1
4/2/99

Financial (1899) Department.

ORDINARY MS.

G.O., No. 172

Dated 2-2-99

206 to 215
4-2-99

INDEXED. 16/19

[Despatch Abstract.]

Exempting Mr Cowley Brown, Dy Conservator of Forests & certain Forest Subordinates from the operation of art 1159 of the C.S.R. with a view to enable them to draw daily allowance for the entire period of their halt at Mount Stuart, Coimbatore &c

BACK PAPERS.

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

FURTHER PAPERS.

G.O	No.	Department.	Date.	G.O	No.	Department.	Date.
2215							
2245							
3434/98							

0/18 4,000—18-10-98.

Through Mr Accountant General

Financial

Revenue (1898) Department.

CURRENT No. ~~7865~~ 328

Encl CURRENT No. 328

Rec'd 23/11.98.

Endt: No. 334 Mis.

Order

From

The Board of Revenue (L.R.)

Madras.

Transferred to the Financial Department with notes in original.

(By Order)

W Sharpe Smith

Ag. Under Secretary to Govt.

Fort St. George
18th Jany: 1899.

Forest No. 406 Ref.

Dated 26th October 1898.

Received 17th Novr. 1898.

Registered 18th Novr. '98.

Enclosures 1 & Original notes (Rec'd)

Spare copies.

To

The Financial Department.

SUBJECT.

Recommending for the favourable consideration of Govt. applications for the grant of halting allowance in excess of the 10 days' limit under Art. 1159 (b) of the C.S.R. and recommending that a general concession be granted to all forest officers or at least to such subordinates as cannot maintain camp equipage.

Placed

BACK PAPERS.

G.O.	No.	Department.	Date.
858:	8-10-98 SC		
634:	23-7-98 Mis		
505:	3-6-98 Mis		
330:	30-3-98 SC		
103:	26-1-98		
564:	22-7-97 Misl		
20:	11-1-97 Mis		
643:	29-9-96 SC		
34:	14-1-96		
292:	19-5-96		

FURTHER PAPERS.

G.O.	No.	Department.	Date.

(2) 328

[75]

Reference on Forest Register No. *of* 189 .

In replying the above should be quoted.

REVENUE BOARD OFFICE. MADRAS.

(Land Revenue).

ACCOUNTANT GENERAL'S OFFICE 31 OCT 98 MADRAS

Read again Board's Proceedings Forest No. 397 Mis, dated 27th June 1898 passing orders on the Endorsement of the Conservator, S.C. forwarding to the Board South Coimbatore, District Forest Officer's Office-note requesting that the new condition added to the exemption of Forest Officers from the 10 days' limit of halt, may not be enforced in the case of officers camping in the forests.

Read Endorsement of A. A. Gass Esq, Acting Conservator of Forests, Southern Circle, dated 6th September 1898, No. 896 forwarding with his recommendation letter from J. A. Cumming Esq, Ag. Collector of Coimbatore, dated 30th August 1898, Ref No. 2008 requesting the Board to move Government to exempt certain subordinates from 10 days' rule under Article 1159(b) of the Civil Service Regulations.

Read Endorsement of J. W. Cherry Esq, Ag. Conservator of Forests, Central Circle, dated 5th September 1898, No. 306 forwarding to the Board letter

place

letter from F. L. C. Cowley Brown Esquire, Deputy Conservator of Forests, dated 3rd September 1898, requesting the Board to move Government to permit him to draw travelling allowance during the period he was at Mount Stuart on special duty.

Forest Reference No. 406 of 26 Oct. 1898.

The papers read above relate to the exemption of Forest officers from the general rule in art. 1159 of the Civil Service Regulations prohibiting officers from drawing daily allowance for more than 10 days of a halt at one place. In an office-note dated 30. 4. 1898, Mr Lodge, District Forest Officer, South Coimbatore, represented that considerable hardship was caused to Forest officers and their establishments by the insertion for the first time in the third edition of the Civil Service Regulations of a special condition restricting the general exemption granted to them in article 1160 to cases in which camp-equipage is actually maintained. He cited instances in which Forest officers are required by the nature of their duties to halt for long periods in neighbourhoods where it is unnecessary to maintain camp-equipage, but impossible to stay without incurring considerable extra expense.

The

The Board in passing orders on this representation observed that in cases in which camp-equipage was not maintained, special applications for exemption should be made under article 1159(b) of the Civil Service Regulations and that if these applications were found to be numerous, the question of moving Government to address the Government of India for the grant of a general exemption would be considered.

2. In a letter dated 30 August 1898, the Collector of Coimbatore has brought to notice several cases in which such exemption is called for. He points out that the marginally noted* forest subordinates in the South Coimbatore Division were in the interests of the public service obliged to halt at Mount Stuart on the Anamalais for longer periods than 10 days, but did not maintain camp-equipage as they could not afford to do so. To deprive them, however, of the daily allowance hitherto drawn on such occasions would, as Mr Cumming points out, involve great hardship, since they would unquestionably put to much additional expense throughout the period of their halts, not merely during the first 10 days. "Mount Stuart", as the Collector writes, "is an expensive place

* Mr. Myers, Ranger, 4th Grade, for 31 days from 1st to 31st July.
C. Venkatasubbayya, Range clerk, for 12 days from 1st to 12th July and 15 days from 17th to 31st July.
M. Subbayya, ag. 3rd clerk, District Forest Office, for 20 days from 12th to 31st July.
Srikanta Anjar, temporary clerk, D. F. Office, for 12 days from 28. 6. 98 to 9. 7. 98 at Mettupalayam.

"place to camp at, being 15 (5) miles distant
"from Anamalai village whence all provisions
"have to be obtained. The cost of transport
"by cooly plus a small profit to the bazaar-
"man at Mount Stuart has to be added to
"their original cost." Much the same may
be said of other remote camping stations
where Forest officers are compelled to make
long halts, and Mr Cumming therefore
urges not merely the exemption from the
10 days' limit of the few subordinates named
in his letter, but also the concession of a
general exemption of the same character
to all forest subordinates whose pay does
not exceed Rs 100/ per mensem.

3. In the second letter read above, Mr
Cowley Brown, Deputy Conservator of Forests,
brings to notice that the Accountant-General
has placed under objection a sum of Rs 240/-
drawn by him as daily allowance while
employed on special duty at Mount Stuart
from 20 October to 30 November 1895 in
connection with the setting up of the saw-
mill machinery recently imported from
England. He states that though all his
camp kit and furniture were taken to
Mount Stuart, he maintained no camp
equipage of his own, i.e., "apparatus for
moving camp" as defined in article 21,
Civil

Civil Service (6) Regulations, since had it been
necessary to move camp, he could have employ-
ed Government elephants, for which a fixed
charge is made, as a means of transport.
In applying for exemption from the 10 days'
rule under article 1159 (b) of the Civil Service
Regulations, Mr Cowley Brown lays stress on
the fact that he was obliged to incur considerable
extra expense besides being subjected to much
personal inconvenience by exposure to inclement
weather.

4 While submitting these applications for
the orders of Government, the Board is aware
that on the view taken in G.O. No 34 Financial,
dated 14-1-1896, there is no ground for granting
an exemption from the 10 days' limit. It ventures
respectfully to submit, however, that Mr Nathan's
letter printed in that G.O was not intended to
bear the interpretation put upon it by Govern-
ment. The officers concerned in the cases now
submitted were in the words of Mr Nathan's letter
"actually obliged, for reasons of public duty,
"to continue expenditure of the kind which
"travelling allowance is intended to meet"
viz, the "ordinary daily charges" recouped
by a halting allowance. Government itself
has pointed out, in its letter to the Government
of India dated 14-11-95, that in this Presidency
at least it is impossible to invoke the
definition

definition of "actual travelling expenses" for the interpretation of the expression "ordinary daily charges", and the Board respectfully urges that such charges legitimately fall within the category of "expenditure of the kind which travelling allowance is intended to meet." It does not overlook the fact that article 1086 states that travelling allowance is given to an officer to cover actual travelling expenses, but bases its opinion on the circumstances that in that article the words "actual travelling expenses" are not printed in italics. A reference to article 8 will show that the definitions given in Chapter II must be fully applied if the terms used are italicized, but if, as in article 1086, they are printed in ordinary type, their application may be restricted by the subject or context. Article 1086 is no doubt of general application throughout part XI of the Civil Service Regulations, but the Board submits that when its provisions are applied to the case of halting allowances, the subject compels the use of the term "actual travelling expenses" in a much wider sense than that contemplated by Article 15. It is, the Board would urge, clearly repugnant to common sense to refer to the "actual cost of locomotion" as the criterion of the ordinary daily charges admissible during

a

a halt. Government has itself recognized that so far as many parts of this Presidency is concerned, actual travelling expenses as defined in article 15 are seldom incurred during halts, but so far as the Board is aware, no one has ever suggested that daily allowances are inadmissible in such cases. The Board submits that a similarly liberal interpretation can and should be given to the phrase "extra expense" in art. 1159, and respectfully represents that it can see nothing in Mr. Statham's letter which prohibits such an interpretation. On the other hand the wording of that letter would seem to imply a desire to invest Local Government with discretionary power to remove hardship in cases requiring remedy, but the rigid application of article 15 has the effect of depriving the Local Government of that discretion and leaving hard cases without a remedy.

5. While recommending for the favourable consideration of Government the cases now submitted for its orders, the Board considers that in regard to the Forest Department a general concession is called for either in regard to officers of all classes or at least so far as relates to subordinates whose

whose pay is not such as to enable them to put
up with the pecuniary fine imposed on them
by the change in article 1160 of the Civil
Service Regulations. It has already been made
clear that special applications for exemption
will be numerous; and the Board is not aware
of any circumstances rendering it expedient
to withdraw the privilege hitherto enjoyed
by forest officers. The nature of their work
is such as to detain them for long intervals
at remote stations where the maintenance
of camp-equipage may not be necessary,
but extra expense is unavoidable. The old
rule without the new condition regarding
the maintenance of camp-equipage worked
without difficulty, the weekly diaries of
forest officers furnishing their superiors
with a ready means of checking the
abuse of the rule by unduly long halts
at favourite stations; and the Board cannot
see the necessity for the more stringent
provisions now embodied in the Civil Service
Regulations. They are presumably intend-
ed to reduce expenditure on travelling
allowance, but it is by no means impossible
that their promulgation may lead to
proposals to grant local allowances
or enhanced pay as compensation in
individual cases of special hardship;
and however this may be, there is no
question that the petty saving which
may

may be effected by the new rules will in the
Forest Department be altogether counter-
balanced by the general sense of irritation
and annoyance to which they will give rise.
This cannot but produce a prejudicial
effect on the administration.

Lionel Davidson
Ag. Secretary.

To The Secretary to Government, R.D.
thro' the Accountant-General
with Mr Lodge's Office-note
in original to be returned.

(11)

No. 5019

Fort St. George
Accountant Genl's. office
16th November 1898.

Forwarded to Government.

Under paragraph 2 of the Government of India letter recorded in G.O No 34 Finl dated 14 January 1896, the Forest officers whose cases do not fall under article 1160 Civil service Regulations can be exempted from the operation of article 1159 Civil service Regulations under clause (b) of that article only, if they are obliged for reasons of publicduty, to incur expenditure of the kind which travelling allowance is intended to meet. There is no rule under which a general exemption can be granted under article 1159 (b) C.S.R.

Accountant General.

To

The Secretary to Government,
Revenue Department.

D/4/11

D/4 1,000—8-4-97.

(12)

REVENUE DEPARTMENT.

Current No. 7865 of 98.

Notes connected with G.O No 1727 Finl dy 2-2-99.

From The Board of Revenue &c
and the Accountant-General.

Regd (1) No. 406 Dated 26 — 10 — 1898.
& endt No. 5019 dy 16 — 11 — 1898.

FOR ORDERS.

For the GG

The exceptional cases in which officers may draw halting allowance for more than ten days of stay at the same place are specified in article 1159 of the Civil Service Regulations. At first the exemption of officers of the forest department were exempted from the operation of the above article by a special provision in article 1160; but in 1895 when the third edition of the C.S.R was issued the provision was retained but with the addition of the words "on the understanding that they (the officers referred to in the article) maintain camp equipage"

2 In the Current read above the Board of Revenue requests that

(i) halting allowance for more than ten days may be sanctioned to Mr Cowley Brown (Deputy Conservator of forests) and the four other officials

Reference art 1160 on page 314 of the C.S.R (2nd edition)

FOR ORDERS.

mentioned on the margin of para 2 of the B.P (Current)

(ii) That all officers of the forest department or at least those on a lower Scale of pay may be exempted from the operation of article 1159 C.S.R and not required to maintain Camp equipage in order to entitle them to draw halting allowance for more than ten days.

The Subordinate officers of the forest department cannot, the Board states, afford to maintain Camp equipage and that therefore the addition in article 1160 C.S.R Can~~ies~~ ~~from~~ ~~their~~ ship wrong them.

In forwarding the B.P, the Accountant General is of opinion that the claims of such of the forest officers as have not maintained Camp equipage should be treated under clause (b) of article 1159 C.S.R.

3/ The question whether the Board and the Accountant General have ~~not~~ correctly interpreted the meaning of art 1160 of the C.S.R (as it now stands in the third edition) is submitted for consideration. The Board expressly states and the Accountant-General apparently implies that in order to entitle a forest officer to draw halting allowance

his that allowance may be admissible if such expenses were incurred after the 10 days even though Camp equipage was not maintained.

N.E. Marjoribanks

for more than ten days under article 1160, he must have maintained Camp equipage. The article is susceptible of this meaning if the words "on the understanding that they maintain Camp equipage" are understood to mean on Condition that they maintain Camp equipage. The Accountant General and the Board appear to have understood the addition in article 1160 in the sense above indicated and it is a question whether their interpretation is correct.

The words "on the understanding" in the article appear to have been Caution ~~used~~ introduced and the article understood in its plain and literal meaning seems to import the following- "The officers of the forest department and their establishments & have been exempted from the operation of art 1159 and this exemption is granted because it is understood that they maintain Camp equipage and have therefore on that ground frequently to be exempted". The ~~word~~ phrase "on the understanding that they maintain Camp equipage" seems to be merely a statement of the reason for granting the exemption and not a Condition precedent.

If this be so, the exemption in article 1160 is general and does not require that in particular cases Camp equipage should have actually been maintained in order to entitle a person of the class described in the article to draw halting allowance for more than ten days.

4 The interpretation given to art: 1160 by the Board and the Accountant-General seems to be inconsistent with the following considerations:

(i) Understood in the meaning adopted by the Board and the Accountant-General, art 1160 appears to be in substance nothing more than clause (a) of art 1159. The exemption in art 1160 then becomes unreal and the necessity for a separate provision not clear.

(ii) The change in the wording of art 1160 (in the third edition) was necessitated by alterations in the substance and wording of art 1159 and, apparently, not from an intention of the Government of India to change the meaning of article 1160. This is clear from a comparison of arts 1159 and 1160 as they stood in the old (2nd) edition and the same articles in the third edition.

Article 1160 (as it stood in the

second edition) the class of officers mentioned therein were exempted as being officers of the description mentioned in clause (11) of art 1159 in the same edition (viz) as being officers whose duty was such as to entitle them frequently to halting allowance for more than ten days on account of their maintaining Camp equipage. In the third edition the classification given in art 1159 of Cases of exemption from the ten days limit was changed; with this change the wording of art 1160 had also necessarily to be altered and accordingly it was altered to the form in which it now stands in the third edition.

The obvious and literal meaning of art 1160 as it now stands being the same as that of the article in the 2nd edition and the change in wording being the result of changes in art 1159, there appears to be no reason, it is submitted, to interpret art 1160 in a narrower sense nor to think that the Government of India had any intention to change the meaning of the article.

5 If the view set forth above be considered correct, Mr Cowley Brown and the four other officials mentioned

in para 2 of the B.P (Current) seem entitled to halting allowance for the respective periods of their stay. No question also seem arises as to the real meaning* of the words "extra expense" occurring in article 1159 of the C.S.R (new edition), nor as to whether the Government of India should be addressed with a view to the exemption, from the operation of art 1159 C.S.R, of such of the officers of the forest Dept as cannot afford to maintain Camp equipage.

* discussed in para 4 of the B.P (Current)

6 The question raised in paras 3 and 4 above being one of interpretation of the C.S.R, should be finally dealt with in the Financial Department - (please see G.O (Financial) No. 969 mis dt 16.12.90 printed in G.O 643 (Financial) dt 29.9.96 and para 1 of the latter G.O). ⟶ If the Financial Dept has any doubt, then the Finance and Commerce Dept of the Govt of India will have to be addressed - please see Resolution of the Govt of India printed on page 2 of G.O (Financial) No. 643 dt 29.9.96.

8.11.98

Secy

The remarks of Fin! may be circled

10.11.98

CHIEF SECRETARIAT. 13 DEC. 1898 MADRAS.

Financial Department.

NOTE

In the foregoing note the Rev: Dept. raises the question of the interpretation to be placed on the words "on the understanding that they main-"tain camp equipage" which occur in article 1160 of the C.S.R.

The Board and the Accountant General have The papers under disposal relate to the claims of certain forest officers for exemption from the operation of article 1159 understood the expression as mentioned above and meaning "on condition that they main-"tain camp equipage". It is suggested in the note in the Revenue Dept: that the meaning given by the words in question to the article is that the officers mentioned in appendix 26 A to the Civil Service Regulations have been exempted from the operation of article 1159 and that this exemption has been granted because it is understood that these officers maintain camp equipage and have therefore on that ground frequently to be exempted. The same question was noticed in the notes in G.O.No.634 Finl., d/ 23rd July 1898, in connection with the claims of certain police constables for exemption from the operation of article 1159 - please see the file tied separately with red tape. It was there pointed out

out that article 1160 as it appears in the third edition of the C.S.R. practically excludes the rank and file of the police force from the concession. It seems to be clear, however, that the interpretation which the Revenue Dept: suggests cannot be maintained. Camp equipage is defined in article 21 as the apparatus for moving a camp and appendix 26 A includes police officers attending fairs, darbars, agricultural exhibitions, &c. As pointed out on the previous occasion it is scarcely possible that police constables would in any case maintain camp equipage and the G.I.P. can scarcely have supposed that they would. The decision in G.O.No.634 Finl., d/ 23rd July 1898, (vide the Hon'ble Member's note of the 18th July preceding the draft G.O.) was that there was no case for a general exemption from the operation of the ten days' rule of police officers who maintain no camp equipage, but that such cases as appear deserving of consideration should be submitted to Govt. as they occur. The Hon'ble Member was of opinion that it is best that exemptions from article 1159 should be closely watched and should therefore be specially sanctioned by Govt. These reasons would apply equally against any general exemption of forest officers who maintain no camp equipage.

As regards the cases dealt in the Board's proceedings, it be observed that article 1159 is

is now worked more liberally than it used to be. There appears to be no objection to the exemption of the forest officers whose cases are dealt with in the Board's proceedings.

Cmb 2.11.99

No 44, d/ 4-1-99.

Rev Dept: u/o

Rev Dept

Secy

Please see the two points for order at A & B in this Dept's note at pages 1 & 2 above.

In the circumstances set forth in the 2nd Dept's note, halting allowance may be sanctioned as prayed for to the Collector, Brown & the other officers named in the B.P.; / ; with reference to the question of exemption from Art 1159 of the C.S.R, the Govt may be told that the Govt prefers to deal with particular

cases on their merits

(21)

Please see draft endorsement on the docket of the B'd's Refer (Current).

(i) Sanction for halting allowance to Mr Cowley-Brown and the other officers should be accorded in the Financial Dept (please see G.O (Financial) No. 342 dated 19.5.96)

(ii) The order that ~~with reference to~~ the officers of the Forest Dept cannot be exempted by a general order be exempted from the operation of art 1159 (C.S.R.) but that the Government prefers to deal with particular cases on their merits, may also, it is submitted, issue in the Financial Dept.

(iii) In para 4 of the B.P (Current) the Board take exception to the view contained in G.O Financial No. 34 dated 14.1.96. (With reference to this it is stated in the note (of the Fin'l Dept) that art 1159 is now worked more liberally than it used to be) The order in para 4 of the B.P should also therefore issue in the Fl Dept.

Secy
12.1.99

Fin'l may be asked to issue the necessary order if no objection. The pp. may be transferred accordingly.

Mr 11/1/99

(22)

Financial DEPARTMENT.

(1) C. No. [illegible] From the Board of Revenue (L.R.) No. 406 Forest, dated 26.10.1898.

(2) " " " Accountant General, " 5019, " 16.11.1898.

(3) " " " Revenue Department, " 284, " 18.1.1899.

" " " " , " , " 189

Order. No. 172 dated 2.2.99

Mr. Cowley Brown and the Forest subordinates mentioned in the proc. of the Board of Rev read above will be exempted from the operation of article 1159 of the C.S.R. for the periods mentioned in each case.

2. The Govt. is not prepared to move the Govt. of India to grant a general exemption from the operation of that article in the case of Forest Officers.

Cmb. 28/1/99.

Board of Rev. (L.R.). (1=q 2=a 3=q) with orig mûl encls: ret.
Rev. Dept (1=p 2=q 3=q)
Acct Genl (1=a 2=q 3=)

Despd 8/2/99

13

Government {1899} of Madras.

FINANCIAL.

MISCELLANEOUS.

Recd. } 1899. *Enclosures*

Regd. } *Spare copies*

G.O., No. 172, 2nd February 1899.

FEBRUARY.

Halting Allowance.

Exempting Mr. Cowley-Brown, Deputy Conservator of Forests, and certain Forest subordinates from the operation of article 1159 of the Civil Service Regulations with a view to enable them to draw daily allowance for the entire period of their halt at Mount Stuart, Coimbatore district.

GOVERNMENT OF MADRAS.

FINANCIAL DEPARTMENT.

Read—the following paper :—

Reference from the Board of Revenue (Land Revenue), Forest No. 406, dated 26th October 1898.

Read—the following papers :—

Board's Proceedings, Forest Mis. No. 397, dated 27th June 1898.

Abstract.—Passing orders on the endorsement of the Conservator, Southern Circle, forwarding to the Board South Coimbatore District Forest-officer's office-note requesting that the new condition added to the exemption of Forest-officers from the 10 days' limit of halt, may not be enforced in the case of officers camping in the forests.

Endorsement of H. A. GASS, Esq., Acting Conservator of Forests, Southern Circle, dated 6th September 1898, No. 896.

Abstract.—Forwarding with his recommendation letter from J. A. Cumming, Esq., Acting Collector of Coimbatore, dated 30th August 1898, Ref. No. 2008, requesting the Board to move Government to exempt certain subordinates from 10 days' rule under article 1159 (*b*) of the Civil Service Regulations.

Endorsement of J. W. CHERRY, Esq., Acting Conservator of Forests, Central Circle, dated 5th September 1898, No. 306.

Abstract.—Forwarding to the Board letter from F. L. C. Cowley-Brown, Esq., Deputy Conservator of Forests, dated 3rd September 1898, requesting the Board to move Government to permit him to draw travelling allowance during the period he was at Mount Stuart on special duty.

Reference—Forest No. 406, dated 26th October 1898.

The papers read above relate to the exemption of Forest-officers from the general rule in article 1159 of the Civil Service Regulations prohibiting officers from drawing daily allowance for more than 10 days of a halt at one place. In an office-note, dated 30th April 1898, Mr. Lodge, District Forest-officer, South Coimbatore, represented that considerable hardship was caused to Forest-officers and their establishments by the insertion for the first time in the third edition of the Civil Service Regulations of a special condition restricting the general exemption granted to them in article 1160 to cases in which camp-equipage is actually maintained. He cited instances in which Forest-officers are required by the nature of their duties to halt for long periods in neighbourhoods where it is unnecessary to maintain camp-equipage, but impossible to stay without incurring considerable extra expense. The Board in passing orders on this representation observed that in cases in which camp-equipage was not maintained, special applications for exemption should be made under article 1159 (*b*) of the Civil Service Regulations and that if these applications were found to be numerous, the question of moving Government to address the Government of India for the grant of a general exemption would be considered.

2. In a letter, dated 30th August 1898, the Collector of Coimbatore has brought to notice several cases in which such exemption is called for. He points out that the marginally-noted Forest subordinates in the South Coimbatore Division were in the interests of the public service obliged to halt at Mount Stuart on the Anamalais for longer periods than 10 days, but did not maintain camp-equipage as they could not afford to do so. To deprive them, however, of the daily allowance hitherto drawn on such occasions would, as Mr. Cumming points out, involve great hardship, since they were unquestionably put to much additional expense throughout the period of their halts, not merely during the first 10 days. "Mount Stuart," as the Collector writes, "is an expensive place to camp at, being 15 miles distant from Anamalai village whence all provisions have to be obtained. The cost of transport by cooly *plus* a small profit to the bazaarman at Mount Stuart has to be added to their original cost." Much the same may be said of other remote camping stations where Forest-officers are compelled to make long halts, and Mr. Cumming therefore urges not merely the exemption from the 10 days' limit of the few subordinates named in his letter, but also the concession of a general exemption of the same character to all Forest subordinates whose pay does not exceed Rs. 100 per mensem.

* Mr. Myers, Ranger, 4th Grade, for 31 days, from 1st to 31st July.
C. Venkatasubbayya, Range clerk, for 12 days, from 1st to 12th July, and 15 days, from 17th to 31st July.
M. Subbayya, Acting 3rd Clerk, District Forest Office, for 20 days, from 12th to 31st July.
Srikanta Aiyar, temporary clerk, District Forest Office, for 12 days, from 28th June 1898 to 9th July 1898, at Méttupálaiyam.

3. In the second letter read above, Mr. Cowley-Brown, Deputy Conservator of Forests, brings to notice that the Accountant-General has placed under objection a sum of Rs. 240 drawn by him as daily allowance while employed on special duty at Mount Stuart from 20th October to 30th November 1897 in connection with the setting up of the sawmill machinery recently imported from England. He states that though all his camp kit and furniture were taken to Mount Stuart, he maintained no camp equipage of his *own*, *i.e.*, "apparatus for moving camp" as defined in article 21, Civil Service Regulations, since had it been necessary to move camp, he could have employed Government elephants, for which a fixed charge is made, as a means of transport. In applying for exemption from the 10 days' rule under article 1159 (*b*) of the Civil Service Regulations, Mr. Cowley-Brown lays stress on the fact that he was obliged to incur considerable extra expense besides being subject to much personal inconvenience by exposure to inclement weather.

4. While submitting these applications for the orders of Government, the Board is aware that on the view taken in G.O., No. 34, Financial, dated 14th January 1896, there is no ground for granting an exemption from the 10 days' limit. It ventures respectfully to submit, however, that Mr. Nathan's letter printed in that Government Order, was not intended to bear the interpretation put upon it by Government. The officers concerned in the cases now submitted were in the words of Mr. Nathan's letter "actually obliged, for reasons of public duty, to continue expenditure of the kind which travelling allowance is intended to meet", viz., the "ordinary daily charges" recouped by a halting allowance. Government itself has pointed out, in its letter to the Government of India, dated 14th November 1895, that in this Presidency at least it is impossible to invoke the definition of "actual travelling expenses" for the interpretation of the expression "ordinary daily charges," and the Board respectfully urges that such charges legitimately fall within the category of "expenditure of the kind which travelling allowance is intended to meet." It does not overlook the fact that article 1086 states that travelling allowance is given to an officer to cover actual travelling expenses, but bases its opinion on the circumstances that in that article the words "actual travelling expenses" are not printed in italics. A reference to article 8 will show that the definitions given in Chapter II must be fully applied if the terms used are italicized, but if, as in article 1086, they are printed in ordinary type, their application may be restricted by the subject or context. Article 1086 is no doubt of general application throughout part XI of the Civil Service Regulations, but the Board submits that when its provisions are applied to the case of

halting allowances, the subject compels the use of the term "actual travelling expenses" in a much wider sense than that contemplated by article 15. It is, the Board would urge, clearly repugnant to commonsense to refer to the "actual cost of *locomotion*" as the criterion of the ordinary daily charges admissible during a *halt*. Government has itself recognized that so far as many parts of this Presidency are concerned, actual travelling expenses as defined in article 15 are seldom incurred during halts, but so far as the Board is aware, no one has ever suggested that daily allowances are inadmissible in such cases. The Board submits that a similarly liberal interpretation can and should be given to the phrase "extra expense" in article 1159, and respectfully represents that it can see nothing in Mr. Nathan's letter which prohibits such an interpretation. On the other hand the wording of that letter would seem to imply a desire to invest Local Governments with discretionary power to remove hardship in cases requiring remedy, but the rigid application of article 15 has the effect of depriving the Local Government of that discretion and leaving hard cases without a remedy.

5. While recommending for the favourable consideration of Government the cases now submitted for its orders, the Board considers that in regard to the Forest Department a general concession is called for either in regard to officers of all classes or at least so far as relates to subordinates whose pay is not such as to enable them to put up with the pecuniary fine imposed on them by the change in article 1160 of the Civil Service Regulations. It has already been made clear that special applications for exemption will be numerous; and the Board is not aware of any circumstances rendering it expedient to withdraw the privilege hitherto enjoyed by Forest-officers. The nature of their work is such as to detain them for long intervals at remote stations where the maintenance of camp-equipage may not be necessary, but extra expense is unavoidable. The old rule without the new condition regarding the maintenance of camp-equipage worked without difficulty, the weekly diaries of Forest-officers furnishing their superiors with a ready means of checking the abuse of the rule by unduly long halts at favourite stations and the Board cannot see the necessity for the more stringent provisions now embodied in the Civil Service Regulations. They are presumably intended to reduce expenditure on travelling allowance, but it is by no means impossible that their promulgation may lead to proposals to grant local allowances or enhanced pay as compensation in individual cases of special hardship; and however this may be, there is no question that the petty saving which may be effected by the new rules will in the Forest Department be altogether counterbalanced by the general sense of irritation and annoyance to which they will give rise. This cannot but produce a prejudicial effect on the administration.

(Signed) LIONEL DAVIDSON,
Acting Secretary.

To the Secretary to Government, Revenue Department
(through the Accountant-General with
Mr. Lodge's office-note in original, to be returned).

Endt. No. 5019.

Forwarded to Government.

Under paragraph 2 of the Government of India letter recorded in G.O., No. 34, Financial, dated 14th January 1896, the Forest-officers whose cases do not fall under article 1160, Civil Service Regulations, can be exempted from the operation of article 1159, Civil Service Regulations, under clause (*b*) of that article only, if they are obliged, for reasons of public duty, to incur expenditure of the kind which travelling allowance is intended to meet. There is no rule under which a general exemption can be granted under article 1159 (*b*), Civil Service Regulations.

Fort St. George,
16*th November* 1898.

(Signed) T. HESKETH BIGGS,
Accountant-General.

Endt. Mis. No. 284, Revenue.

Transferred to the Financial Department with notes in original.

(By Order.)

(Signed) N. E. MARJORIBANKS,
Ag. Under Secretary to Government.

18*th January* 1899.

Order—No. 172, Financial, dated 2nd February 1899.

Mr. Cowley-Brown and the Forest subordinates mentioned in the proceedings of the Board of Revenue read above will be exempted from the operation of article 1159 of the Civil Service Regulations for the periods mentioned in each case.

2. The Government is not prepared to move the Government of India to grant a general exemption of Forest-officers from the operation of that article.

(True Extract.)

G. STOKES,
Chief Secretary.

To the Board of Revenue (Land Revenue).
" Revenue Department.
" Accountant-General.

Exd. A F Eccleston.

NOTES CONNECTED WITH G.O., NO. 172, FINANCIAL, DATED 2ND FEBRUARY 1899.

REVENUE DEPARTMENT.

From the Board of Revenue (*Land Revenue*), *Ref. F. No.* 406, *dated* 26*th October* 1898.

For the Under Secretary—

The exceptional cases in which officers may draw halting allowance for more than ten days of stay at the same place are specified in article 1159 of the Civil Service Regulations. At first the officers of the Forest department were exempted from the operation of the above article by a special provision in article 1160; but in 1897 when the third edition of the Civil Service Regulations was issued the provision was retained but with the addition of the words "on the *understanding* that they (the officers referred to in the article) maintain camp equipage."

2. In the current read above the Board of Revenue requests that—

A (i) halting allowance for more than ten days may be sanctioned to Mr. Cowley-Brown (Deputy Conservator of Forests) and the four other officials mentioned on the margin of paragraph 2 of the Board's Proceedings (current);

B (ii) that all officers of the Forest department or at least those on a lower scale of pay may be exempted from the operation of article 1159, Civil Service Regulations, and not required to maintain camp equipage in order to entitle them to draw halting allowance for more than ten days.

The subordinate officers of the Forest department cannot, the Board states, afford to maintain camp equipage and that therefore the addition in article 1160, Civil Service Regulations, causes great hardship among them.

Viz., that allowance may be admissible if extra expense were incurred after the first ten days even though camp equipage was not maintained.

N. E. MARJORIBANKS.

In forwarding the Board's Proceedings, the Accountant-General is of opinion that the claims of such of the Forest officers as have not maintained camp equipage should be treated under clause (*b*) of article 1159, Civil Service Regulations.

3. The question whether the Board and the Accountant-General have correctly interpreted the meaning of article 1160 of the Civil Service Regulations (as it now stands in the third edition) is submitted for consideration. The Board expressly states and the Accountant-General apparently implies that in order to entitle a Forest officer to draw halting allowance for more than ten days under article 1160, he must have maintained camp equipage. The article is susceptible of this meaning if the words "on the *understanding* that they maintain camp equipage" are understood to mean on *condition* that they maintain camp equipage. The Accountant-General and the Board appear to have understood the addition in article 1160 in the sense above indicated and it is a question whether their interpretation is correct.

The words "on the *understanding*" in the article appear to have been cautiously introduced and the article understood in its plain and literal meaning seems to import the following: "The officers of the Forest department and their establishments, &c., have been exempted from the operation of article 1159; and this exemption is granted because it is understood that they maintain camp equipage and have therefore on that ground frequently to be exempted." The phrase "on the understanding that they maintain camp equipage" seems to be merely a *statement* of the reason for granting the exemption and not a *condition precedent*.

If this be so, the exemption in article 1160 is general and does not require that in particular cases camp equipage should have actually been maintained in order to entitle a person of the class described in the article to draw halting allowance for more than ten days.

4. The interpretation given to article 1160 by the Board and the Accountant-General seems to be inconsistent with the following considerations :—

(i) Understood in the meaning adopted by the Board and the Accountant-General, article 1160 appears to be *in substance* nothing more than clause (*a*) of article 1159. The exemption in article 1160 then becomes unreal and the necessity for a separate provision not clear.

(ii) The change in the wording of article 1160 (in the third edition) was necessitated by alterations in the substance and wording of article 1159 and, apparently, not from an intention of the Government of India to change the meaning of article 1160. This is clear from a comparison of articles 1159 and 1160 as they stood in the old (second) edition and the same articles in the third edition.

In article 1160 (as it stood in the second edition) the class of officers mentioned therein were exempted as being officers of the description mentioned in clause (ii) of article 1159 in the same edition (*viz.*), as being officers whose duty was such as to entitle them frequently to halting allowance for more than ten days on account of their maintaining camp equipage. In the third edition the classification of cases of exemption from the ten days, limit was changed ; with this change the wording of article 1160 had also necessarily to be altered and it was accordingly altered to the form in which it now stands in the third edition.

The obvious and literal meaning of article 1160 as it now stands being the same as that of the article in the second edition and the change in wording being the result of changes in article 1159, there appears to be no reason, it is submitted, to interpret article 1160 in a narrower sense nor to think that the Government of India had any intention to change the meaning of the article.

5. If the view set forth above be considered correct, Mr. Cowley-Brown and the four other officials mentioned in paragraph 2 of the Board's Proceedings (current) seem entitled to halting allowance for the respective periods of their stay. No question also then arises as to the real meaning of the words "extra expense" occurring in article 1159 of the Civil Service Regulations (new edition), nor as to whether the Government of India should be addressed with a view to the exemption, from the operation of article 1159, Civil Service Regulations, of such of the officers of the Forest department as cannot afford to maintain camp equipage.

6. The question raised in paragraphs 3 and 4 above being one of interpretation of the Civil Service Regulations, should be finally dealt with in the Financial Department (please see G.O., Mis. No. 969, Financial, dated 16th December 1890, printed in G.O., No. 643, Financial, dated 29th September 1896, and paragraph 1 of the latter Government Order). If the Financial Department has any doubt, then the Finance and Commerce Department of the Government of India will have to be addressed—please see Resolution of the Government of India printed on page 2 of G.O., No. 643, Financial, dated 29th September 1896.

S. Miranda.
8-12-98.

Secretary—

The remarks of Financial may be invited.

N. E. Marjoribanks.
10-12-98.

Financial Department u.o.

G. S. Forbes.
11-12-98.

For the Chief Secretary—

In the foregoing note the Revenue Department raises the question of the interpretation to be placed on the words "on the understanding that they maintain *camp equipage*" which occur in article 1160 of the Civil Service Regulations.

2. The papers under disposal relate to the claims of certain Forest officers for exemption from the operation of article 1159, and the Board and the Accountant-General have understood the expression mentioned above as meaning "on condition that they maintain camp equipage." It is suggested in the note in the Revenue Department that the meaning given by the words in question to the article is that the officers mentioned in appendix 26-A to the Civil Service Regulations have been exempted from the operation of article 1159, and that this exemption has been granted because it is understood that these officers maintain camp equipage and have therefore on that ground frequently to be exempted. The same question was noticed in the notes in G.O., No. 634, Financial, dated 23rd July 1898, in connection with the claims of certain police constables for exemption from the operation of article 1159—please see the file tied separately with red tape. It was there pointed out that article 1160 as it appears in the third edition of the Civil Service Regulations practically excludes the rank and file of the police force from the concession. It seems to be clear, however, that the interpretation which the Revenue Department suggests cannot be maintained. *Camp equipage* is defined in article 21 as the apparatus for moving a camp and appendix 26-A includes police officers attending fairs, darbars, agricultural exhibitions. As pointed out on the previous occasion it is scarcely possible that police constables would in any case maintain *camp equipage* and the Government of India can scarcely have supposed that they would. The decision in G.O., No. 634, Financial, dated 23rd July 1898 (*vide* the Honourable Member's note of the 18th July preceding the draft order), was that there was no case for a general exemption from the operation of the ten days' rule of police officers who maintain no camp equipage, but that such cases as appear deserving of consideration should be submitted to Government as they occur. The Honourable Member was of opinion that it is best that exemptions from article 1159 should be closely watched and that they should therefore be specially sanctioned by Government. These reasons would apply equally against any general exemption of Forest officers who maintain no camp equipage.

3. As regards the cases dealt with in the Board's Proceedings, it is to be observed that article 1159 is now worked more liberally than it used to be. There appears to be no objection to the exemption of the Forest officers whose cases are dealt with in the Board's Proceedings.

C. M. Schmidt.
2-1-99.

G. Stokes.
3-1-99.

Revenue Department u.o.

G. Stokes.
3-1-99.

Revenue Department.

Secretary—

Please see the two points for orders at **A** and **B** in this department's note at page 1.

In the circumstances set forth in the Financial Department's note, halting allowance may be sanctioned as prayed for to Mr. Cowley-Brown and the other officers

named in the Board's Proceedings; but, with reference to the question of exemption from article 1159 of the Civil Service Regulations, the Board may be told that the Government prefers to deal with particular cases on their merits.

N. E. MARJORIBANKS.
10–1–99.

G. S. FORBES.
10–1–99.

For the Under Secretary—

(i) Sanction for halting allowance to Mr. Cowley-Brown and the other officers should be accorded in the Financial Department (please see G.O., No. 342, Financial, dated 19th May 1896).

(ii) The order that the officers of the Forest Department cannot by a general order be exempted from the operation of article 1159, Civil Service Regulations, but that the Government prefers to deal with particular cases on their merits, may also, it is submitted, issue in the Financial Department.

(iii) In paragraph 4 of the Board's Proceedings, the Board takes exception to the view contained in G.O., No. 34, *Financial*, dated 14th January 1896. [With reference to this it is stated in the note (of the Financial Department) that article 1159 is now worked more liberally than it used to be]. The order on paragraph 4 of the Board's Proceedings should also therefore issue in the Financial Department.

S. MIRANDA.
12–1–99.

Secretary—

Financial may be asked to issue the necessary orders if no objection. The papers may be transferred accordingly.

N. E. MARJORIBANKS.
16–1–99.

G. S. FORBES.
17–1–99.

To Financial u.o.

When given for copying
When copied 4/2
When examined 6/2 1899
When signed

READ AGAIN G.O., No.
189 . DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT	A	A	A	A	A	A	A	
LETTER OF GOVERNMENT								
STATEMENT WITH DITTO								
PAPERS TO BE FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.								

N.B.—
A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.