M.R.O. 1—77,006—8-6-37.

(1) Number of pages 6

(2) Date of repair 9-3-43

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Public works DEPARTMENT.

G.O. No. 2667 Press Mis.
123-124
Dated 6. 11. 1862

Not to be folded or roughly handled

Proceedings of the Madras Government, Public Works Department, 6th November 1862.

No. 123. Read the following Circular from Lieutenant-Colonel R. STRACHEY, R. E., Secretary to the Government of India, to the Secretary to the Government of Madras, Public Works Department No. 107 of 1862 :—

Read the following letter from Lieutenant-Colonel R. STRACHEY, R. E., Secretary to the Government of India, to the Secretary to the Government of North West Provinces, in the Public Works Department, dated Fort William, 15th October 1862, No. 3,991.

SIR,

1. I am directed to acknowledge the receipt of your letter No. 3,903 A of the 15th September, forwarding copy of Resolution No. 2,611 A of the 28th August, by the Lieutenant Governor, transferring an appropriation of the Budget of the current year of one lakh of Rupees on account of the Public Offices at Allahabad to the Reserve, from which again it is intended to appropriate Rupees 29,151 to meet some urgent demands for completion of Opium buildings.

2. It is stated in the 2nd paragraph of your letter that the permission of the Government of India was not solicited to making this transfer, according to No. 23 of the Budget Rules, because the project for the new Public Offices has never been definitely settled.

3. His Excellency the Governor General in Council observes that in this case it is now plainly impossible, under the orders that have been passed on the subject by the Government of India, to spend the money according to the original intention, and that the grant, or such portion of it as cannot now be spent, necessarily becomes, from that circumstance, available for some other purpose. But it seems equally clear that, under Rule 23, the question as to what this other purpose should be, is one to be decided by the Government of India, which made the original appropriation, and that the Local Government is specially barred from any interference with the appropriation, unless with the sanction of the Government of India. The words "*which required*" in that Rule, which immediately precede "or have received the sanction of higher authority," can only have been inserted specially to meet the case of a work begun but not formally sanctioned. And Rule 22 makes this more apparent, because by it the right to alter the appropriation for works *sanctioned by Local Governments* is specially given to the Local Government. Rule 22 therefore states what *are* the powers, and Rule 23 what *are not* the powers of the Local Government in such matters.

4. Nor can H. E. in Council assent, on general grounds, to the transfer that is now proposed for his approval. A certain specified sum, amounting to one-tenth of the whole Public Works allotment, called the Reserve, is given to the Local Administration for the special purpose of providing at its own discretion, for unforeseen wants, within its own powers of sanction, and for minor works. It is not the desire of the Government of India to add to this unappropriated allotment, the proportion of which has been fixed on mature consideration. For aught that is known to the contrary, these Opium buildings are fairly chargeable to the sum allotted for the Reserve. The allotment for Civil buildings in the N. W. P. is already very high, being no less than 10¼ lakhs, and without specific reasons, which do not here appear, H. E. in Council is not disposed to make a further increase to the grant for that branch of service.

5. The Lieutenant Governor therefore is requested to consider to what work of the class of Public Improvement he would desire to transfer the available lakh, which the Governor General in Council has no desire to withdraw from the N. W. P. grant if a suitable purpose can be found for its application.

6. In conclusion I am to remark that H. E. the Governor General in Council must deal with the Budget Rules with strictness and exactness, or else the entire system of Budget appropriation will become a dead letter. Within the limits assigned for the unrestricted action of the Local Governments, the Government of India does not desire to interfere, but its own powers of control, as the supreme financial authority, cannot be surrendered.

Proceedings of the Madras Government, Public Works Department,
6th November 1862.

Governments of Madras, Bombay, Bengal, and Punjab.
Governor of Straits Settlements.
Chief Commissioners of Oudh, Central Provinces, and British Burmah.
Commissioner of Mysore.
Resident at Hyderabad.

Copy of the above forwarded for information and guidance to the Governments and Administrations noted in the margin, and to the Financial Department, for information.

(Signed) R. STRACHEY, Lieut.-Colonel, R. E.,
Secy. to the Government of India.

No. 124. ORDER THEREON, 6th November 1862, No. 2,667.

Ordered to be communicated to the Chief Engineer and Deputy Chief Engineers of Circles for information and guidance.

(Signed) W. I. BIRDWOOD, Colonel, R. E.,
Secretary to Government.

No. 3991.

FROM

LIEUT. COL. R. STRACHEY, R. E.
SECY. TO THE GOVT. OF INDIA,

To

THE SECY. TO THE GOVT. OF N. W. P.,
IN THE PUBLIC WORKS DEPARTMENT.

PUBLIC WORKS DEPARTMENT,
Fort William, 15*th October* 1862.

General.
Accounts.

SIR,

I am directed to acknowledge the receipt of your letter No. 3903 A of the 15th September, forwarding copy of Resolution No. 3611 A of the 28th August, by the Lieutenant Governor, transferring an appropriation of the Budget of the current year of one lakh of Rupees on account of the Public Offices at Allahabad to the Reserve, from which again it is intended to appropriate Rs. 20,451 to meet some urgent demands for completion of Opium buildings.

2. It is stated in the 2nd para. of your letter that the permission of the Government of India was not solicited to making this transfer, according to No. 23 of the Budget Rules, because the project for the new Public Offices has never been definitely settled.

3. His Excellency the Governor General in Council observes that in this case it is now plainly impossible, under the orders that have been passed on the subject by the Government of India, to spend the money according to the original intention, and that the grant, or such portion of it as cannot now be spent, necessarily becomes, from that circumstance, available for some other purpose. But it seems equally clear that, under Rule 23, the question as to what this other purpose should be, is one to be decided by the Government of India, which made the original appropriation, and that the Local Government is specially barred from any interference with the appropriation, unless with the sanction of the Government of India. The words "*which required*" in that Rule, which immediately precede "or have received the sanction of higher authority," can only have been inserted specially to meet the case of a work begun but not formally sanctioned. And Rule 22 makes this more apparent, because by it the right to alter the appropriation for works *sanctioned by Local Governments* is specially given to the Local Government. Rule 22 therefore states what *are* the powers, and Rule 23 what *are not* the powers of the Local Government in such matters.

4. Nor can H. E. in Council assent, on general grounds, to the transfer that is now proposed for his approval. A certain specified sum, amounting to one-tenth of the whole P. W. allotment, called the Reserve, is given to the Local Administration for the special purpose of providing at its own discretion, for unforeseen wants, within its own powers of sanction, and for minor works. It is not the desire of the Government of India to add to this unappropriated allotment, the proportion of which has been fixed on mature consideration. For aught that is known to the contrary, these Opium buildings are fairly chargeable to the sum allotted for the Reserve. The allotment for Civil buildings in the N. W. P. is already very high, being no less than ₹10¼ lakhs, and without specific reasons, which do not here appear, H. E. in Council is not disposed to make a further increase to the grant for that branch of service.

5. The Lieutenant Governor therefore is requested to consider to what work of the class of Public Improvement he would desire to transfer the available lakh, which the Governor General in Council has no desire to withdraw from the N. W. P. grant if a suitable purpose can be found for its application.

6. In conclusion I am to remark that H. E. the Governor General in Council must deal with the Budget Rules with strictness and exactness, or else the entire system of Budget appropriation will become a dead letter. Within the limits assigned for the unrestricted action of the Local Governments, the Government of India does not desire to interfere, but its own powers of control, as the supreme financial authority, cannot be surrendered.

I have the honour to be,
SIR,
Your most obedient Servant,
R. STRACHEY, *Lieut. Col.*, R. E.
Secy. to the Govt. of India.

CIRCULAR No. 107 of 1862.

Copy of the above forwarded for information and guidance to the Governments and Administrations noted in the margin, and to the Financial Department, for information.

Governments of Madras, Bombay, Bengal, ~~N.W.P.~~, and Punjab
Governor of Straits Settlements.
Chief Commissioners of Oudh, Central Provinces, and British Burmah.
Commissioner of Mysore.
Resident at Hyderabad.

R. Strachey *Lieut. Col.*, R. E.
Secy. to the Govt. of India.

To
The Secretary to the Govt. of Madras
P. W. D.

From the Govt of India 8/25 March 1863 No 1000 —

No. 120. 124.

Dept. No. 1862 Department
Pub. Works for Accounts
No. 3248

Circular

From

The Secretary to the Govt. of India.

Dated 15th Oct. 1862
Rec'd 29th

No. 107

Communicating copy of a letter addressed to the Govt. of N.W.P. declining to sanction the transfer to the Reserve Fund of the Cash Balances assigned in the Budget for Public officers at Allahabad.

With an order
No. 2667 6th November.

2667.
No. 2667

Ordered to be communicated to the Chief Engineers and Deputy Chief Engineers of Circles for information and guidance.

Chs. and 2
6th Nov. 62

Copies
The Chief Engr. Dispy
3 " Deputy Chief Engrs N.C.
3 " " " " S.C.
3 " " " " C.C.
4 " Offr. in charge of Audit & Accts &c &c.