointment under section 30 of the Famine Code and not under section 25 as recorded in the orders.

## BACK PAPERS.

| G.O. | No. | Department. | Date. |
|---|---|---|---|
| Go R | 604 | Pul | 15-5-97 |
| R | 578 | - | 10-5-97 |
|  | 575-75A | .. | 14-5-97 orig |

## FURTHER PAPERS.

| G.O. | No. | Department. | Date. |
|---|---|---|---|
|  |  |  |  |

---

flapped

FOR ORDERS on Public c. No. 210

Note ~~in regard to~~ about the bearing of sections 25 & 30 of the Fa ine Code in rrgard to the appointment of special Famine Officers and the applicability of Art. 95 – 98 of the C.S.R. to such appointments.

2. The following members of the Indian Civil Service have now bee placed on famine duty with the pay & allowances shown against their names:

| Name of officer | Designation of Special office | No. & date of G.O. appointing | | Pay and allowances sanctioned | Pay & allowances they were drawing on the date of order | Pay & allowances they would have drawn had they not been placed on special duty. |
|---|---|---|---|---|---|---|
| Mr H.F.W. Gillman | Spl. Asstt, Bellary | 64 / 20.1.97 | Pub. | Ag: Sub. Colly. | Ag: Sub. Colly. |  |
| .. S.G. Roberts | Spl. Asstt, Cuddapah | 320 / 23.3.97 | Pub. | Ag. H.A.C. | A.C |  |
| .. L.E. Buckley | Fam. Secy, Board. | 333 / 24.3.97 | Pub. | Rs 1,500 |  | s |
| Mr G.W. Elphinstone | Spl. Asstt, Ganjam | 575 / 14.5.97. | Pub. | Ag: Sub. Colly. | Ag: Sub. Colly. |  |
| Mr MacMichael | Spl Asstt. Anantapur | 579 / 14.5.97 | Pub. | Ag: H.A.C. | Ag H.A.C |  |
| .. P.J. Pope. | Spl. Asstt, Kurnool. | 622 / 22.5.97 | Pub. | Ag: H.A.C. | A.C. |  |
| .. W.J.H. LeFanu | Fam. Commr. | 536 / 8.5.97 | Pub. | Ag 4th Member, Bd of Rev | Ag: 4th Member, Bd. of Rev. | Collector |

3. The first special appointment that was contemplated by Govt was that of the Special Assistant to the Collector of Kurnool which was sanctioned in G.O. 630 d/ 16.11.96. This sanction was however not acted on till quite recently, but it may ~~, however,~~ be ~~weel~~ well to set down the correspondence which ~~the order~~ it gave rise to as showing the position taken up by the ~~A.G~~ Acct Genl in connection with these special appointments. On receipt of the above G.O., ~~the A.G~~ he enquired –

having regard to the mention of sec. 5 in the order ~~of the Board of Rev~~. whether it was the intention of Govt to transfer an appointment from some other district to Kurnool, and to post an officer to it without giving him enhanced pay. In submitting this letter to Govt for orders, the ~~forwarding his letter to Govt, the~~ Board recommended that officers appointed Special Assistants under section 25 should receive the pay and allowances of a Head Asst Collector unless officers of a higher rank be appointed, when they should receive those of a Sub-Collector. On receipt of this B.P., the A-G stated that section 25 contemplated only a redistribution of existing appointments, and that the creation of new appointments, if the Local Govt should consider such necessary, would come under section 30 of the code which required that such appointments should be reported to the Govt of India for sanction. He was then asked whether it would be regular to place Civilian officers required for famine work on special duty under Article 95 of the C.S.R. provided that if the duty extended beyond six months the confirmation of the Govt of India was sought. His reply contained no answer to this query but merely made a reference to Articles 88 & 101 of the C.S.R. & stated that

Flag C

Flag M

Flag Y

Flag V

Flag J

Flag K

Flag J

Flag B

A Dy Colr was placed in charge

that Civil officers employed on famine duty in their own Presidency should not get any extra allowances. The reference to extra allowances appears to have been ~~xxxx~~ taken by the I.D ~~taken~~ to mean that the special officers should not get anything more than their substantive pay, and he was asked if there ~~there~~ would be any objection to placing these officers ~~ing them~~ on special duty under Art. 98, granting them merely the salary which they would have drawn but for such deputation~~xxx~~ and without giving them any additional allowance. To this he replied that Art 98 did not apply to officers placed on famine duty but that there was no objection to allowing them the pay and allowances which they would have drawn but for the deputation, and quoted a G of I letter of 1877 which will be referred to at length presently

4. While this correspondence was going on, the Govt wanted to appoint Mr. Gillman, Ag Sub-Collector of Kistna as Special Asstt to the Collector of Bellary, and asked the A-G what pay this officer would be entitled to if posted to Bellary ~~appointed~~ under section 25 of the Code; the A-G replied that Mr. Gillman might be allowed the pay and allowances of an Ag Sub-Collector provided that no officer was appointed in his place to act as Sub-Collector, Kistna. To leave the post of Sub-Coolector, Kistna, unfilled was, however, out of the question and the appointment of Mr. Gillman as

Special Assistant, Bellary, was reported to the Govt of India although it was nominally made under section 25. So were those of Messrs Roberts, Elphinstone, MacMichael and Pope.

5. AS regards the temporary appointment of the Famine Secretary to the Board of Revenue, the A-G at first said that the sanction of the Govt of India was necessary but on learning that famine charges were provincial, he withdrew from this position and took no objection ~~to the appointment under Art~~ when the appointment was made under art. 95(b) of the C.S.R, nor to that of the Famine Commissioner which was created under the same ~~section~~ article

Flag A
in p. 333 Pub.
24-3-97

6. The rulings made by the A-G from time to time are:-

(i) Section 25 of the Code contemplates only the redistribution of existing appointments, and ~~that~~ if an officer ~~is appoint appointed~~ is appointed Special Assistant under this section his place should not be filled up.

(ii) If the Govt wishes to fill up his place, it should make the appointment under section 30 and report it to the Govt of India for sanction.

(iii) ~~That~~ Art. 98 of the C.S.R. does not apply to officers placed on Famine Duty and ~~that~~ such officers when employed in their own Province cannot be allowed to draw anything more than what they would have drawn if they had not been placed on Famine Duty.

6. As regards rulings (i) & (ii) above:-

Section 25 of the present Fam. Code corresponds to section 11 of the old code. The old code was drafted by a Committee appointed by Govt in 1881 and was adopted with some modificatio which however did not touch the sectio in question. The consultations of this Committee do not appear to have been recorded, and it cannot be ascertained whether there were any special considerations on which the section was based. The section obviously embodies the practice, followed in the famine of 1877-79, of appointing officers as Special Assistants to Collectors, acting and temporary arrangements being made to carry on the duties of the officers so appointed. It was certainly not intended as supposed by the A-G that this section as contrasted with section 30 should refer to the existing staff, and that the places of offi cers deputed as above should remain unfilled; for there was nothing corresponding to section 30 either in the old code or in the revised code ~~sent~~ sent up to India by us in 1894 and such an interpretation of section 25 would have led to an impasse

This account of section 25 is given with reference to A-G's enquiry in his note dy 5-4-97. (flagged E)

7. Section 30 was inserted in the code so late as 1896 at the instan of the Govt of India who stated that -

Para 6 of the G of I memorandum in p. 86 Rev 16-2-97 Flag L.

our code should contain a provision similar to that in force in Bombay (sec. 20 of the Bombay code). Sections 30 & 32 of this code provide for the appointment of Special and Personal Assistants to the Divisional Commissioners and Collectors, and it would seem from a perusal of these sections that these appointments were subject to the sanction required in section 20(a). But so far as our code is concerned the rule appears to have been intended merely to supply an omission. For while the sections corresponding to the present sections 25 & 26 provided for the relief of Collectors and Divisional officers of their ordinary work, there was no express provision in the old code for the temporary creation of other special appointments which the Local Govt might consider necessary. Having regard to the extended powers of Local Governments to make special appointments under the later development of the Provincial Contract system such a provision was perfectly unnecessary, and that is apparently why no such power was taken in the revised copy of the code sent by us. In fact the provision in sections 25 & 26 was also unnecessary as the Local Govt could in the exercise of its powers(x) have appointed special Assistants and special Divisional officers subject to report to and confirmation by the Govt of India if these appointments lasted more than

(x) Article 95 of the C.S.R.
Article 277 of the Civil acct Code

But the question is what are the sanctioning powers of this Govt. & these are governed by the C.A. Code (Chapter 17). Famine Codes cannot go beyond the C.A. Code. If they do the exceptions should be noticed in the C.A. Code.

And yes; It is noticed generally in para V of the Govt's Resolution in Fml G.O. 398/30-5-90.

six months. These sections were drafte at a time when the Local Governments had no power of making new appointments of the kind even ~~af x~~ temporarily and have been continued in the present code although the necessity for them has now ceased to exist. If, however, the objec of the Govt of India in inserting sec. 30 be that the Bombay practice should ~~be~~ be followed here, the A-G would seem to be right in his contention that all new famine appointments which are beyond the ordinary sanctioning powers of this Govt should be reported to the Govt of India.

8. As to the applicability of Art. 98 of the C.S.R. and extra remuneration to officers placed on famine duty. In its letter embodied in G.O. 1415 d/ 26.10.77., the Govt of India said "that civil officers on good salaries were entitled to receive during their employment in their own Presidency or Province only the pay and allowances they would have drawn if ther had been no famine". The old Pay and Acting Allowance Code in force at the time is put up in this file.it will be seen from it that it contains no provision whatever for the deputation o officers on special temporary duty. All such deputations appear at the time to have been considered ~~at the time~~ as the creation of new appointments requi the sanction of the Govt of India o

other proper authority; and on the principle embodied in ~~THE PRESENT~~ Art. 88 of the present C.S.R., the officers so deputed were entitled only to the pay and allowances which they would be entitled to had it not been for the deputation, and there was no provision for paying them any extra allowances. Thus if an officer acting in a higher appointment than his own ~~is~~ was placed on famine duty immediately on relief by the permanent incumbent he ~~would be~~ was entitled, while on such duty, not to the salary ~~he was~~ he had been drawing in the acting appointment but only to what he would have drawn ~~in his~~ in ~~vide~~ the appointment to which he would have ~~[illegible]~~ succeeded or have been posted under ordinary circumstances ~~[illegible]~~ ~~his permanent appointment.~~ This applied not only to famine duty but to all special temporary duty, and the Govt of India letter above merely reiterates this principle. But it was even then considered that although the principle should be maintained in general, still there might be cases in which the efficiency of administration required that officers on whom extra or unfamiliar work was thrown should receive additional remuneration, and it had been ordered in 1877 that officers employed on famine duty in Provinces other than their own should receive extra remuneration.⊗ How this concession has gradually grown up into ~~[illegible]~~ Articles 95 & 98 of the C.S.R. ~~will be apparent from a perusal of the preamble of the Govt of India Resolution~~

In fact throughout the big famine the G. of I strenuously resisted the payment of extra allowances to Civil officers ~~vide~~

⊗ Vide G. O $\frac{1060}{13-3-77}$ & $\frac{2157}{28-6-77}$ This is now embodied in art 101 of the C. S. R

---

~~famine officers [illegible] of the latter and as the duration of the famine is uncertain. [illegible] to regard these as temporary posts [illegible]~~

Messrs Buckley and LeFanu.

10. ~~It has been [illegible]~~ It is stated in

---

9

which have been superseded by the revised articles in correction slip No. 208, will be apparent from a perusal of the Govt of India Resolution and of the preamble thereof in G.O. 1196 Fin., d/ 30.5.84.

flagged KK

9

flagged ✓

The A-G's contention is that art. 101 contemplated extra allowances to officers placed on famine duty in a Presidency or Province other than their own, and that reading this article with art. 88 and the Govt of India letter in G.O.1415 d/ 26.10.77, he inferred that no such allowances were permissible to Civil Famine officers while serving in their own Province, and that art. 98 of the C.S.R. which permitted a deputation allowance was not applicable to them. It will be seen from what has been said above that art. 88 of the C.S.R. and the Govt of India letter of 1877 merely state a general principle which was more or less rigorously enforced formerly, but which has since been modified by very numerous exceptions. It is therefore probable that the Govt of India will hold that the A-G is wrong in his contention that art. 98 of the C.S.R. does not apply to famine deputations; but it is unnecessary to make a reference to that Govt as the A-G impliedly admits that under section 30 of the Fami

...ther proper authority; and on the prin-

16

limited by the principle enunciated in 1877. ~~by the Govt of India letter of 1877.~~

Section 30 of the Famine Code refers to the strengthening of the staff of affected districts, and as regards appointments such as those of Messrs Buckley and LeFanu which are not covered by this section, art. 95(b) gives us more powers than art. 98. Mr. Roberts will according to the principle enunciated in 1877 be entitled only to the pay and allowances of an Assistant Collector; but he has been granted the pay and allowances of an Ag Head Assistant Collector, and the A-G does not object because he regards this as a new appointment under section 30 which has been reported to the Govt of India. – Mr. Buckley would on the same principle be entitled only to the pay of an Ag Sub-Collector though he draws Rs 1,500; but the A-G does not object because he regards the case as a temporary appointment under art. 95(b) of the C.S.R., within the sanctioning powers of the Local Govt; so also in the case of Mr. LeFanu who would be entitled only to the pay of a Collector but who has been allowed to draw what he was drawing as Ag. 4th Member of the Board of Revenue. It is surprising that while denying the applicability of art. 98, the A-G should quietly agree to temporary appointments under art. 95. This art. applies to temporary appointments and deputations, while art. 98 limits the allowances permissible in deputations under art. 95. No limit has been placed on the pay and allowances in the case of temporary appointments under art. 95, so that according to the A-G's interpretation, it is open to a Local Govt to sanction a temporary appointment, (i.e., with a specified pay & for a specified period)

He has had to make the [illegible] admission in order to maintain the position he first took up.

Cnd

---

11

~~famine officers [illegible] of the latter and as the duration of the famine is uncertain [illegible] that the A-G agrees to regard these as temporary appts~~

~~RS~~

[illegible]

and that the express permission in art: 95 in the case of short appointments is an exception to section 277(1) of the C. A. Code

It seems to me that there are two things

(1) A deputation.
(2) A temporary appt.

The A. G. seems to regard the Famine appts which are the subject of this note as falling into two categories

(a) District Appts:
(b) Appts other than district

In regard to (a), he holds that Local Govts can make appts under Sec 25 and 30 of the Famine Code & if the conditions there laid down are complied with the A. G. makes no further objections

Messrs Buckley and LeFanu.

10. ~~It has been pointed out in~~ It is stated in the Financial ~~note~~ Dept notes that temporary appointments under Art 95(b) of the C.S.R. are subject to the sanction prescribed in section 277(i) of the Civil Account Code; ~~but it must be remembered that the word "temporary" in the latter does not necessarily mean for a period of "not more than six months" and the A-G is probably~~ this is, however, an untenable position, and it is submitted that the Acct General is right in his ~~interpretation~~ assumption that temporary appointments for six months or less of which the cost is provincial do not require any sanction higher than that of the Local Govt, ~~It is submitted that no objection need be taken to his~~ the A-G's ~~later rulings which give considerably more latitude to the Local Govt than his former ones. The position may be stated thus:-~~ The position is as follows:

(i) Section 25 of the Famine Code relates only to the redistribution of existing appointments: if it is proposed to fill up the place of an officer deputed as Special Famine Asst to a Collector, the deputation should be regarded as a new appointment under section 30 and should be reported to the GOvt of India. This would seem to be the tenor of the Bombay code which we have been made to follow, and the A-G's contention must be accepted. – There seems, however, to be no limitation as to the period of deputation or to the pay and allowances –

This w'd be against all principles of financial [illegible] at can be granted to the officers ~~so~~ puted; and the report to the Govt of ndia is merely a formality unless the xtra allowances are so excessive as to all forth a protest from that Govt. ~~he A-G does not insist on the princi-le enunciated in the Govt of India etter of 1877.~~

(ii) These deputations may also be ordered under Art. 95(b) of the ~~X.XR.~~ C.S.R. if the Local Govt chooses to call them "temporary appointments". These o not require a report to India and ~~thereox~~ there (There is the salary limit §85 C.S.R) is absolutely no limit to the pay or salary that can be allowed by the Local Govt; but the appointments must be reported if they are likely to last, or do last, for more than six months. ~~Here also the~~

(iii) - The accountant General ~~A-G~~ does not insist on the principle enunciated in 1877 by the Govt of India. if the appointments are made as above

11. Now to the currents awaiting disposal:-

(A) Public current No. 2103.

The A-G desires that G.O 575, Public, d/ 14.5.97., appointing Mr. Elphinstone as Special Asst, Ganjam, ~~xxxxxxxxxxxxxxxxxxxxxxxxxxxx~~ should be modified. The appointment has been reported to India, and the objection is only to the wording of the order which speaks of section 25; this should be changed into section 30; He made a similar objection to G.O. 320 Pub 25.5.97. ~~but~~ but was silenced when Govt declared that it was their intention to create

He regards them as made under Special Sanction & outside the C.S.R altogether

As to (b) The local Govt may make a Temporary appt. carrying any pay for six months or any less period. Such an appt. will need ~~the~~ sanction under Sec 27(1) of the C. A. Code. Such are the appts of Messrs Buckley & Le Fanu.

As to deputations the A.G. holds that officers placed on deputation for Famine Charge cannot get the benefit of Art: 98 of the C.S.R as the Govt of India letter of 1877 bars their being granted any Extra allowance. In this I believe he is wrong as the provisions of Arts 95(a) & 98 supersede that letter. The construction put on these Arts does seem to me the one in which Govt should acquiesce and I wd support a reference to India on the point but before making it it wd be well to ask Bombay or other Govts how they have worked the articles.

S Pub 5-97

Pub 12-5-97

25/5/97

Linked file

a new appointment under Section 30

(B) It has been proposed to grant Mr. Lloyd, Asst Collr, Bellary, the pay and allowance of a Head Asst Collector. This the Govt may do under section 30 of the Famine Code reporting the appointment to India, or under Art. 95(b) of the C.S.R. temporarily without any report.

(C) Revenue current No. 4183/97

The Govt has lent the services of a clerk (Rs 45) from the Board's office to the Madras Famine Committee. The Honarary Secrstaries reported that the clerk ~~is~~ was put to additional expense in the form of carriage hire &c, and that they would have to reimburse him this charge from the Famine Fund unless the Govt sanctioned a deputation allowance of 20 ~~per cent~~ per cent under Art. 98 of the C.S.R. The A-G to whom the report was referred says that additional expense for carriage is not a ground for sanctioning a deputation allowance under Art. 98; and as he had previously ruled that this Article did not apply to Special Famine officers and that these should not get any extra allowance, it was doubtful whether any addition to tha clerk's pay could be sanctioned at all. According to his later ruling (+) the Govt could now under Art 95(a) create a new temporary appointment on Rs 54 (= 45+ 20 p.c. of 45); This appointment may last any time and re-

He seems right here

(+) Yes. The A.G. says first "you can't," then he kindly shows the Govt a method of breaking thro' the rules which he is supposed to guard zealously. He has drawn himself into a wrong position seeing

25/5/97.

requires no report to India. If the Govt pleases they could make the appointment with retrospective effect from the date of the ~~Clerk's~~ clerk's joining the Famine Committee's office.

(D) Revenue C.No. 3755.

The BOard of Revenue submits for the sanction of Govt a proposal of the Collector of Bellary that Medical Subordinates attached to relief works should be granted a horse-allowance of Rs 15 per mensem as the travelling allowances admissible under the C.S.R. are inadequate. The A-G says that the horse-allowance proposed would require the sanction of the Govt of India. The result of a reference to India on the point is doubtful, and as there has been some complaint in the papers recently that medical subordinates on famine duty are not reimbursed even their legitimate expenses, the Govt may make use of its powers under ART. 95(a) ~~and~~ sanction an increase of pay to these subordinates, if it wishes to avoid a reference to India.

RS
16-6-97

H. 25/6/97.

H 25/6/97.

Limited file.

Public Dept has several G.O.s rulings re famine allowances &c & it wd be best to [illegible] the papers there. Cul

I do not think so.

H 25/6/97.

---

Rev. Dept

A.G. & Revc

Financial Dept:

NOTE

The Revenue Dept: has dealt with this question from the point of view of the Famine Code, but the subject is, it is submitted, one which primarily concerns the financial powers of local Govts. These powers are governed by the Civil Account Code which cannot x be superseded by the Famine Code. The contention is not, it is presumed, that in times of famine the power of control of the Supreme over Provincial Govts. in financial matters ~~is~~ are suspended; the reverse is probably the ~~true~~ actual case. Famine charges are Provincial and, in dealing with Provincial revenues entrusted to its ~~charge~~ care, the local Govt. is bound by well defined rules. These are enumerated in art: 283 of the C.A. Code and the powers of sanction of local Govts. are set out in Chap: 17 which contains that article. The Acct. Genl. has confused the issue by introducing rulings of 1879 which are, in view of the more recent Codes, obsolete.(x) The discussion ~~of~~ on the constructions to be placed on certain rulings of the Famine Code has also somewhat obscured the real point - which is - has the local Govt. power, looking to the terms on which it has been entrusted with financial control over

certain

x yes it is; and not only by the Famine Code, but also by all authorized codes. (Vide para V of G.I. R in G.O. 398/30-5-90 Finl.) - RS

I do not think this is the correct position. As Famine is outside the ordinary course of events so when Famine is established the Famine Code is outside the general regulations. If there be any clashing then the Govt. can follow the Famine Code for a Famine purpose or it can follow the rules of ordinary times for the Famine purpose. The Famine Code was intended to enlarge not restrict the general powers of Govt.

H. 8/7/97.

(x) It is not so very certain that they are obsolete.
RS

Most of the present rulings in the C.A. C. could be opposed by quoting old rulings.
Cul

certain heads of revenues and expenditure, to make certain appointments.? If the Famine Code is in conflict with these powers as defined in the financial codes, it is submitted that the Famine Code should be altered. The Acct. Genl. by going back on obsolete rulings has drawn himself into the extraordinary position that the local Govt. can sanction a temporary famine appointment on the maximum civil salary (Rs.50,000 per annum ) [vide art: 85 of the C.S.R.] for a period not exceeding six months, whilst it cannot sanction a deputation allowance of Re. 1 per mensem to an officer specially deputed for famine duty. It is submitted that famine appointments - whether treated as temporary appointments or deputations - are governed by articles 94-99 of the C.S.R. The Acct. Genl endeavours to make a [illegible] point of the ruling in art: 101 of the C.S.R., but this is a special section governing the salaries of officers deputed to famine work in a Presy. or province other than that in which they are serving. The fact that there is no special section governing the salaries of officers deputed for famine work in their own province proves, it is submitted, that they fall under the ordinary rules.

2. These papers have raised the question whether art:95(b) of the C.S.R. is altogether independent of art:277 of the Civil Account Code. Art: 94 of the C.S.R. runs:-

No. The Famine Code is an authorized Code, and ~~[illegible]~~ special provisions contained in it supersede the general ~~principles~~ rules as now given in ~~of~~ the account Code.
RS

10/7/17.

This is what I have always thought.

"on deputation when he is detached on special temporary duty for the performance of which there is no permanently or temporarily sanctioned appointment. A temporary appointment is an appointment carrying a definite rate of pay and sanctioned for a limited time."

Art: 95 is to the following effect:--

"Temporary appointments and deputations , the cost of which is wholly or partly Provincial, may be sanctioned by a Local Govt. without reference to the Govt. of India:--

"(a) For any specified period , if the remuneration does not exceed Rs.250 a month.

"(b) For not more than six months, if the remuneration exceeds Rs.250 a month."

x x x

Art: 277 (1) of the Civil Account Code is as follows:--

"The sanction of the Govt. of India in the Financial Dept: is generally sufficient authority for any expenditure from Indian Revenues; but in the following cases the sanction of the Secy. of State for India is necessary:--

"(1) The creation of an appointment of which the salary exceeds Rs.3,000 a year, whether permanently or temporarily. But in the case of a temporary appointment the sanction need not necessarily be obtained previously to the appointment taking effect."

Sub clause (3) of clause 4 of art: 283 of the same Code, in stating the rules and conditions regulating the

the administration by local Govts. of Provincial revenues and expenditure lays down that, without the previous sanction of the Govt. of India no appointment may be created with a pay of more than Rs.250 a month. Reading these articles together and looking to the fact that there is no exception noted under × art: 277 (1) of the C.A.Code, the right construction seems to be that whilst the local Govt. can sanction a "deputation " on a remuneration exceeding Rs.250 a month for a period not exceeding six months, all temporary appointments on a remuneration exceeding Rs.250 per mensem, though not necessarily requiring the previous sanction of the Govt. of India or the Secy. of State, require the confirmation of one or other of those authorities. It is true that the C.S.Regulations appear to draw a distinction between the powers of the provincial Govt. in respect of permanent appointments and its powers in regard to temporary appointments; for the first ~~clause~~ class is dealt with in art:93 which reproduces sub-clauses (3), (4), (5) and (8) of clause 4 of art:285 of the C.A.Code, whilst temporary appointments are dealt with in art:94 et seq. But it seems to be opposed to the entire idea of decentralization that the 250 rupee ⊕ limit should be interfered with. It will be observed that sub-clause (3) of clause 4 of art:285 of the C.A Code makes no distinction as to an appointment being permanent or

a N.B. This in the light of later rules requires modification— All temporary appts and deputations under 95 (b) of the C.S.R. are reported to the G. of I – vide article 1343 A of the C.A.Code.

⊕ It really is not, vide N.B. above.

There should certainly be a note under § 277 of the Code referring to article 1343 A. An incomplete Code is worse than no Code at all.
Cw.S.

× No. It was not an oversight. A periodical statement of sanctions under 95 (b) & 96 (b) is prescribed so as still to conform to the spirit of 277(1) of the C.A.C. (vide para 5 of the G.I. despatch in G.O. 184 Finl / 18-3-96). Even if it were otherwise the amendment would have been unnecessary in view of G.I.R. para V in G.O. 398 Finl / 30-5-90

R.S.
10-7-97

or temporary. The opposite view to that held above leads to the anomalous position that a local Govt. can sanction any temporary appointment provided the maximum salary limit laid down in art:85 of the C.S.R. (Rs.50,000 per annum ) is not exceeded. It may be of course that the Govt. of India in amending articles 95-98 of the C.S.R., omitted × to look into the corresponding sections of the C.A Code but as matters now stand, it is submitted that the articles must be read together.

5. As regards the other currents in the file, that referred to in para 11 (A) of the Rev. Dept note is disposed of by adopting the amendment proposed by the A.G. In Mr. Lloyd's case the only course open seems to be to create a temporary appointment under § 95 (b) of the C.S.R. In the case dealt with in ~~the~~ Rev: C.No.4185 the absurdity of the Acct. Genl's argument is, it is submitted, apparent. He objects to a deputation allowance, because the appointment is a special one but still considers that the Govt. would be ~~up~~ acting within its powers ~~by~~ in creating a temporary appointment.

Revenue C.No.3755 had better be transferred to the Public dept which has had several rulings from India recently in regard to the pay and allowances of medical ~~officers~~ subordinates on famine duty.

Cw.S.
7.7.97

7/7/97

8/7/97

Please see note over leaf
PTO

Note in the Revenue Dept.

The F.D and the R.D are at one in holding that the A.G is wrong in his ruling that art: 98 of the C.S.R. is not applicable to officers placed on famine duty. Whether this ruling is to be resisted and appealed against or not is another question which may be put on one side for the present. The points of difference between the two Depts arise in connexion with: —

(a) Whether the ~~[illegible]~~ power of making temporary appointments on pay exceeding Rs 250 x p.m. expressly given to Local Govts in article 95(b) of the C.S.R. is limited by the provision in section 277(1) of the Civil Acct Code.

(b) Whether the special provisions of the Famine Code are to be held inoperative wherever they clash with the rules in the above section.

2. Section 277 of the Civil Account Code embodies the rules framed by the G of I in correspondence with the S of S for defining its financial powers: These rules ~~[illegible]~~ form items III and IV of the G of I Resn

x Subject to the limit prescribed in Art. 85 of the C.S.R.

It is and the limitation as shown further on is provided for by article 1343 A

Cms
12/7/97.

recorded in G.O. 398, Fin., d/ 30.5.90 Item V of this Resolution expressly says that "in applying these rules audit officers may assume that all the provisions of the C.S.R., the I.A.R., the P.W. Codes, the Forest Code, and any other authorised code, have received the sanction of the Secretary of State in cases in which that sanction is necessary &c.,". The effect of this is that the general rules in S. 277 of the C.A.C. may be rendered inoperative by special provisions in an authorized code, and that the sanction of the Secretary of State is necessary only in cases in which the appointment or the expenditure is not covered by these provisions or by the general rules.

but see further on in item V
Cms

Now the Famine Code is an authorised code as well as the C.S.R., and the general rules of section 277 of the C.A.C must give way whereever they clash with the provisions of these codes.

3. As a matter of fact, however, the Famine Code does not clash with the C.A.C or, for the matter of that, with any of the other codes. Section25 as interpreted, apparently correctly, by the Accountant-General, only authorizes the transfer of an existing appointment to a famine district; the salary of the officer holding the appointment is not increased and no ext expenditure is involved. Section 30 authorizes the creation of temporary

appointments, but such as ordinarily* require the sanction of the Govt of India or the Secretary of State - should be reported to the Govt of - India for confirmation; this merely - emphasizes existing rules, and does - not contravene any of them.

*i.e., under the rules of the Fin. Codes.

It gives in some circumstances e.g. where the appt is paid more than 250 and is to last longer than six months. larger powers than the C.S.R.

10/7/97

4. With reference to the clashing of Art. 95(b) of the C.S.R. with section 277(1) of the C.A.C., attention is invited to the correspondence between the Govt of India and the Secy of State, printed in G.O. 184, Fin., d/ 18.3.96. It will be seen from the Govt of India despatch of 4.12.95 ., No. 885, that that Govt suggested to the Secy of State that the Indian - Govts should have larger powers in the matter of sanctioning temporary appointments than were conceded by the rules contained in art 277 of the C.A.C then in force, and that the rule contained in the present Art 95(b) of the C.S.R. has received the express approval of the Secy of State. In this despatch the Govt of India ~~speaks~~ proposed to submit periodical statements ⊕ of temporary appointments of over - Rs 250 sanctioned by itself and the - Local Govts, so as still to conform to the spirit of section 277(1) of the - C.A.C: and the Secy of State approved the proposal. No such statement is, it is understood, forwarded by this Govt; probably the - Accountant-General submits them to - India.

Flag DD

⊕ These satisfy §277(1)
Cwl
10/7/97

The position created is that whereas under the old rule the officer appointed could not draw pay till the S. of S's sanction was recd now he can enter on his duties from the date of the Govt order and draw pay till the S of S objects: if he shd object at all.

11/7/97

See § 1343 A of the C.A Code

5. In view of the above circumstances, therefore, there need be no hesitation in reaffirming the position taken up in the Rev. Dept office-note of 16.6.97, viz,

(i) That the A-G is right in his interpretation of section 30 of the - Famine Code and probably also of section 25.

(ii) That the Local Govt has the power to sanction temporary appointments for periods not exceeding six months under Art. 95(b) on pay exceeding Rs - 250 per mensem without having to report ⊕ them to India, and that it has not exceeded its powers in the special appointments of Messrs Buckley and LeFanu.

⊕ They are reported - vide §1343 A of the C. A Code
Cwl

The only limit to the pay - of these appointments is that prescribed in Art. 85 of the C.S.R., viz, Rs. 50,000 per annum. This may, as pointed in the Fin. Dept notes, appear to be inconsistent with the principles of financial control to be exercised by the ⊕ - Govt of India, but that Govt does not - apparently think so and has adopted the rule in Art 95(b) deliberately and with the previous approval of the Secy of - State. It has also directed the audit officers to assume that all provisions in authorized codes have received the - approval of the Secy of State.

⊕ The provision in §1343 A of the C.A Code does away with the apparent inconsistency.
Cwl

(iii) As regards the obviously ridiculous ruling of the A-G that Art. 98 of the C.S.R does not apply to famine deputations, and his ineffective contention that officers deputed to famine - duty cannot get extra allowances:-

We may well pass by this ruling as it is the same [illegible] whether we accept the contention or, make, as suggested by the Rev. Secy, a reference ~~to India~~ to India after ascertaining the practice in other provinces; for as pointed out by the Govt of India in the above despatch, there is little logical difference between a deputation and a temporary appointment, and the A-G allows us under Art. 95(b) much more than - what he denies under Art. 98.

There is, however, a risk in such a reference. Paras 8 and 9 of the R. D. office-note d/ 16.6.97 give reasons for holding that the principle enunciated by the Govt of India in 1877 has since been superseded, and that Art 98 does apply to famine deputations; but we are dealing here only with probabilities - and there is nothing definite to show that the Govt of India will acquiesce in this view. Further, the magnitude of the famine operations in India now is so vast that extra allowances to famine officers may amount to a considerable sum, and the Govt of India may possibly clutch at a saving under this head. They may ⊕ - reaffirm the principle of 1877 and declare that financial considerations require that the powers of Local Govts - under Art 95(b) or 98 should not be - exercised in connection with famine appointments. As a reference to India is unnecessary, it is a question for consideration whether this risk should be run.

The assumption underlying this para is that we shd not open the eyes of India to the anomalous position which exists because we happen to have the best of it. I do not think this is the proper position for us to take up in this matter.

10/7/97.

⊕ The G of I. is quite capable of doing so and very likely will - but at the same time this cannot make the A.G. right [illegible]

Gul

((iv) Section 30 of the Famine Code, corresponding to sections 19 & 20 of the

---

Bombay Code, as it is worded at present, refers only to the District sta

The object of the Govt of India in c

dering the incorporation of the ~~xxx~~

section in our code ~~would seem to be~~ was

that we should have a rule similar to

that in force in Bombay. But there ar

special provisions in the Bombay Code

for appointing a Famine Commissioner

(section 28), strenghtening the Secre-

tariat (section 23), which the Madras

code does not possess; and it is there

-fore ~~xxx~~ reasonable to assume that

the Govt of India intended by sec. 30

of our code that we should have ex-

press power to make all famine appoint

-ments in anticipation of sanction.

If so, the appointments of Messrs -

Buckley and LeFanu might have been -

made under section 30 of the code;

conversely the appointments of Special

Assistants to Collectors might have -

been made under Art. 95(b).

(v) Rev. Current No. 3755

may be transferred to the Pub. Dept

as ~~xxxxxxx~~ suggested; but so far as

the Rev Dept is aware, the only com-

munications received from India on the

subject of medical subordinates on

famine duty are those noted on the

margin. These refer to Military Office

and Civil Asst. Surgeons, and will

not help Govt. ⊕ much in the matter of

Civil Hospital Assistants who are th

class of officers we are concerned

with. In G.O. 217 dated 8th March '9

467 dated 28th April 1897, 683 d/ 1st June 1897, 705 d/ 4th June '97.

Flag C

⊕ But it is safer to let Public deal with its own subordinates

C.S.

Flag H H.

financial, the Government has sanctioned an allowance of Rs. 10 to certain Hospital Assistants, but this they were drawing in the appointments which they previously held. In the face of the ruling that famine officers should not get extra allowances, the only way in which Govt. can give effect to the Board's recommendation is to sanction an increase of pay (i.e., create temporary appointment) under Article 95 (a) or section 80 of the Code, if it wishes to avoid a reference to India.

RS
9-7-97

---

Financial Dept:

In its last note the Rev: Dept: quotes para V of the Govt. of India resolution in G.O.No.398 Finl., d/ 30th May 1890. It is thought, however, that the construction placed by the Rev: dept. on that para is not quite correct. The quotation in para 2 of the last Rev: dept. note should have been carried on. This para authorizes audit officers to admit without requiring the sanction of the Secy. of State any pensions, acting allowances or other allowances which are admissible under the rules of any recognized code and it seems to be clear that the allowances referred to are those of the nature of travelling and conveyance allowances and other allowances for which authorized codes do in some cases make special provisions. A reference to paras IV & VI of the resolution seems to uphold this view.

Please see also the portion of § 272 of the C. A Code commencing with Exceptions (these exceptions are those in rule IV of the 1890 resoln: with certain changes) and especially rule 1 below where allowances admissible under authorized Codes are mentioned

The point dealt with in the Financial note was however the power of the local Govt. to create certain appointments ~~and the point that was dealt with in the Finl. note was its powers as regards making temporary appointments.~~ If the financial powers of the local Govt. as defined in the Civil Account Code - art: 283 of which merely reproduces the Govt. of India resolution regarding the last provincial contract the terms of which are still in force - are as regards the creation of appointments to be over-ridden by any side code, it is difficult to see what the use of the C.A. Code is is and it is curious that the Govt. of India has neither in the resolution in art: 283 nor in Chap: 17 of the C.A. Code mentioned this very large exception to the powers it has conferred upon local Govts. It was not moreover contended in the Finl. dept. note that the Famine Code did clash with the C.A. Code. Sections 25 & 30 of the Famine Code, regarding which sections alone the present discussion has arisen, do not make any provision for the grant of allowances to officers placed on famine duty. Indeed Sec: 30 contains the proviso that all appointments made for the immediate strengthening of a district staff which ordinarily require the sanction of the Govt. of India or the Secy. of State should be reported at once to the Govt. of India for confirmation. This seems to emphasize the fact that the intention was that all famine appointments should be governed by the ordinary rules. The Govt. of India resolution of 1890, even if it can bear the interpretation placed upon it by the Rev: dept:, has no bearing on the present question as there are no allowances admissible under the Famine Code in these cases.

E

As regards the other point – the conflict between art: 95 (b) of the C.S.R. and art: ~~201~~ 277 of the C.A.Code, the paper quoted by the Rev: dept. (Despatch from the Govt. of India in G.O. No. 184 Finl., d/ 18th March 1896) which

D D.

was unfortunately not called for before, has led to a reference to §1343 A of the C.A Code which certainly proves that there is no conflict between the two articles. ~~The~~ Provision ~~as regards~~ for the reporting of temporary appointments and deputations under art:95 (b) of the C.S.R. is made in art:1345A of the C.A.Code and art:277 of the C.A.Code is thereby satisfied. All that art:277 says is that in the case of a temporary appointment the sanction of the superior authority need not necessarily be obtained previously to the appointment taking effect.

and Art:1345 A of the C.A Code in providing for the submission to the G of I. by the Acct. Genl of half-yearly statements of sanctions made by local Govt ~~by local Govts~~ under § 95 (b) satisfies the provisions of article 277.

As regards the reference to the Govt. of India as to whether article 98 of the C.S.R. applies to famine deputations, it is thought that it would be best to first make a reference to the Acct Genl in order to see whether he will not recede from the position he has taken up

Cw
12-9-02

12/9/02

The A.G. goes, I suppose, on the words "who has been in independent charge of a divn" in Art 25 of the Fam: Code. But these words seem to me merely to indicate the standing in the Service of the officers who may be appd. e.g.: Assts to Colrs

I see no reason to change the opinion expressed in my Note of 5.4.9 on C. No. 93, 176, 682 and 985. But, before referring the matter to India, the Acct. Genl. might be asked to reconsider his view of the matter. It should be pointed out to him that paras. 25 & 30 of the Famine Code confer no new powers on Local Govts, but merely advise them as to the way in which they should use the powers

powers which they already possess; and that the appt. of a special asst., therefore, is no mere transfer of an existing appt., as he has held, but is as much a new creation as that of a Famine Secretary or a Famine Commissioner. He might be asked, whether under these circumstances, the provisions of paras. 95-98 of the C.S.R., would not apply to these Special Asst., — just as much as to the Famine Sec. or Famine Commissioner.

A.S.H.
15.7.97

I agree — we had better settle with the A.G. instead of going to India, if we can —

I think that when two branches of the Secretariat wage a wordy war, as in this case, one or other should unravel the tangled skein & state the case, & the arguments on both sides, clearly & concisely for decision by the members of Govt.

H.J.
16/7/97

The A. G. shd be addressed accordingly.

J.G.
17/7/97

---

Financial Dept:

Nos. 93 & 176 ---------------- P

" 682, 985, 1715 A & 1718 A ----Q

CS

(Form Orders)

Rev. Dept for cognizt. initials

CS.

The Memo may issue as corrected I please see page 31?

[illegible]
28/7/97

28/7/97

**Memorandum** No. 1607 d/ 29-7-97.

M In his letter No.100, d/ 14th Jan. 1897, the Acct. Genl. stated it as his opinion that sec.25 of the Madras Famine Code does not contemplate the creation of any new appointment but merely a redistribution of the existing scale of officers.
C From his letter No.3870, d/ 16th Decr.1896 it would appear that he considers that in the case of appointments under sec.25 there should be no enhanced pay. In his
V further communication No.685, d/ 26th Feb. 1897, the A.G. relies on art:88 of the C.S.R. to support the above view and in his No.
K 985, d/ 23rd March 1897, he quotes the
I ruling in G.O.No.1415 Pub., d/ 26th Octr. 1877, as the authority enabling Famine officers to be granted any allowances above their substantive pay. The general effect of the ~~above~~ opinions mentioned above is to exclude the cases of officers appointed under art:25 of the Madras Famine Code from the operations of articles 95-98 of the C.S.R. and to render it necessary to leave a vacancy in some district in the place of every officer so appointed. In fact, in his

letter

P. & K.
No. 8 [illegible]
[illegible]
27/7/97

letter No.985, d/ 25rd March 1897, the Acct. Genl. states that art:98 of the C.S.R. does not apply to officers placed on famine duty.

K

2. It is observed that sec.25 of the present Famine Code corresponds to sec.11 of the old Code. It obviously embodies the practice followed in the Famine of 1877-79 of appointing officers as Special Assistants to Collectors, acting ~~of~~ or temporary arrangements being made to carry on the duties of the officers so appointed. There was no section in the old Code corresponding to sec.30 of the present Code which was inserted in 1896 at the instance of the Govt. of India and was intended merely to supply an omission; for while the sections corresponding to the present sections 25 & 26 provided for the relief of Collectors and Divisional Officers of their ordinary work, there was no express provision in the old Code for the temporary creation of other special appointments which the local Govt. might consider necessary. Sections 25 & 26 were drafted at a time when local Govts. had not the power to make new appointments of the kind even temporarily. It was certainly not intended as supposed by the Acct. Genl. that sec.25 of the present Code as contrasted with sec.30 should refer to the existing staff and that the places of officers deputed on famine duty under this section should remain unfilled. Such an interpretation, which ~~as~~ would have led to a deadlock in the a sence of section 30, was never put upon t section in past famines. The whole bearin of sec.25 and the following sections of the Famine Code is that additional staff will be needed in time of famine and it is anomalous to suppose that such assistance is to be given at the expense of other districts

para 6 of the memorandum enclosed in G. of I. Rev. & Agri: dept: No.1142-6-2, d/ 5-8-95 L

3. As to the applicability of art: 98 of the C.S.R. and the grant of extra remuneration to officers placed on famine duty, it is observed that in its letter embodied in G.O.No.1415, d/ 26th Octr. 1877, the Govt. of India stated that "Civil officers on good ~~pay~~ salaries were entitled to receive during their employment on famine duty in their own Presy. or Province only the pay and allowances they would have drawn if there had been no famine". The Pay and Acting Allowance Code in force at that time contained ~~ing~~ no provision for the deputation of officers on special temporary duty; such deputations would appear to have been considered then as the creation of new appointments requiring the sanction of the Govt. of India or the Secy. of State and, on the principle embodied in art:88 of the C.S.R, the officers so deputed were entitled only to the pay and allowances which they would be entitled to, had it not been for the deputation. This applied not only to famine duty but to all special temporary duty and the Govt. of India letter quoted above merely reiterated this principle. [ ~~In fact, through-~~ ~~out the big famine~~ of 1877-79, ~~the Govt. of India~~ ~~strenuous~~ly

I

Note Perhaps [ ] may be omitted?
Ans
13.7.82

may be le
Yes. It will better be do so

The sentence underlined may be omitted.
The other portions may perhaps remain with [illegible]
[illegible]

~~strenuously resisted the payment of extra allowances to civil officers.~~ But it was even then considered that although the principle should be maintained in general, still there might be cases in which the efficiency of administration required that officers on whom extra or unfamiliar work was thrown should receive additional remuneration, and it had been ordered in 1877 that officers employed on famine duty in Provinces other than their own should receive extra remuneration.x How this concession has gradually grown up into articles 95 & 98 of the C.S.R., which have been superseded by the revised articles in correction slip No.208, will be apparent from a perusal of the Govt. of India Resolution and of the preamble thereto in G.O.No.1196 Finl., d/ 30th May 1884.

KK

It will thus be seen that art:83 of the C.S.R. and the Govt. of India's letter of 1877 merely state a general principle which was more or less rigorously in force formerly but which has since been modified by very numerous exceptions. As regards art:101 of the C.S.R., it is to be observed that this is a special section governing the salaries of officers deputed to famine work in a Presy. or Province other than that in which they are serving. The fact that there is no special section governing the salaries of officers deputed to famine work in their own province would apparently prove that they fall under

the

x vide G.O. $\frac{1060}{13-3-77}$ & $\frac{2147}{29-6-77}$

This is now embodied in art: 101 of the C.S.R.

the ordinary rules. Sections 25 & 30 of the Madras Famine Code confer no new powers on local Govts. but merely advise them as to the way in which they should use the powers which they already possess. The appointment of a special famine Asst. therefore is no mere transfer of an existing appointment, as held by the Acct. Genl., but is as much a new creation as that of a Famine Secy. or Famine Commissioner.

4. Before ~~addressing~~ the Govt. of India, is addressed the Accountant-General will be requested to reconsider his view of the matter in the light of the above remarks and to state whether he is still of opinion that the provisions of ~~the~~ articles 95-98 of the C.S.R. do not apply to the appointments of Special Famine Officers.

Cms 23.7.97

24/7/97

To The Acct. Genl.

26/7/97

Despd 29/7/97

# Financial (1897) Department.

**CURRENT No.** 2507

CHIEF SECRETARY
16 AUG. 1897
GOVERNMENT OF MADRAS

**From** The Acctt. General
Madras

**Order**

**No.** 2477

**Dated** 14th August 1897.
**Received** } 16-8-'97
**Registered**
**Enclosures**
**Spare copies**

## SUBJECT.

Suggesting a reference to the Govt. of India on certain points in connection with certain appointments made under Section 25 of the Famine Code.

## BACK PAPERS.

| G.O. | No. | Department. | Date. |
|---|---|---|---|
|  |  |  |  |

## FURTHER PAPERS.

| G.O. | No. | Department. | Date. |
|---|---|---|---|
|  |  |  |  |

---

Note

Circ! broken

Cud

Hur C. No. 2790/97

---

Finl. Dept

C. No. 2507

Memo No. 1800 d/27/8/97

It is understood that the Accl. Genl. considers that if Govt. wishes to appt. a member of the Indian Civil Service to be a Special Famine Asst as a temporary addition to the cadre of that service & to grant such an officer a salary in excess of his ~~substantive pay~~ ordinary salary the appt should be declared to be made under sec. 30 of the Famine Code. The A.G. is requested to be so good as to report whether this is the case.

(From H.E.s orders)

Cud
26/8

Sd
27/8/97

A.G. (d/.) Despd
27/8/97.

# Financial (1897) Department.

CURRENT No. 2790

GOVERNMENT OF * CHIEF SECRETARY *
7 SEP 1897

From The Acctt General
Madras.

Order

No. 2748

Dated 6th September 1897.
Received 7 } — Do — "
Registered 9 }
Enclosures
Spare copies

SUBJECT.

Informing that when the apptt. of a member of the Indian Civil Service to be a Special Famine Assistant constitutes a temporary addition to the Cadre of that Service or when it carries a salary in excess of the salary ordinarily admissible the appointment should be declar to be made under Section 30 of the Famine Code.

## BACK PAPERS.

| G.O. | No. | Department. | Date. |
|---|---|---|---|
| Memo. 1800 of 97<br>to file | | | |

## FURTHER PAPERS.

| G.O. | No. | Department. | Date. |
|---|---|---|---|
| | | | |

C 24-5-97
R 26-8-97

C 13-9-97
R 2/10/97

C 5-10-97
R 7-10-97

5

[G./25]
1,000—6-5-97.

........Financial........ DEPARTMENT.

C. No. 2507

1. H. E. THE GOVERNOR. ✓
2. THE HON'BLE ~~MR.~~ Sir H. W. BLISS, K.C.I.E.
3. THE HON'BLE MR. GROSE, C.I.E.

SUBJECT.

Appointments under sec.25 of the Famine Code

Rev. Dept. m.c.

## FOR ORDERS.

X As directed in the notes of H.E. the Governor and Hon'ble Members dated 15th, 16th and 17th July, the Acct. Genl. was requested to reconsider his opinion as to the relation between sections 25 and 30 of the Madras Famine Code and the Civil Service Regns. C.No.2,507 is the Acct. Genl's reply. He states that in his opinion sec.25 of the Famine Code does not contemplate the creation of an appointment; ~~nor shoul~~ that d an officer appointed under that section to be Special Asst. to a Collector ~~to~~ should not be held to be on deputation as contemplated in art: 94 of the C.S.R; and that the creation of appointments falls under section 30 of the Famine Code.

2. The case briefly stands as follows:-

The Govt. says We have two sections in the Famine Code - 25 and 30 - which empower us to stengthen the staff of an affected district and to make

2

temporary appointments. We consider that we can apply the ordinary rules — those in the C.S.R. — to both sections. The Acct. Genl. holds that only under one section - viz 30 - can the powers in the C.S.R. be used and if Govt. wishes to appoint an officer to be Spl: Asst. to a Collector as a temporary addition to the cadre of the Indian Civil Service and to grant him extra remuneration, it must proceed under section 30. The difference therefore between the Govt. and the Acct. Genl. is really as to the particular section of the Famine Code which should be quoted when these appointments are made. Under these circumstances a reference to the Govt. of India may be considered unnecessary.

3. The case of Mr. Lloyd in the linked file is still lying over pending the disposal of this question.

CwB.
2?/8/97

S.D
21/8/97.

R.
22/8/97.

If the Acct. Genl. will ~~accept~~ pass all these appointments as made under Sec. 30 of the Famine Code, or in other words, under the ordinary provisions of the C.S.R., the difficulty may be so got over. If the Acct. Genl. won't, we must apply to the G. of India. The Acct. Genl. should be asked if he will pass the appointments under Sec. 30 of the Famine Code.

A.S.H. 26.8.97

Seen linked file.
A.S.H.

H.S.

Recirculated with C. No. 2790 which contains a reply from the A.G. to the ref: made to him on the point raised in H.E. the Governor's note above. If it is decided to accept the present solution of the difficulty the file might be recorded with the remark that all previous appts. of members of the I.C.S. to be Special Famine

164
A.S.H.
1.10.97

H.S.
6/10/97

J.G. 6/10/97

3

Assistants will be considered to have been made under section 30 of the Famine Code.

Orders are solicited in regard to the linked file re Mr. Lloyd. He was permitted to be considered to have passed the Higher Standard with effect from 5th July 1897 (Page 97 of the Civil List)

Cwd
10/9/97

J.n
11/9/97.

C. No. 93, 176, 682, 985, 1713 A, 1718 A, 2507, 2780

Financial Dept

Reads Pros: of the Board of Revenue (Rev. Settt) No. 6745 Fmi d 18. 12. 96. —— (A)

- Letter from the Acct. Genl. No. 100 d 14. 1. 97. — (A).
- Memo No. 444 Fam: d 19. 2. 97 — (Q)
- Letter from the Acct. Genl: No. 685 d 26. 2. 97 — (A)
- Memo No. 646 Fam d 13. 3. 97 — (Q)
- Letter from the Acct Genl. No. 985 d 23. 3. 97 — (A).
- Memo No. 1109 Pub. d 25. 5. 97 (Q).
- Letter from the Acct Genl. d 3. 6. 97. No. 1711 (A)
- " " " " d 4. 6. 97, No. 1714 (A).
- Memo No. 1607 Fam d 29. 7. 97. (Q)
- Letter from the Acct Genl. No. 2477 d 14. 8. 97. (A).
- Memo No. 1800 Fam d 27. 8 97. (Q)
- Letter from the Acct Genl No. 2748 d 6. 9. 97 (A)

CB

Order No. 839 d 8th October 97
P.S.

Recorded.

2. All previous appts of members of the Indian Civil Service to be Special Famine Assistants will be considered to have been made under section 30 of the Famine Code.

(From Order)

7. X. 97

8/10/97

Rev. Dept
Acct Genl
Famine Commr.

Despd
27. 10. 97

st copy sent to Press.

turned for signature.

spatched in print.

11/

NUMBER OF COPIES REQUIRED.
- Order complete 55
- Letter only.
- Order complete with Letter.

AGAIN G.O., N.
189

DATED

ENT No.

As marked –

RES TO C. No.

GOVERNMENT .. .. ..

GOVERNMENT.

WITH DITTO.

FILED UP, BEING MEANT FOR DESPATCH
GINAL.

---

A = Print in full.
= Not to be printed.
Print abstract only.
Print heading only.

3.