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18/7/99

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Financial (1899) Department.

ORDINARY PRINTED.

G.O., No. 791

DATED 14 7 99

14/14-7-99

INDEXED.

28/29

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[Despatch Abstract.]

Conveyance allowance under Art 1093 of the C.S.R

Passing orders on letter from the [illegible] regarding the correct interpretation to placed upon Art 1093 of the C.S.R in cases in which sanction may be given to the conveyance of horses & camp equipage at the cost of the State.

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18/7/99

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 (1899) of Madras.
FINANCIAL.

Recd. } 1899. *Enclosures*
Regd. } *Spare copies*

G.O., No. 791, 14th July 1899.

JULY.

Conveyance Allowance under Article 1093 of the Civil Service Regulations.

Passing orders on letter from the Government of India regarding the correct interpretation to be placed upon article 1093 of the Civil Service Regulations in cases in which sanction may be given to the conveyance of horses and camp equipage at the cost of the State.

GOVERNMENT OF MADRAS.

FINANCIAL DEPARTMENT.

Read—again the following papers:—

G.O., No. 320, Financial, dated 8th May 1896.
" " 51 " " 20th January 1897.
" " 272 " " 26th March "
" " 435 " " 2nd June "

G.O., Nos. 605, 606, Financial, dated 14th July 1898.

Abstract.—Passing orders on the claims of certain officers to conveyance allowance under article 1093 of the Civil Service Regulations, and directing that the Government of India be addressed on the question of the correct interpretation to be placed upon that article.

Read—also the following papers:—

From H. H. RISLEY, Esq., Officiating Secretary to the Government of India, Finance and Commerce Department, to the Chief Secretary to the Government of Madras, dated Calcutta, 14th January 1899, No. 195-S.R.

I am directed to refer to your letter, No. 606, Financial, dated the 14th July 1898, enquiring whether the Government of Madras has correctly understood the intention of the Government of India in the interpretation to be placed upon article 1093 of the Civil Service Regulations and requesting that the existing orders may be rendered free from doubt and, if necessary, modified, since, as at present construed, they have caused much discontent in the Presidency and appear to His Excellency the Governor to be inappropriate and inexpedient.

000, 4th Edn

2. I am to say that the Government of India would adhere to the interpretation placed upon article 1093, Civil Service Regulations, by the orders noted on the margin, which while leaving a reasonable discretion to Local Governments in the matter, appear to indicate with sufficient clearness the limits within which such discretion should be exercised. The necessity contemplated in the article in question for the conveyance of horses, camels or camp equipment by rail in the interests of the public service, is the *necessity* of an officer at once proceeding into camp on joining his new appointment, and the fact that an officer may, for instance, require his horses and carriage on arrival as a means of conveyance to his office, has never been recognised by the Government of India as justifying the charges for their removal being borne at the public cost.

(1) Resolution in this department, No. 1603, dated 10th April 1896.
(2) Letter in this department, No. 5453, dated 29th December 1896.

3. With reference to the general arguments adduced in your letter under reference for the relaxation of the restrictions hitherto imposed, I am to express regret that His Excellency the Governor-General in Council is unable to accept them. As pointed out in the letter from this department, No. 3115, dated the 27th June 1890, the question of travelling allowance to officers on transfer was previously carefully considered and decided by the Government of India in 1888, and the limit of the concessions which it was considered desirable to allow was defined in article 1205 of the Civil Service Regulations. It has always been recognised that a transfer involves some expense to the officer affected, and the responsibility of reimbursing him for the entire cost has never been accepted. His Excellency in Council therefore regrets that he is unable to re-open the decisions already come to in the matter or to take action on the lines indicated in your present letter.

Ordered that copy, with copy of the letter to which it is a reply, be forwarded to the Home Department.

Ordered also that copy be forwarded to the Accountant-General, Madras.

From the Accountant-General, Madras, dated 18th March 1899, No. 1064.
From the Public Works Department, dated 18th May 1899, No 249-D.

Order—No. 791, Financial, dated 14th July 1899.

The Governor in Council considers that, in view of the decision of the Government of India contained in the letter read above, all claims under article 1093 of the Civil Service Regulations should be submitted to Government for final approval.

2. The instructions in the last two sentences of paragraph 3 of G.O., No. 435, Financial, dated the 2nd June 1897, are cancelled. The Board of Revenue, the Chief Engineer, Public Works Department, the Inspector-General of Police and the Superintendent, Madras Survey, to whom powers of sanction under article 1093 have been delegated, will, as hitherto, pass orders on each individual claim and forward a copy of the sanctioning order in each case to the Examiner of Public Works Accounts or to the Accountant-General, as the case may be. The Board and the other authorities mentioned above will also furnish the Financial Department with a monthly statement of all sanctions.

art 1000
14th Ed

3. The Accountant-General and the Examiner of Public Works Accounts will be authorized to pass claims so admitted by Controlling authorities, but it will be clearly understood by all officers that if on revision the Government considers any particular claim inadmissible, retrenchment will follow.

4. The form laid down in paragraph 1 of G.O., No. 435, dated the 2nd June 1897, will be amended by substituting for columns 17 and 18 the following columns:—

"Column 17.—Remarks and order of the Board of Revenue or head of department."
"Column 18.—Order of Government."

The monthly statement referred to above should be furnished in the form as thus altered.

5. The Superintendent of the Government Press will supply heads of departments and officers with the forms.

(True Extract.)

G. STOKES,
Chief Secretary.

To all Departments of the Secretariat.
" the Public Department.
" the Board of Revenue (all Departments).
" the Accountant-General.
" the Superintendent, Government Press.

Exd. A. F. Eccleston.

NOTES CONNECTED WITH G.O., No. 791, FINANCIAL, DATED 14TH JULY 1899.

Letter from the Government of India, Finance and Commerce Department, No. 195-S.R., dated 14th January 1899.

Page 231 of the book-file entitled "Travelling Allowance—Conveyance of Horses and Camp Equipment."

This current is the Government of India's reply to the representation made to it in letter No. 606, Financial, dated the 14th July 1898, regarding the interpretation to be placed on article 1093 of the Civil Service Regulations. The Government of India states that it adheres to the interpretation placed upon article that in its resolutions of the 10th April and the 29th December 1896 (pages 232 and 233 of the book-file). The orders contained in these resolutions are reproduced in paragraphs 7 and 8 of this Government's letter quoted above. These orders, the Government of India states, leave a reasonable discretion to Local Governments in the matter and appear to indicate with sufficient clearness the limits within which such discretion should be exercised. The necessity contemplated in article 1093 is, the Government of India states, the *necessity* of an officer at once proceeding into camp on joining his new appointment. The Government of India refuses to reconsider the restrictions it has imposed on the application of article 1093 and concludes its letter by remarking that it has always been recognized that a transfer involves some expense to the officer affected and that the responsibility of reimbursing him for the entire cost has never been accepted.

2. India's reply is by no means satisfactory. In paragraphs 9 and 10 of the letter of the 14th July last (page 233 of the book-file), the lines upon which article 1093 had been worked by this Government were clearly set out, and in paragraph 11 (page 234 of the book-file) a doubt was expressed as to whether this Government had not construed the intentions of the Government of India too literally. India has not replied specifically on this point, which was really the main object of the letter.

Then our remedy is to construe it for ourselves. I said at the time, and I still think, it would have been much better if no reference had been made to India.

(Intld.) G.S.
3–2–99.

The C.S. thought a reference would probably be required by the Accountant-General (page 222).

(Intld.) A.T.A.

3. It is for orders now whether article 1093 is to be construed in the future as it has been in the past, *i.e.*, as set out in paragraph 9 of the letter of the 14th July last (page 233 of the book-file). It is also submitted for consideration whether the form prescribed in G.O., No. 435, Financial, dated 2nd June 1897, (page 191 of the book-file) in which sanctions under article 1093 are reported to the Accountant-General should be maintained. This form provides merely an automatic test.

I think this procedure should be revised and abandoned. India gives this Government a discretion and the difficulty has arisen because this Government has tried to avoid the responsibility and trouble. If Government will pass orders on each case as required, no injustice will be done.

(Intld.) G.S.
3–2–99.

4. The Government of India has left this matter very much where it was, in stating that the necessity contemplated in article 1093 is the necessity of an officer at once proceeding into camp on joining his new appointment. This does not assist this Government much in exercising the discretion which is supposed to be vested in it. If India means that it is only when an officer is obliged to at once proceed into camp on joining his new appointment that article 1093 can be applied, the question arises whether it expects officers to rail their horses and camp equipment on the *chance* of this necessity arising on their joining a new appointment, when they could recover the cost of transit from Government; or whether it expects officers to rail their horses and camp equipment to a new station only when they know, *before starting for that station*, that they will have to proceed at once into camp on joining the new appointment. If India's instructions in connection with article 1093 are to be as literally construed in future as they have been in the past, it would seem to be a matter for consideration whether the rules as regards the number of horses to be kept by Collectors and Divisional officers (please see addendum No. 9 to the Indian Civil Service Manual, opposite page 30) should not be modified. In any case some of the irritation which has been produced by India's rulings in regard to article 1093 would in this Presidency be removed if officers were not compelled to keep a certain number of horses and, in the majority of cases of transfer, to pay for their transport from one part of the Presidency to another. In some districts bicycles must soon take a large part in touring—to the advantage of Government and the saving of an officer's pocket.

It is the necessity which may arise. An officer proceeding to take up the charge of a district is placing under the necessity of having horses and camp equipment to proceed into camp at once. A Judge as plainly is not.

(Intld.) G.S.
3-2-99.

(Intld.) C.M.S.
2-2-99.

H.M. and circulate.

I think Government should undo all it has done in this matter and start clear on its basis of the orders as they stood originally, applying to them India's subsequent instructions.

(Intld.) G.S.
3-2-99.

As the Government of India have declined to make any alteration of the rule out of consideration to the interests of officers transferred or on tour, this Government must accept the position, and leave the interests of the individual out of the question.

Article 1093, Civil Service Regulations, requires the Local Government to be satisfied that it is *in the interests of the public service* that an officer required to travel should send his horses and camp equipment by rail or steamer, before permitting him to recover the cost of so doing.

In G.O., No. 320, Financial, dated 8th May 1896 (page 167 of book file), the Government of India explain that "the rule is intended to meet the more or less exceptional case of an officer requiring for the discharge of his official duties to make use of his horses or camp equipment in one place immediately or very shortly after having had to use them in the public service in another place, and who is therefore obliged *in the interests of the public service* to convey them by rail or steamer." In paragraph 4 of India's letter in G.O., No. 51, Financial, dated 20th January 1897, the same principle is reaffirmed.

There is no doubt that the application of the principle in this Presidency has been rendered more difficult by the character of the work of our officers and by frequency of transfers which has brought the interest of the individual to a prominence it ought not to occupy.

I think a simplification may be effected on the following lines.

The public interests alone are to be considered and not the personal interests of the officers concerned. Guided by this principle the Board of Revenue, Inspector-General of Police and any other head of a department to whom the matter applies, when forwarding a minute of appointment involving a transfer should state whether or not the officer to be transferred should be required to proceed "ready equipped for urgent duty." In the Government office the Secretary will note on or with the minute the recommendation with any remark that may appear necessary, and if not objected to in circulation the recommendation will be accepted, and the words "ready equipped" or an equivalent will be inserted in the Gazette with the appointment, and will be an intimation to the officer of what is expected of him. With regard to appointments and transfers of members of the Indian Civil Service (Judicial appointments being excluded), the Chief Secretary will make the same recommendation with the minute of appointments and the Secretary to Government, Public Works Department, in the case of Public Works officers. In the very exceptional cases where the head of a department orders a transfer in anticipation of the approval of Government, he will issue the order himself as to proceeding equipped for urgent duty.

I think the present opportunity should be taken to modify the rules as to the maintenance of horses and ponies (*vide* paragraph 4 of the office-note). As regards Collectors I think it is unbecoming for Government to tell an officer whom it considers fit to rule a country that may be as large as the kingdom of Saxony, and a population of one or two millions of people, how he is to move about his district. The Collector who knew more of his district than any Collector I have met—Mr. R. K. Puckle—kept one horse and a bullock coach. Another officer I knew who used the bicycle and hated riding on horseback, told me that if he were ordered to keep a horse, of course he would buy one, but nothing would induce him to mount it! Collectors should be left to decide what is necessary for themselves and for their subordinates, and the rule should, I think, be reduced to the following very simple pronouncement :—

All officers have now to qualify in riding.

> "Every officer of the Land Revenue Department of and above the rank of Tahsildar (except the Special Assistant Agents of Ganjám and Vizagapatam), who is required to spend a portion of the year in touring, is expected to keep and maintain one or more serviceable riding horses or ponies."

I shall be glad if the Chief Secretary and Revenue Secretary will comment on the foregoing proposals and return the file to me before circulation.

(Intld.) A.T.A.
28-2-99.

The office-note refers mainly to *transfers* from one district to another, but the same principle—regard for public and not individual interests—must be the guide for tours within a district. What is the present system of sanction and control in the latter class of cases?

(Intld.) A.T.A.
3-3-99.

The check is the same in both cases. The head of the department on delegation to him of its power by Government will determine alike in the case of tours and transfers whether the charge should be admitted having regard to the circumstances of each case. At present the head of department controls in the case of both tours and transfers.

(Intld.) G.S.
8-3-99.

No. 688, dated 9th March 1899.

To the Revenue Department (u.o.).

(Intld.) G.S.
8-3-99.

To Under Secretary.

The Honourable Member has asked for the Secretary's opinion on the proposals made by him. The previous Revenue notes will be found on pages 12 to 17 and 20 to 22 of the printed notes stitched with G.O., No. 605, Financial, dated 14th July 1898.

(Intld.) K.N.M.
13–3–99.

Secretary.

(Intld.) N.E.M.
15–3–99.

Has not India's recent orders settled the main points in issue in this file or some of them?

(Intld.) G.S.F.

To Secretary (through the Under Secretary).

No, sir. India's recent orders left things in *statu quo.* The Honourable Member therefore thinks that definite rules should be framed on the subject and propounds a scheme which he has sent for the Secretary's opinion specially.

(Intld.) K.N.M.
17–5–99.

Secretary.

(Intld.) N.E.M.
17–5–99.

I am sorry I have kept this file so long, but I was under the misapprehension that further orders had been received from the Government of India. I find I was mistaken.

I think the intention of the Government of India is to leave the whole matter to the discretion of the Local Government. They plainly, in my opinion, do not care to lay down hard and fast lines which though applicable to the circumstances of one Province or Presidency might be unsuitable for another.

I am inclined to think that having regard to the officers more directly under this department, it would be most expedient to lay down once for all that in the case of officers holding certain appointments it will, in the absence of specific orders to the contrary, be understood that they are to proceed "ready equipped".

This would avoid the constant repetition in the Gazette of the phrase: and I think it might invite undesirable criticism to have the phrase perpetually appearing in the Gazette.

In this Presidency we have no limited touring season, and every officer appointed as Collector to the charge of a district or as a Divisional officer to the charge of a division must be prepared to go out at once. The fact that they have also magisterial duties only emphasizes the obligation.

I would therefore lay down once for all that all Collectors and Divisional officers are to proceed ready equipped. In the same category and for similar reasons would be included Forest officers and Survey and Settlement officers who are required to maintain horses and camp equipment.

If any other officers should be included the Board may report them.

In his marginal note on page 2, the Chief Secretary brings out the distinction between officers who should be in this class and those who should not be, *e.g.*, the whole class of Judicial officers, would not be in the category. Nor would Assistant Collectors or Probationary Deputy Collectors without a divisional charge or on first appointment.

These remarks are intended to apply primarily to transfers from district to district.

For tours within the district, nothing should be passed under this head unless the Collector or the Board, as the case may be, certifies (under powers delegated by Government) that in the interests of the public service it was absolutely necessary to proceed immediately with the number of horses and the quantity of equipment taken and that the distance was at least 50 (?) miles.

(Intld.) A.T.A.

There is a marked distinction between transfers and tours within a district, since in the latter case the officer has the district organization to help him.

The H. M's. rule about horses would seem to meet the requirements of the case and is certainly all that need appear in the Standing Orders.

(Intld.) G.S.F.
20–5–99.

To the Financial Department (u.o.).

FINANCIAL DEPARTMENT.

To the Hon'ble Mr. Arundel in reply to his note.

(Intld.) G.S.
26–5–99.

I presume the Chief Secretary agrees with the Revenue Secretary's note. If so, I am prepared to accept it.

(Intld.) A.T.A.
29–5–99.

Yes. I think the lines of the Revenue Secretary's note are quite sound. If the Accountant-General will accept the classification of officers suggested, I think it a very good way out of the difficulties of the position.

(Intld.) G.S.
30–5–99.

I agree.

(Intld.) H.M.W.
5–6–99.

No. 1521, dated 7th June 1899.

To the Accountant-General (u.o.).

(Intld.) G.S.
6–6–99.

Acct.-General's office.
15–6–99.

No. 68.

The proposal to lay down once for all that certain classes of officers should, in the absence of specific orders to the contrary, get the benefit of article 1093 seems to me inadmissible having regard to the wording of the article "by special order in each case." As regards the suggested classification of officers more directly under the Revenue department it seems to be based on the distinction between officers who are required to maintain horses, &c., and those who are not, and this arrangement seems opposed to Government of India No. 1603-Ex., dated 10th April 1896, "it was not its intention that officers should, &c., *even when the nature of their duties required them to maintain horses or camp equipment.*" The orders of 14th January 1899 about the *necessity* of an officer at once proceeding into camp seem intended to answer the objection in paragraph 17 of the Madras Government's letter that transferred officers are induced to go out on tour unnecessarily in order to get the benefit of article 1093. As for sudden emergencies I infer that the idea of the Government of India is that in such cases an officer can in most cases trust to being able to make shift with temporary arrangements.

(Intld.) W.H.D.
Offg. Accountant-General.

To the Chief Secretary to Government, Financial Department.

FINANCIAL DEPARTMENT.

H. M.'s.

I feared the Accountant-General would not accept the classification of officers and would require *orders in each case.* This can be met by requiring the statement of cases now passed by the Board to be sent on to Government who in a line can pass orders on each case. The cases in departments other than Revenue are not many and they might be submitted by the head of the department in a statement like that which would come from the Board. I think in this way alone can we secure justice to both the individual and the public interests.

(Intld.) G.S.
17-6-99.

Very well.

(Intld.) A.T.A.
19-6-99.

(Intld.) H.M.W.
24-6-99.

I gladly agree with the Honourable Member.

(Intld.) A.E.H.
9-7-99.

further note & D.O. as annexed sheet
sent to Madras for printing up.
[illegible]

[illegible]
23/8/[illegible]

Copy of D.O. from the Secretary to Government, Revenue Department, to the Secretary to the Board of Revenue (Land Rev) Secretary to the Board of Revenue(Separate Rev.) and ~~Sec~~ Dy. Director of Land Rev. & Agri. in charge of the office of Secretary to the Board of Revenue (Rev. Settlement &c.), No. 163, dated 15th July 1899:-

With reference to G.O.No.791,Financial, dated 14th July 1899 on the Government of India letter No.195 S.R., dated 14th January 1899, regarding the future disposal of claims under article 1093 of the Civil Service Regulations, I am to explain that the intention of Government at first was to lay down once for all a rule that certain classes of officers (to be specified in the rule), like those in charge of districts or divisions who were required to maintain horses and camp equipment, should, in the absence of specific orders to the ~~country~~ contrary, get the benefit of the article. The rule however was to apply primarily to transfers from district to district and was to be extended to tours within a district, only if the Collector or the Board of Revenue, as the case might be, ~~carried~~ certified that in the interests of the public service it was absolutely necessary for the officer concerned to proceed immediately with the number of horses and the quantity of equipment taken by him and that the distance was not short-i.e not less than about say 50 miles.

The Accountant-General, however, on the matter being referred to him un-officially, has taken exception to the proposed rule on the ground that it might conflict with the views expressed by the Government of India in its Resolution No.1603 Fx., dated 10th April 1896, and would have the old practice continued of each doubtful case being submitted for the orders of Government. The present G.O.is issued to meet the Accountant General's objection, and at the same time to curtail unnecessary correspondence.

Rec
12/9/99

[F.]
1,00 4-98.

Financial (1899) Department.

CURRENT No. 263.

From the Government of India Finance & Commerce Dept.

Order

No. 195. S.R.

Dated 14th January 1899

Received 18th " "

Registered 18th " "

Enclosures

Spare copies.

SUBJECT.

Stating that the Government of India adheres to the interpretation placed upon Article 1093, Civil Service Regulations, ~~dealing about~~ regarding the Conveyance of horses, Camels & Camp Equipment by rail, and that it is unable to take action on the lines indicated by the Madras Government.

BACK PAPERS. 9

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Fml

CURRENT. NO. 263.

3B

No.195-S.R.

Government of India.

FINANCE and COMMERCE DEPARTMENT.

Calcutta, the 14th January 1899.

CHIEF SECRETARY
14 JAN 1899
GOVERNMENT OF MADRAS

To

The CHIEF SECRETARY to the GOVERNMENT of MADRAS.

Sir,

A I am directed to refer to your letter No.605 Financial, dated the 14th July 1898, enquiring whether the Government of Madras has correctly understood the intention of the Government of India in the interpretation to be placed upon Article 1093 of the Civil Service Regulations and requesting that the existing orders may be rendered free from doubt and, if necessary, modified, since as at present construed, they have caused much discontent in the Presidency and appear to His Excellency the Governor to be inappropriate and inexpedient.

2. I am to say that the Government of India would adhere to the interpretation placed upon Article 1093, Civil Service Regulations, by the orders noted on the margin, which while leaving a reasonable discretion to Local Governments in the matter, appear to indicate with sufficient clearness the limits within which such discretion should be exercised. The necessity contemplated in the Article in question for the conveyance of horses, camels or camp equipment by rail in the interests of the public service, is the necessity of an officer at once proceeding into camp on joining his new appointment, and the fact that an officer may, for instance, require his horses and carriage on arrival as a means of conveyance to his office, has never been recognised by the Government of India as

B 80320 Fml / 8.5.96
1. Resolution in this Department, No.1603, dated 10th April 1896
C 8057 Fml 20.1.97
2. Letter in this Department No. 5453, dated 29th December 1896

as justifying the charges for their removal being borne at the public cost.

3. With reference to the general arguments adduced in your letter under reference for the relaxation of the restrictions hitherto imposed, I am to express regret that His Excellency the Governor-General in Council is unable to accept them. As pointed out in the letter from this Department No.3115 dated the 27th June 1890, the question of travelling allowance to officers on transfer was previously carefully considered and decided by the Government of India in 1888, and the limit of the concessions which it was considered desirable to allow was defined in Article 1205 of the Civil Service regulations. It has always been recognised that a transfer involves some expense to the officer affected, and the responsibility of reimbursing him for the entire cost has never been accepted. His Excellency in Council therefore regrets that he is unable to reopen the decisions already come to in the matter or to take action on the lines indicated in your present letter.

A.O. 4947 Dy
D. 20.7.90

This applies only to
non-gazetted officers
in receipt of salaries
up to Rs 400 p. m.
Cuel

I have the honour to be,
Sir,
Your most obedient servant,
H. H. Risley
Offg. Secy. to the Govt. of India.

Ordered that copy, with copy of the letter to which it is a reply, be forwarded to the Home Department.

Ordered also that copy be forwarded to the Accountant General, Madras.

Strong

Financial (1899) Department.

CURRENT No. 1197

CHIEF SECRETARIAT
19 MAR 1899
GOVERNMENT OF MADRAS

From The Accountant-General
Madras.

~~Order~~

No. 1064

For the C.S.

Orders are solicited as to whether the A.G. should be informed at once in the sense of the C.S.'s pencil note at the foot of his letter, or whether the disposal of this current may await that of the letter from India which is now with Revenue (u.o.)

C.M.S.
25/3/99

Wait the letter.

Ret.
Bring at once

Dated 18th March 1899
Received 19. 3. 99
Registered 20. 3. 99
Enclosures
Spare copies

SUBJECT.

Suggesting that clear and explicit instructions may be laid down as to the cases in which the concession of carrying horses and camp equipage at the cost of the State may be sanctioned.

For the C.S.

Revenue may, it is said, be reminded about this file

C.A.
File submitted

Ret.
17.4.99.

C.M.S.
17. 4. 99

17/4

BACK PAPERS.

G.O.	No.	Department.	Date.
Cir	263/98.		
S.C.	320	Mil	8.5.96.
	loose	in file	

FURTHER PAPERS.

G.O.	No.	Department.	Date.

CURRENT No. 1197

Gazetted Audit Department.

Fort St. George,
Accountant-General's Office,
18th March 1899.

No. 1064

From

T. HESKETH BIGGS ESQ.,
ACCOUNTANT-GENERAL to the
GOVERNMENT OF MADRAS,

To

The Chief Secretary to Government,
Financial Department.

Sir,

Cir 263
no to Rev. D. 688/9.3.99 D

I have the honour to invite your attention to the letter from the Government of India No.195 ,S.R.dated 14th January last regarding the interpretation to be placed on article 1093 of the Civil Service Regulations, in cases in which sanction may be given to the conveyance by rail of Camp equipage and horses at the cost of the State.

2. In the case of transfers the Government of India point out that "the necessity contemplated in the article in question for the conveyance of horses &c. by rail is the necessity of an Officer proceeding into Camp on joining his new appointment."

The only condition on which the cost can be sanctioned therefore, is that it was necessary for the transferred Officer to be prepared to start into camp immediately on joining his new appointment, and it was therefore necessary that he should convey his horses &c. by rail or steamer. This would mean that it would not have been possible for him to get other horses, or other means of transport at his new station either by hiring or borrowing as a temporary arrangement pending the arrival of his own by road, or to replace his own, the latter having been sold.

3. In the case of tours similar conditions apply. The rule is only intended to meet the more or less exceptional case of an Officer requiring for the discharge of his Official duties to make use of his horses or Camp equipment in one place immediately or very shortly after having had to use them in the public service in another place, and who is therefore in the interest of the public service obliged to convey them by railway or steamer-vide Government of India Finance and Commerce No.1603 Ex., dated 10th April 1896. No 320 Fml / 8.5.96

As sanctions are now being given which are not in accordance with these orders I have the honour to suggest clear and explicit instructions being laid down as to the cases in which the concession of carrying horses and Camp equipage at the cost of the state may be sanctioned.

I have the honour to be,

Sir,

Your most obedient servant,

Accountant-General.

Hon.

It is for the Govt. to construe the rules having regard to the Govt. of India ruling in explanation & to the circumstances of the each case. It is not for [illegible] to lay any clear & explicit instructions in the matter.

[G. / 75]

—20-21-11-96.

Fml C. No. 1197

NOTE FOR THE Revenue dept.

U.O. No 1075 d/ 22.4.99

Financial current No 263 — a letter from the Govt of India regarding the existing rules on the subject of the conveyance of horses and camp equipage by rail — with connected papers was sent u.o. to the Revenue dept under endt 688 on the 9th ultimo. Will Revenue please expedite the return of the file?

C.M.S.
20.4.99

21.4.99

To Under Secy

The Hon. desired to have the Secy's views on the matter and it is still under the Secy's consideration.

22.4.99

Secy

24/4/99

Office

Has not India's recent orders settled the main points?

[F./28]
500—23-2-98.

Financial (1899) Department.

CURRENT No. 1923

U.S.i. Please see C No 1197 F
— the file is still in Revenue.

19/5/99

~~Order.~~ For the C.S.

May Revenue be asked to expedite the return of the file?

20 5 99

U.O. No 1352 d/ 25. 5. 99.
Will Rev: ple[illegible] say what
is being d[illegible] about the
file.

22/5

Revenue Department

To under Secy
The file was returned this (25th) morning to the F.D.

25. V. 99

29/V/99

To Fin. No.

CHIEF SECRETARIAT, OOTACAMUND.
29 MAY 1899

From P. W. D.

No. 249. D

Dated 18. 5. 99

Received
Registered } 19. " "

Enclosures 2

Spare copies -

SUBJECT.

Referring to the Fin. Dept. office note from the Exr. P. W. Accts No 1426 B/2 d/9.5.99 requesting to be informed if any orders have been received from the Govt of India on the question of the correct interpretation to be placed on article 1093 of the C.S.R.

/C/

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Copy of Office Note from the Examiner of P.W. Accounts, No: 4211 B/E of 12th December 1898:—

—

Will you kindly favour me with a copy of the orders of the Government of India (if received) on the reference ma to that Government on the question of the correct interpretation to be placed on Article 1093 of the C.S. Regulations. Vide Para 1 of G.O., Financial, No: 605 of 14th July 1898, Communicated with G.O. No: 2211 W of 30th August 1898. R

—

Copy of Endorsement No: 5702 C of 16th December 98

—

The orders ~~of the Government~~ of the Government of India have not yet been received.

—

(True copy)

H. Ramaswami Aiyar
Head Clerk, P.W. Secretariat

1899
Fin Dept.
Enclos. No 1
To
C. No. 1923

Fy Financial CURRENT NO. 1923

No. 2199

E- No. 27.
1,000—16-5-98

KEEP-WITH CURRENT No.

dated 189 .

GOVT. OF MADRAS. } 1899 { P.W. DEPT.

EXAMINER, P. W. ACCOUNTS.

Madras, 9th May 1899

OFFICE NOTE No. 1426 $\frac{B}{E}$

To.

W.

With reference to your O.N. No.5702 C dated 16th: December 1898 will you kindly let me know if any -- orders have been received from the -- Government of India on the question of the correct interpretation to be placed on Article 1093 of the C.S.R.

0

@ 9.5.99

For Offg: C.

9.5.99.

1899
Fin Dept.
Enclss No 2
1923

Dy Financial CURRENT NO. 1923

.No 249 D

Recd }
Regd } 19.5.99
Enclos. 2.

Government of Madras,
P.W. DEPARTMENT.

MEMORANDUM.

CHIEF SECRETARIAT
19 MAY 1899
OOTACAMUND.

Dated ~~Madras,~~ Ootacamund 18th May 1899.

Office note from the Examiner, P.W. Accounts, No: 1426 B/E of 9th May 99.

Referred to the Financial Department.

A S Russell
Under Secretary.

To
The Financial Department with a copy of the Examiner's Office Note No: 4211 B/E of 12th Dec 98
Do P.W. Endorsement No: 5702 C of 16th Dec 98

[P. W. 41.
1,000—17-2-99.]

Rev Dept

It is presumed that every case in which it is proposed to retrench a Rev Officer under para 3 will be sent to this Dept for concurrence or remarks so that the administrative aspect of the case may be fully considered. If so, there is no objection in this Dept to the draft order

30.6.99

To Fin'l Dept u.o.

CHIEF SECRETARIAT
1 - JUL. 1899
OOTACAMUND.

Yes. The above course sh'd be followed in the case of all Depts.

P W D

C 4.2.99.
R. 6.3.99.

Press
Print as marked

Letter from the Govt of India, Finance & Commerce dept, No 195 S.R. dated 14th January 1899

C 31.5.99
R 5/6/99

Financial Department

NOTES CONNECTED WITH G.O.
No 791, FINANCIAL,
DATED 14th JULY 1899.

FOR ORDERS.

This current is the Govt. of India's reply to the representation made to it regarding the interpretation to be placed on article 1093 of the C.S.R. in letter No.606, Finl., d/ the 14th July 1898. The Govt. of India states that it adheres to the interpretation placed upon article 1093 in its resolutions of the 10th April and the 29th Decr. 1896. The orders contained in these resolutions are reproduced in paragraphs 7 & 8 of this Govt's letter quoted above. These orders, the Govt. of India states, leave a reasonable discretion to Local Govts. in the matter and appear to indicate with sufficient clearness the limits within which such discretion should be exercised. The necessity contemplated in article 1093 is, the Govt. of India states, the necessity of an officer at once proceeding into camp on joining his new appointment. The Govt. of India refuses to reconsider the restrictions it has imposed on the application of article 1093 and concludes its letter by remarking that it has always been recognized that a transfer involves some expense to the officer affected and that the responsibility of r reply

page 231 of the book-file
— Travelling Allowance - Conveyance of Horses and Camp Equipment.

pages 232 & 233 of the book-file

him for the entire cost has never been accepted.

2. India's reply is by no means satisfactory. In paragraphs 9 & 10 of the letter of the 14th July last, the lines upon which ~~t~~ article 1093 had been worked by this Govt. were clearly set out and in para 11 a doubt was expressed ~~that~~ as to whether this Govt. had not construed the intentions of the Govt. of India too literally. India has not replied specifically on this point, which was really the main object of the letter.

3. It is for orders now whether article 1093 is to be ~~considered~~ construed in the future as it has been in the past, i.e. as set out in para 9 of the letter of the 14th July last. It is also submitted for consideration whether the form prescribed in G.O.No.425 Finl., d/2nd June 1897, in which sanctions under article 1093 are reported to the Acct. Genl. should be maintained. This form provides merely an automatic test.

4 The Govt. of India has left this matter very much where it was, in stating that the necessity contemplated in article 1093 is the necessity of an officer at once proceeding into camp on joining his new appointment. This does not ~~The Govt. of India has not~~ assist~~s~~ this Govt. much in exercising the discretion which is supposed to be vested in it. If India means that it is only when an officer is obliged to at once proceed into camp on joining his new appointment that article 1093 can be applied, the question arises whether it expects officers to rail their horses and camp equipment on the chance of this necessity arising on their joining a new appointment, when they could recover the cost of ~~their~~ transit from Govt., or whether it expects officers only to rail their horses and camp equipment to a new station, when they know, before starting for that station, that they will have to proceed at once into camp on joining the new appointment. If India's instructions in connection with article 1093 are to be as literally construed in future as they have been in the past, it would seem to be a matter for consideration whether the rules as regards the number of horses to be kept by Collectors and Divisional Officers (please see addendum No.9 to the I.C.S. Manual, opposite page 30) should not be modified. In any case some of the irritation which has been produced by India's rulings in regard to article 1093 would in this Presy. be removed, if officers were not compelled to keep a certain number of horses and, in the majority of cases of transfer, to pay for their transport from one part of the Presy. to another. A

5th The linked files contain cases which have been awaiting the present reply

page 253 of the book-file

" 254 -do-

Print in Margin

The one remedy is to undertake it for ourselves. I said at the time and I still think it wd have been much better if no reference had been made to India.

page 253 of the book-file

The C.S. probably thought a ref. wd be required by the A.G. (p 222)

page 191 of the book-file

I certainly think this procedure sh'd be revised and abandoned. India gives this Govt a discretion and the difficulty has arisen because this Govt has tried to avoid the responsibility and trouble. If Govt will pass orders in each case as required, no injustice will be done.

Print in margin

It is the necessity which may arise. An officer proceeding to take up the charge of a district is plainly under the necessity of having horses & camp equipment to proceed into camp at once. A Judge as plainly is not.

Press, disregard the blue chalking.

A

Press, omit para (5)th

In some districts bicycles must soon take a large part in touring to the advantage of Govt & the saving of an officer's pocket reply and they are now submitted for orders, the notes in each case being already complete.

omit

H.M. and circulate

A

Circ. 2.2.99

I think Govt. should undo all it has done in this matter and start clear on the basis of the orders as they stand originally applying to them India's subsequent instructions.

3/2

The orders on the linked file can not be disposed of till the principles on which Govt. is going to deal with this matter are settled. I have therefore directed that they be removed pending orders on this file.

3/2

omit

omit

See added sheet.
28.2.99

As the Govt. of India have declined to make any alteration of the rule out of consideration to the interests of officers transferred ord o[illegible]; this Govt. must accept the position, and leave the interests of the individual out of the question.

Art 1093 C.S.R. requires the Local Govt. to be satisfied that it is in the interests of the public service that an officer required ~~then~~ to travel should send his horses & camp equipment by rail or steamer, before permitting him to recover the cost of so doing.

In G.O. No. 320 Fin. of 8th May 1896 (p. 167 of book file) ~~this~~ the Govt. of India explain that "the rule is intended to meet ~~the~~ more or less exceptional case of an officer requiring for the discharge of his official duties to make use of his horses or camp equipment in one place immediately or very shortly after having had to use them in the public service in another place, & who is therefor obliged in the interests of the public service to convey them by rail or steamer." In para 4 of India's letter in G.O. No 51 Fin. 20th Jany 1897 the same principle is reaffirmed.

There is no doubt that the application of the principle in this Presy has been rendered more difficult by the character of the work of our officers & by frequency of transfers wh. has brought the interest of the individual to a prominence it ought not to occupy.

I think a simplification may be effected on the following lines.

The public interests alone are to be considered and not the personal interests of the officers concerned.

Guided by this principle the Bd. of Rev., Inspr. Genl of Police and any other Head of a Dept to whom the matter applies, when forwarding a minute of appointment involving a transfer should state whether or not the officer to be transferred should be required to proceed "ready equipped for urgent duty". In the Govt. office the Secy. will note on or with the minute the recommendation with any remark that may appear necessary; and if not objected to in circn. the recommn. will be accepted, and the words "ready equipped" or an equivalent will be inserted ~~top~~ in the Gazette with the appointment. and will be an intimation to the officer of what is expected of him. With regard to appointments & transfers of members of the I.C.S. ~~or Xxx~~ (Judicial appts. being excluded) the C.S. will make the same recommn. with the minute of appt. and the Secy. to Govt. P.W.D. in the case of P.W. officers.

~~As regards~~
In the very exceptional cases where the Hd. of a Dept. orders a transfer in anticipation of the approval of Govt., he will issue the order himself as to proceeding equipped for urgent duty.

I think the present opportunity should be taken to modify the rules as to the maintenance of horses & ponies (vide para 4 of the Office Note). As regards Collectors I think it is unbecoming for Govt. to tell an officer whom it considers fit to rule a country that may be as large as the kingdom of Saxony, and a population of one or two millions of people, how he ought to move about his district. The Collr. who knew more of his district than any ~~[illegible]~~ Collector I have met, – Mr. R.K. Puckle – kept one horse and a bullock coach. Another officer I knew who used the bicycle & hated riding on horseback, told me that if he were ordered to keep a horse, of course he wd. buy one, but nothing would induce him to mount it! ~~Or~~ Collectors should be left to decide what is necessary for themselves & for their subordinates, and the ~~mere to~~ rule should I think be reduced to the following very simple pronouncement.

All officers have ~~now~~ to qualify in riding

9

"Every Officer of the Land Rev. Dept. of & above the rank of Tahsildar (except the Special Asst. Agents of Ganjam & Vizagapatam) who is required to spend a portion of the year in touring, is expected to keep and maintain one or more serviceable riding horses or ponies."

I shall be glad if the C.S. and Rev. Secy. will comment on the foregoing proposals & return the file to me before circulation.

ALA 28.2.99.

(4)

The office note refers mainly to transfers from one district to another, but the same principle – regard for public and not individual interests must be the guide for tours within a district. What is the present system of sanction & control in the latter class of cases.

ALA 3.3.99

No. 688, d/9-3-99.

(6) Rev. Dept. u.o. H 8/7/99.

I gladly agree with the Hon. Member

A.H. 9.7.99

(5)

The change is the same in both cases. The Hd. of the Dept. on delegation to him of its powers by Govt. will determine alike in the case of tours & transfers whether the charge sh'd be admitted having regard to the circumstances of each case – At present the Hd. of Dept. controls in the case of both tours & transfers.

H 8/7/99.

Revenue Dept

(7)

To Under Secy

The H.M. has asked for the Secy's opinion on the proposals made by him. The previous Rev: notes will be found on pp 12 to 17 and 20 to 22 of the printed notes stitched with G.O. No 605 Firl dy 14-7-98

13.3.99

(8)

Secy

15/3/99

(9)

Has not India's recent orders settled the main points in issue in this file or some of them?

S.J.

(10)

To Secy (thro the Under Secy)

No Sir. India's ~~de~~ recent orders left things in statu quo. The H.M. therefore thinks that definite rules should be framed on the subject and propounds a scheme which he has ~~been~~ sent for the Secy's opinion specially.

18.3.99

17/3/99

---

(11)

I am sorry I have kept this file so long but I was under the misapprehension that further orders had been received from the Govt of India: I find I was mistaken.

I think the intention of the Govt of India is to leave the whole matter to the discretion of the local Govt. They plainly in my opinion do not care to lay down hard & fast lines which tho applicable to the circs of one Province or Presy might be [illegible] unsuitable for another.

I am inclined to think that having regard to the officers more directly under this Dept. it wd be most expedient to lay down once for all that in the case of officers holding certain ap-

17-7-99

t will, in the absence of specific orders to the contrary, be understood that they are to proceed "ready equipped".

This wd. avoid the constant repetition in the Gazette of the phrase: & I think it might invite undesirable criticism to have the phrase perpetually appearing in the Gazette.

In this Pr. we have no limited ~~[illegible]~~ touring season, & every officer appd. as Collr. to the charge of a distt. or as a Divisional Officer to the charge of a division must be prepared to go out at once: the fact that they have also magisterial duties only emphasises ~~[illegible]~~ the obligation. ~~[illegible]~~

~~[illegible]~~ I wd. therefore lay down once for all that all Collectors & D.Os are to proceed ready equipped. In the same category for similar

13 reasons wd. be included Forest officers & survey & Settlt. officers who are required to maintain horses & camp equipment.

If any other officers shd be included the Board may report them.

In his marginal note on p. 3 the Chief Secy. brings out the distinction between officers who shd be in this class & those who shd not be e.g. the whole class of Judicial officers wd. not be in the category. Nor wd. Asst. Collectors or Deputy D.Cs without a divisional charge or on first appt.

These remarks are intended to apply primarily to transfers ~~[illegible]~~ from district to district.

For tours within the district, nothing shd. be passed under this head unless the Collector or the Board as the case may be, certifies (~~[illegible]~~ under powers delegated by Govt.) that in the

17-7-9

c 29.5.99
R 29.5.99

interests of the public service it was absolutely necessary to proceed immediately with the no. of horses & the quantity of equipment taken and that the distance was at least 50(?) miles. There is a marked distinction between transfers & tours within a district, since in the latter case the officer has the district organization to help him.

The H. M.'s rule about horses wd. seem to meet ~~all~~ the requirements of the case & is certainly all that need appear in the Standing Orders

29/5/99

To Fin. Dept. u.o.

(12)

~~and~~ Hon. Mr. Arundel - in reply to his note.

26/5/99.

CHIEF SECRETARIAT
25 MAY 1899
OOTACAMUND

In the same category & for similar.

Ggl. No. 62

A

(14)

Yes. I think the lines of the Rev. Secy's note are quite sound. If the A. G. will accept the classification of officers suggested I think it a very good way out of the difficulties of the position.

30/5/99.

AA

(13)

I presume the C.S. agrees with the Rev. Secy's note. If so I am prepared to accept it

AA 29.5.99

(15)

I agree HS.
5-6-99

Acctt. Genl's Office
9 JUN 1899

(16)

A. G. u.o. No. 1521 of 7 June 1899

c 19/6/99.
R 20/6/99

c 22/6/99
R 26/6/99

(18) H. M. & Hon. Mr. Winterbotham

I presume the A. G. wd. not accept the classification of officers and wd. require orders in each case. This can be met by requiring the statement of cases now passed by the Board ~~being~~ to be sent on to Govt. who in a line can pass orders on each case. The cases in depts. other than Rev. are not many and they might be submitted by the Hds. of the Depts. in a statement like that which wd. come from the Bd. I think in this way alone can we secure justice ~~both~~ to both the individual and the public ~~service~~ interests

7/6/99. (19)

Draft pl.

17/6/99. Very well.

AA 19.6.99 (20)

HS
20/6/99

(17)

15 The proposal to lay down once for all that certain classes of officers should, in the absence of specific orders to the contrary, get the benefit of article 1093 seems to me inadmissible having regard to the wording of the article "by special order in each case". As regards the suggested classification of officers more directly under the Revenue Department it seems to be based on the distinction between officers who are required to maintain horses &c and those who are not, and this arrangement seems opposed to Government of India 1603 Ex dated 10 april 1896. "it was not its intention that officers should &c... even when the nature of their duties required them to maintain horses or camp equipment". The orders of 14 January 1899 about the necessity of an officer at once proceeding into camp seem intended to answer the objection in para 17 of the Madras Government's letter that transferred officers are induced to go out on tour unnecessarily in order to get the benefit of article 1093. As for sudden emergencies I infer that the idea of the Government of India is that in such cases an officer can in most cases trus

trust to being able to make shift with temporary arrangements.

No 68

15-6-99.

W.H.D.
Offg A.G.

To

The Chief Secretary to Govt.,

Financial Department.

78

CHIEF SECRETARY
17 JUN. 1899
GOVERNMENT OF MADRAS

Copy of Notes on this page and copy of the D.O. to Board sent down to Madras to be printed

G.S.
14.

[F. / 24]
70-21-3-96.

C 6-7-99 C 8-7-99
R 7-7-99 R 10-7-99

2

For H.C. / R.S. MR 10/7/99

Sent to R.D. ~~[illegible]~~ back. MR

~~[illegible] G.O. sharp & then~~

Ask Rev/H.C. to take copy of such notes as we are required & send back the file to Finl. soon as issue of order ~~[illegible]~~ save notes printed ~~[illegible]~~

[illegible]

Issue. [illegible] 11.7.7.

H. M. [illegible]

Revenue
P. W. D. } for c.i.

[illegible] 6.7.99

H.W. 6.7.99

I join with Hon. Members in accepting the G.O., but I would suggest that it should be accompanied by a D.O. to the Board, & P.W.D., explaining its intention. Without an explanation the object of the G.O. seems to me a little obscure.

Page 191 of Book-file.

A.G.H.
9.7.99

Explained this matter to the Chief Engr.
10.7.99.

No. 1795 of 10th July 1899.

Financial Department.

Read again the following papers:-

G.O.No. 320, Finl., dated 8-5-96 (C)
,, 51 ,, 20-1-97 (C)
,, 272 ,, 26-3-97 (C)
,, 435 ,, 2-6-97 (C)
,, 605-6 ,, 14-7-98 (P)

Read also the following papers:-

C. No. 263 (A)
,, 1197 (C)
,, 1923 (C)

78

ORDER:- No. 791 of 14-7-99.

P.S.

The Governor in Council considers that, in view of the decision of the Govt. of India contained in the letter read above, all claims under article 1093 of the C.S.R., should be submitted to Govt. for final approval.

2. The instructions in the last two sentences of para. 3 of G.O.No. 435, Finl., dated the 2nd June 1897 are cancelled.

The Chief Engineer, Public Works Dept. The Board of Revenue, the Inspector-General of Police and the Supt., Madras Survey, to whom powers of sanction under ~~that~~ article 1093 have been delegated, will, as hitherto pass trust to being able to make the

orders on each individual claim and forward a copy of the sanctioning order in each case to the Examiner of P.W. Accounts or to the Accountant-General, as the case may be. The Board & the other authorities mentioned above will also furnish the Financial Dept with a monthly statement of all sanctions.

3 The Accountant-General and the Examiner of Public Works Accounts will be authorized to pass claims so admitted by Controlling authorities, but it will be clearly understood by all officers that if on revision the Govt. considers any particular claim inadmissible, retrenchment will follow.

3. The form laid down in para. 1 of G.O.No.435, dated the 2nd June 1897 will be amended by substituting for columns 17 and 18 the following columns:-

"Column 17. Remarks and Order of the Board of Revenue or head of dept."

"Column 18. Order of ~~do~~ Govt ---"

The monthly statement referred to above ~~shall~~ should be furnished in the form as thus altered.

4. The Supt. of the Govt. Press will supply heads of depts. and officers with the forms.

(from orders)

C.M.S.
26-6-99

29/6/9

3-7-9

Page 190 of Book file

Form sent to Press 17.7.99

+ HC/M Ask S.G.P. to print the form in a foolscap (double this size) opening across ↔ the page. Good room in col. 17 & 18; Shee[illegible]

To
All depts. of the Sect. (except Leg. & Pension)

The Public Department (with extract from notes marked ∅)
,, Board of Revenue (all Depts.)
,, Accountant-General.
,, Supt., Govt. Press.

despd. 25-7-9

∅ Don't print.

Ref. S.C. to T.A. file Sent

140

1st copy sent to Press.

Returned for signature.

Despatched in print.

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

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

No. Print as marked 12/7

TO C. No.

ORDER OF GOVERNMENT

SIGNATURE OF GOVERNMENT.

WITH DITTO.

BEING MEANT FOR DESPATCH

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

17-7-99