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Financial (1899) Department.

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G.O., No. 974

DATED 8-9-99

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[Despatch Abstract.]

Travelling allowance

Coming to the D. C. of Prisons, letter
from the Govt. of India forwarding copy of its resolution
authorising a higher rate of — to a jail warder or
Head warder while travelling on transfer with his
family.

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.

Regd.

} 1899.

Enclosures

Spare copies

G.O., No. 974, 8th September 1899.

SEPTEMBER.

Travelling Allowance.

Communicating to the Inspector-General of Prisons resolution of the Government of India sanctioning a higher rate of — to a jail warder or head warder while travelling on transfer with his family.

GOVERNMENT OF MADRAS.

FINANCIAL DEPARTMENT.

READ—again the following paper:—

G.O., Mis. Nos. 757, 758, Financial, dated 1st September 1898.

Read—the following papers:—

From A. G. CARDEW, Esq., M.A., I.C.S., Inspector-General of Prisons, to the Chief Secretary to Government, dated Ootacamund, 19th July 1898, No. 3874.

I have the honour to request that the Government may be pleased to move the Government of India to declare that the provisions of article 1205 of the Civil Service Regulations, so far as they permit an officer on transfer to recover rail fares or other actual charges of moving his family with him, are applicable to jail warders and third-grade head warders under article 1218 (4), Civil Service Regulations.

2. Since article 1205 was revised in its present form it has been considered in this office that the provisions of article 1205 already applied to warders and head warders. On correct principles of interpretation this is probably the case, but the doubt, it should, it is submitted, be made quite clear that the subordinates in question are entitled to the concessions allowed by article 1205.

3. Drs. Walker and Lethbridge, the Jail Commissioners appointed by the Government of India in 1888, in their report (chapter 6) laid great stress (paragraph 21) on the importance of arranging that no officers, "from the jailor down to the lowest-paid warder", are employed in their own districts. They proposed that warders should be recruited in central jails and sent from these to district jails, and that every warder should be liable to be transferred to any jail in the province (paragraph 80). In paragraph 15 of Home Department Resolution No. 10-Jails—610-623, dated 9th November 1892, the Government of India approved of these recommendations and expressed the hope that Local Governments would carry them out as far as possible. Rule 125 of the Jail Code accordingly lays down that every jail warder is liable to serve anywhere in the Presidency.

4. The principle that jail warders shall not, as far as is possible, be local men being thus laid down, there is no possible ground of equity or expediency for excluding them from those concessions in regard to the recovery of the expenses of transfer which are given to all other non-gazetted officers drawing less than Rs. 400 per mensem by article 1205 of the Civil Service Regulations. On the contrary, the case for allowing jail warders and third-grade head warders to recover the actual expenditure incurred in removing their families from one jail to another is stronger than that for giving the same privileges to a better-paid officer. The jail warder moved from Trichinopoly to Palamcottah or from Vellore to Rajahmundry cannot walk the distance between the two jails. Like all other classes of the community, he has to use the railway, and he must necessarily either take his family with him by rail or leave them behind. It is essential, at any rate in this Presidency, to the success of the plan advocated by Drs. Walker and Lethbridge and enjoined by the Government of India, that a warder should, when transferred, take his family with him, for no officer of that class can live with decency and comfort unless he has his female-relatives with him to cook for him and keep his house. But it would obviously be unreasonable to require a warder on Rs. 7, 8, 9 or 10 per mensem to spend a month's pay or more in

moving his family from Trichinopoly to Palamcottah. If the clerk on any salary not exceeding Rs. 400 per mensem needs help on such occasions, still more does the warder on Rs. 7. On the other hand the allowances which would be drawn on this account by the warder, who travels third class, will be much less than those drawn by the clerk who often travels second class. On every ground, therefore, the warder or head warder in inferior service should, it is submitted, be eligible for the privileges accorded by article 1205 of the Civil Service Regulations so far as the cost of removing family is concerned, and I strongly recommend that, in the interests of jail administration and in the furtherance of the objects set forth in the passages cited in Drs. Walker and Lethbridge's report, that the meaning of the rules of the Civil Service Regulations may be placed beyond doubt on this point.

Endt. No. 1603, Judicial.

Transferred to the Financial Department.

(Signed) A. R. KNAPP,
Ag. Under Secretary.

22nd July 1898.

Endt. No. 1679, Financial.

Referred to the Accountant-General for remarks.

OOCATAMUND, (Signed) G. STOKES,
10th August 1898. Chief Secretary.

From T. HESKETH BIGGS, Esq., Accountant-General, to the Chief Secretary to Government, dated Fort St. George, 17th August 1898, No. 4000.

With reference to your endorsement No. 1679, Financial, dated the 10th of August 1898, forwarding, for remarks, a letter from the Inspector-General of Prisons requesting that the provisions of article 1205 of the Civil Service Regulations, so far as they permit an officer on transfer to recover railway fare or other actual charges of moving his family, may be made applicable to jail warders and third-grade head warders, I have the honour to report that the sanction of the Government of India to the concession will be necessary, as the article is apparently, as it stands, not applicable to officers in inferior service, their cases being dealt with in articles 1216 and 1218 of the Regulations.

Order—Mis. No. 757, Financial, dated 1st September 1898.

The Government of India will be addressed.

(True Extract.)

(Signed) G. STOKES,
Chief Secretary.

Letter—Mis. No. 758, Financial, dated Ootacamund, 1st September 1898, to the Secretary to the Government of India, Finance and Commerce Department.

It is laid down in article 1087 of the Civil Service Regulations that, save as specially provided in the Regulations, no allowances are granted to meet the expenses of the families of officers accompanying them when travelling on duty.

2. Article 1204 declares that officers of certain specified classes, including officers of the second or third class whose pay is less than Rs. 200, are in cases of transfers entitled to free passage for each member of their families during journeys by sea or river steamer; no provision is, however, made for officers of the fourth class.

3. Article 1205 lays down the scale of travelling allowances admissible to non-gazetted officers whose salaries after transfer do not exceed Rs. 400 per mensem on

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account of their families and servants. The heading above this article is "Transfers of subordinates", and inferior servants are impliedly omitted from its scope, as their cases are dealt with separately in articles 1216 to 1218.

4. Article 1216 states that, save as provided in articles 1217 and 1218, officers in inferior service may not draw travelling allowance for a journey on transfer except under the special orders of the Local Government which is authorized to delegate its powers. Among the exceptions to this rule 1218 (h) mentions head warders and warders of jails who may be granted travelling allowance when transferred from one jail or subsidiary jail to another.

5. The articles quoted above make no specific provision for the grant of travelling allowance to the families of any class of inferior servants, and it is not clear whether article 1205 applies to such inferior servants as are eligible for travelling allowance for journeys on transfer.

6. In the Jail department in this Presidency it has hitherto been understood that warders and third-grade head warders, who, although in inferior service are under 1218 (h) of the Civil Service Regulations entitled to travelling allowance on transfer, are also eligible for the benefits of article 1205 of the Civil Service Regulations. The Accountant-General, however, holds that, as it stands, article 1205 is apparently not applicable to officers in inferior service, their cases being dealt with in articles 1216 to 1218.

7. Drs. Walker and Lethbridge, the Jail Commissioners appointed by the Government of India in 1888, laid * great stress on the importance of arranging that no jail subordinates "from the jailor down to the lowest-paid warder" are employed in their native districts. They proposed † that, when possible, warders should only be recruited in central jails and, after being trained, should be sent to district jails to fill vacancies, and that every warder should clearly understand that he is liable to be transferred to any jail in the province. In paragraph 15 of the Government of India, Home Department Resolution No. 10 (Jails)—610-623, dated 9th November 1892, the Governor-General in Council approved of these recommendations and expressed the hope that Local Governments would carry them out as far as possible. The Madras Jail Code accordingly lays down that every jail warder is liable to serve anywhere in the Presidency.

8. The principle that jail warders shall not, as far as it is possible, be local men has thus been clearly laid down, and it appears to be inexpedient to exclude them from those concessions in regard to the recovery of the expenses of transfer which are granted under article 1205 of the Civil Service Regulations to other non-gazetted officers. The case for allowing jail warders and third-grade head warders to recover the actual expenditure incurred in removing their families from one jail to another is stronger than that for giving the same privileges to better-paid officers. It is essential to the success of the plan advocated by Drs. Walker and Lethbridge and enjoined by the Government of India that a warder should, when transferred, take his family with him; and it appears to be unreasonable to require a warder on Rs. 7, 8, 9 or 10 *per mensem* to spend a month's pay or more in moving his family.

9. The special exemption of jail warders from the operation of article 1216 of the Civil Service Regulations has recognized the exceptional position of these subordinates in the matter of transfers and, in the opinion of the Governor in Council, it is in the interests of jail administration that the provisions of article 1205 of the Civil Service Regulations, so far as they permit an officer on transfer to recover rail fares or other actual charges incurred in moving his family with him, may be made applicable to jail warders and third-grade head warders in this Presidency.

* No. 4000, dated 17th August 1898.

10. A copy of the Accountant-General's letter ‡ on the subject is enclosed.

(Signed) G. STOKES,
Chief Secretary.

G.O., Mis. Nos. 364, 365, Financial, dated 13th March 1899.

Read—the following papers:—

From R. NATHAN, Esq., Under Secretary to the Government of India, Home Department (Jails), to the Chief Secretary to the Government of Madras, dated Calcutta, 19th December 1898, No. 594.

In reply to your letter No. 758, dated the 1st September 1898, addressed to the Finance and Commerce Department on the subject of the travelling allowances of jail warders on transfer, I am directed to state that the allowances laid down in article 1205, Civil Service Regulations, are not admissible to jail warders or any other class of inferior servants. The Government of India do not think that it would be advisable to extend the provisions of that article to any class of inferior servants, since it was meant to meet the case of a different description of persons. In view, however, of the fact that the necessity for the transfer of jail warders from one place to another has been recognized, the Governor-General in Council is of opinion that the rates of travelling allowance admissible to them on such transfer might be raised. I am to invite the opinion of the Governor in Council on the following scale of allowances which the Governor-General in Council is inclined to think would be suitable:—

(1) *By railway or steamer*—

- (a) a single fare of the lowest class for transfers within 200 miles;
- (b) a double fare of the lowest class when the distance exceeds 200 miles;

(2) *By road or boat*—

- (a) one anna a mile for transfers within 200 miles;
- (b) two annas a mile by road and one anna a mile by boat when the distance exceeds 200 miles.

Endorsement No. 60, Judicial, dated 5th January 1899.

From the Inspector-General of Prisons, dated Ootacamund, 27th January 1899, No. 666.

Order—Mis. No. 364, Financial, dated 13th March 1899.

The Government of India will be addressed.

(True Extract.)

(Signed) G. STOKES,
Chief Secretary.

To the Inspector-General of Prisons.

Letter—Mis. No. 365, Financial, dated Fort St. George, 13th March 1899, to the Secretary to the Government of India, Home Department.

I am directed to acknowledge the receipt of Mr. Under Secretary Nathan's letter, No. 594 (Jails), dated the 19th December 1898, and to state that, in the opinion of the Governor in Council, the scale of travelling allowances proposed therein for jail warders on transfer will not adequately meet the necessities of the case.

2. The Government of India has laid down in the letter under reply that article 1205 of the Civil Service Regulations does not apply to jail warders or to any other class of inferior servants. It appears, however, to be obvious that the expenses incidental to a transfer must fall, proportionately, far more heavily on a warder in receipt of a salary of Rs. 7, 8, 9 or 10 *per mensem* than on a clerk drawing Rs. 15, 20 or 25.

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Both warder and clerk must travel, in the great majority of the transfers, by railway, and the warder cannot find a class lower than the third, which the clerk also uses. Further, whereas the clerk can leave his family behind him and hire a servant at the station to which he is transferred, the warder cannot afford to take a servant, and even if he arranges for his board at his new station he cannot afford to support himself at one place and maintain his family at another. The necessity of taking his family with him is therefore stronger in the case of the warder than of the clerk, while the cost of doing so is proportionately heavier.

3. As to the rates proposed I am to forward the following extract on the point from a letter from the Inspector-General of Prisons which shows the inadequacy of the proposals of the Government of India :—

"The Government of India proposes that up to 200 miles a warder should on transfer receive only a single fare by rail. It is not explained in what way it is proposed that the family of the unfortunate man transferred 200 miles, say from Tinnevely to Trichinopoly, is to travel. Taking the third-class fare at 2 pies a mile, a journey of 200 miles by rail will cost Rs. 2-1-4. A warder with a wife and four children under 12,—not at all an out-of-the-way allowance,—will have to spend Rs. 6-4-0 on the train fares of his family, and as his pay may be Rs. 7 *per mensem* and cannot be more than Rs. 19 *per mensem*, the hardship that will be inflicted by such a transfer under the Government of India's proposed scale is evident. If the journey exceeds 200 miles, it is proposed to allow a single extra third-class fare, but unless the warder is accompanied by a single member of his family, this allowance will also be insufficient.

"The practical effect of the present state of the rules and of the adoption of such a scale as that proposed by the Government of India, is to cause a transfer to be equivalent to a punishment. * * *"

4. The foregoing considerations as well as those set forth in paragraphs 7 and 8 of my letter, No. 758, dated 1st September 1898, convince the Governor in Council in this respect be meted out to warders.

5. I am therefore to suggest that in any transfer for a journey over 25 miles a warder may be allowed to draw up to four third-class fares by railway or steamer for the expense of moving any of the following relatives actually living with him, viz., wife, child, mother, father (if over 60), sister or sister-in-law. For journeys by road and boat a scale of 2 annas per mile throughout might be permitted.

(Signed) G. STOKES,
Chief Secretary.

READ—also the following paper :—

Extract from the Proceedings of the Government of India in the Home Department (Jails), under date Simla, the 29th August 1899, No. 362—73.

Read—

Letter from the Government of Madras, No. 758, dated the 1st September 1898.

Read also—

Home Department Circular to Local Governments and Administrations, Nos. 594—603, dated the 19th December 1898.

Replies from Local Governments and Administrations to the above circular.

Resolution.—In September 1898 the Government of Madras recommended that the provisions of article 1205 of the Civil Service Regulations, so far as they permit an officer on transfer to recover the expenses incurred in moving his family with him, should be applied to jail warders and third-grade head warders in that Presidency. The Government of India did not think that it would be advisable to extend the provisions of article 1205 of the Civil Service Regulations to any class of inferior servants since that article was meant to meet the case of a different description of persons. In view, however, of the fact that the necessity for the transfer of jail warders from one jail to another had been recognized, the Government of India were of opinion that the

rates of travelling allowance admissible on such transfers should be raised to meet the expenses incurred by the warder in moving his family. They accordingly circulated for the opinion of Local Governments and Administrations a revised scale of allowances based on the principle that a higher rate should be granted when the distance exceeds a certain limit.

2. The replies of the Local Governments and Administrations show that there is a universal consensus of opinion that the rates at present admissible to jail warders who travel with their families is insufficient. General exception has been taken to the principle of regulating the scale by a distance limit, and the Government of India have decided to abandon this proposal and in place of it to introduce the condition that the enhanced rates shall apply only when the warder travels with his family.

3. The Governor-General in Council is therefore now pleased to sanction the following rule :—

A jail warder or head warder who is an inferior servant within the meaning of the Civil Service Regulations, when travelling on transfer with his family, may be granted travelling allowance at the following rates :—

- (1) *By railway or steamer.*—A double fare of the lowest class.
- (2) *By road or boat.*—Two annas a mile by road and one anna a mile by boat.

Ordered—that a copy of this Resolution be forwarded to all Local Governments and Administrations and to the Finance and Commerce Department for information.

(True Extract.)

(Signed) A. H. L. FRASER,
Offg. Secy. to the Govt. of India.

ORDER—No. 974, Financial, dated 8th September 1899.

Communicated to the Inspector-General of Prisons.

(True Extract.)

G. STOKES,
Chief Secretary.

To the Inspector-General of Prisons.
" Accountant-General.
" Copy to the Judicial Department.

Financial (1899) Department.

CURRENT No. 3110

Read again Govt. Letter No 758, Fint, 21.9.98
" " Govt. No 364-5, Fint, 21.3.99

(P)
21.9.98
21.3.99

From The Govt of India
(Home)

Order
This

No. 362-73

Dated 29. Augt '99

Received 15 Sept. "

Registered

Enclosures -

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SUBJECT.

Forwarding copy of their resolution
sanctioning the higher rate of
travelling allowance to a Jail
warder or Head warder while
travelling on transfer with his
family.

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

A Read again for 757-758, Final, of 1-9-98 (P)

M Read also SO_2 364, 365, Phil. J 13.3.99

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A of late order letter to Mrs

C. No. 3110 From the Government of India, No. 362-73, dated 29th Aug 1899. A
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Order W-974 d 8 sierpnia
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Communicated to the
Inf^y General of Prisons.

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22-9-99

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Read AGAIN G.O., No. 133

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING WANT FOR DISPATCH IN ORIGINAL.

A.B. -

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- B = Not to be printed.
- P = Print abstract only.
- Q = Print heading only.

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