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MADRAS RECORD OFFICE

Government of Madras

Public Works

DEPARTMENT

G.O. No.	1117	Press
B.P. No.		- Mis. -
Dated	1876	

Not to be folded or roughly handled

18. L. S. : Akhie

Read the following:—

No. 75. From the District Engineer, North Arcot, dated 22nd April 1976,
No. 223.

No. 76. ORDER THEREON, 6th May 1876, No. 1,119.

CIVIL WORKS, No. 6.

CIVIL WORKS, No. 6.

His GRACE the Governor in Council observes with reference to Captain Penny-
cuck's letter recorded above, that the
officers of the Public Works Department would do better to devote their time to the
energetic performance of the duties which the Government from time to time entrust
them with, than to waste their time and that of the Government in the writing of
lengthy controversial letters.

(True Extract.)

(True Extract.)

Colonel,

Off. Under Secy. to Gov't., P. W. D.

To the District Engineer, North District.

Paul E. C. Shuster
Surrey, Canada

District Engineer
No 1st. Depot
Tellico 31st July 1873.

N^o 1371.

From
The District Engineer
North West

To
The Collector of
North West

Sir,

In reply to your letter N^o 20 of the
15th instant, I have the honor to advise that there
is a difference, which it seems to me you have
somewhat overlooked between the Myriorhaka
reported Chontley and the Thousand Pillars
Montapine.

Neither building can, as regards
the use to which it is put, be called a public
building, in the sense which I attach to the word
public, seeing that although either or both may
be used by all classes of natives who visit
the site, the people who come within this circle
very far from forming small sections of the
public at large. The fact that it is necessary
for the works to be supervised by a number
of a particular caste, negates the pretensions
of either building to the title of a "public"
in

in any real sense -

3. The difference between the two buildings is, that the illigone Maharaja's Church is the property of the illigone Government, and is therefore so far a public building, that it is the duty of public officials to do what is necessary for its maintenance. The fact that the illigone Government think proper to put the building in a particular use, is not one with which subordinate officers have any thing to do.

4. It is very right that religious and caste prejudices should be respected, and the owners or trustees of these buildings have a perfect right to limit their use in any manner they think proper, but they are not justified in blowing hot and cold with the same breath. They cannot claim the right of limiting the use of a building to a small portion of the community, and at the same time of calling upon the public to contribute towards its improvement of professional expenditure is as much an investment in the cost of work as ordinary labour or materials.

5. These are the reasons why I have thought it wrong as a matter of principle, for this Department to undertake the supervision of the works in question. There are also special reasons which make the supervision of these works by the Chittam Range Officer undesirable. That officer has charge of an enormously large Range, at this moment he has, in addition to current work, special calls to be at Tripatty, at Cochin, and at the extreme corner of the Pungavoor Zamin, three points forming a triangle whose sides are as ^{the} crow flies, about 50, 80, and 100 miles.

6. More over from the nature of the case, the works which he is now asked to supervise cannot be inspected by any superior officer, and so the idea of entrusting such extensive works as these, to the uncontrolled management of a subordinate, however honest or intelligent he may be.

8. You will see from the above remarks, that it is not without reason that I have hesitated to comply with your request in this matter.

matters.

P. H. 2892/

9. Nothing can be further from my
wish than to throw any obstacle in the way
of the execution of work which your more than
competent Officer may consider to be of public
usefulness, and as there appears to have been
an understanding that the works on the Spital
shall be provided by the Chiltern Range
Officer, I am willing on this occasion to allow
that course to be followed. But I hope that
on future occasions you will find it possible
to make such arrangements as will render it
unnecessary to call upon a subordinate of this
Department to execute works lying beyond the
limits of his charge, which cannot be insisted
by a Superior Officer and the application to
which of the term public is to say the least
of doubtful propriety.

I have the honor to be, Sir,

Very respectfully,
Your obedient servant,

(District Engineer)

1 True Copy

Wm. P. G. [Signature]
District Engineer N.H.

North Arcot,

District Engineer's Office,

Madras 22nd April 1876.

No. 223

DISTRICT ENGINEER,

NORTH ARCOT.

Secretary to Government
Public Works Department

With reference to G.O. 1753 of
24th October I have the honor to request
the consideration of Government to con-
sider remarks upon the subject
of the works on the Spital Hill, which
may possibly place the matter in a dif-
ferent light from that in which it is
shown in the Collector's letter to the Board
of Revenue N^o 123 of 27th January last, on
which the above order is based.

Mr. Whitcombe says in para 3
of his letter that in my letter N^o 3454 of
7th January I altogether refused to permit
any of the Officers of this Department to
inspect and examine the works pro-
posed, especially the Thousand Pillar.

Yours faithfully

(Muntajam). This is to put it in the mildest possible way, not quite correct, as a perusal of my letter of 3rd of the 7th January which is stated to have been forwarded to Government, will show; I refused to have anything to do with the Muntajam, but I most distinctly did not refuse to allow of the inspection of the other works, the Mysore Maharajah's Choultry, but said that it should be done in the ordinary way by the officers and subordinates within police charge, the work was situated.

3. All that I refused as regards this work, was to make special arrangements regarding it. It is believed to have been Mr. Whitcomb does in a previous letter on the same subject, that an European Officer cannot visit the hill, seeing that more than a year ago, he and I and five other officers did so in company.

4. Paragraph 4 of Mr. Whitcomb's letter is likely to create in the mind of any one perusing it the impression that I first refused to have anything to do with the work, then changed my mind and consented and then changed again; this impression would

would be quite inaccurate, the fact being that I have held and expressed, in the plainest possible way, the very same view throughout, this view being that the arrangements by which the works on the hill were to be inspected by the Supervisor in charge of the Chittoor Range was a very improper one, and that I did not believe that Colonel Moberly would have consented to it, or the Government have sanctioned it, if they had been fully aware of the facts, but that as it had been made, I would not interfere with it.

5. The correspondence that took place in 1873 referred to the Mysore Maharajah's Choultry and not to the Muntajam which was only alluded to casually at the end, nor is it correct to say that it ended in my yielding, since I simply took up in the end the position I had taken up at first and have adhered to ever since.

6. I enclose a copy of my letter of 21st July 1873 which shows that correspondence, and to which I request special attention, as it will show clearly what I considered them and considering now the objections

objections to the supervision of the parks
in the manner proposed, and also the
difference between the Choultry and the
Mintatam, which Mr. Whitelocke professes
himself unable to understand.

7. It is not the case, that I have
subsequently "cordially co-operated" with the
Collector in the matter. I have confined my-
self to allowing, according to the original agree-
ment, Parthasarathy Sanyal to make
periodical visits to the hill for purposes of
inspection, and have always steadily refused
to accept any official responsibility in the
matter for myself, or to express any official
opinion upon any point connected with the
works. Once previous, and once subsequent,
to the date of Mr. Whitelocke's letter I have
myself visited the hill in his company, and
as his guest and have given opinions upon
such points as he wished for them on, just
as I would have done on any private affair
of his own, but I made it abundantly clear
in each instance, that this was done purely
as a matter of personal courtesy and not
in any way in an official capacity. I

and

was also obliged to point out that the second
of these visits was made at great inconvenience
to myself, only 5 days after the date
of Mr. Whitelocke's letter to the Board, and
could certainly not have taken place if
I had been aware of the fact, which I was not.
I had been assured from Mr. Whitelocke's care-
fully considered promise, that any such visit
would have been made.

8. It is not the case that I have changed
my mind "suddenly" or otherwise, my
mind upon the subject is now what it
always has been, and Mr. Whitelocke should
hardly have been "surprised" at being told of
an opinion, which for nearly three years he
must have known me to hold. Moreover his
surprise at this sudden change of mind "con-
trasts rather badly with the complaint, in
the very next paragraph of his letter, of my
"persistent refusal" to consider the work
as a public one.

9. My action, right or wrong, has at
least been consistent throughout; I considered
the arrangement originally made regarding
the

The inspection of the people by Parthasarathy
Sengupta was a very objectionable one but as it
had been made I did not disturb it. When
this arrangement came to a natural end
by the removal of Parthasarathy Sengupta
to the office of the District Collector
so much of the people of the same kind.

18.8.1908 I had been obliged to go at some
length into the above points, because Mr. G.
Whitfield's letter gives such an entirely erroneous
idea of my action in the matter, that it is
necessary to explain what this has really
been. I will now proceed to explain why I
consider that the Shree Ganga Pillars should
not be considered a public work.
In order to comprehend this defini-
tion, a work must satisfy at least one
if not both of the following conditions.

1st That it is the property of Government
or (with an important arrangement) of
Local Funds Board.

2nd That the funds for its execution are
provided by one of the above bodies.

The service of public officials is a claim
on the first instance to see that the public
property

property is duly taken care of, and as the
second to ensure that public money is properly
expended.

I need hardly say that the work in
question does not satisfy either condition,
the building being the property of the Shree Ganga
Trust, and the funds are provided by
the Shree Ganga Trust.

There is a third condition, which might
be held as giving a moral claim to the
public officials, and that is, that the work
should be bona fide intended for the benefit
of the public at large.

Now I do not admit for a moment
that the satisfying of this condition would
give a claim as of right, to the services
of public officials, but probably few officers
would refuse their services under such circum-
stances. And it is on this ground alone that the
aid of the Public Works Department can be
claimed for the work in question.

I must distinctly deny that this
work is in any way for the benefit of the public
at large. It is not even like a Chattram
or an ordinary road which all passers
may

may pass; the pilgrims belong to a limited class of a single religious community, and only this class can use the building or use the hill on which it is built.

14. Mr. Whitaker says that Mahomedans and Pariahs do not ascend the hill because their religion prevents their entering the temple to worship but this is overlooking the real point which is that these people are prevented by their own religion from ascending the hill, but that they (as well as Europeans & expt. officials on duty) would not be allowed to ascend the hill if they wished to. This prohibition is justifiable only on the ground

of the hill being private property (whether of an individual or of an association matters nothing) and its maintenance is solely by the claim of any building on the hill to be considered as of public utility.

15. Mr. Whitaker lays stress upon no exceptions having been taken to the entry of the work in the various Local Fund Budgets, but the Government having once sanctioned the work, owing as I believe to imperfect information as to its real nature,

were not likely to take any further notice of the matter; the entry in the budget and in the progress Report was a mere form, within the Local Fund Board nor the Range Officer (except on occasional inspection by the latter) having had anything to do with the work, which has been managed from first to last by the Collector alone as if it were a private affair, what point of fact it is, a private affair between himself and the Mahomedans.

If the work were really a public one it would be quite inadmissible that it should be carried out by the Collector without the intervention of this Department, to ensure proper execution of a work requires not only inspection, but supervision, and the latter is more important than the former, or perhaps it would be more correct to say that the former is chiefly valuable as leading to ensure the latter, and this is not done by an occasional inspection by an officer, which for which within the non his subordinates are responsible. If that be denied, and it be said that the inspections required are such as to ensure the proper execution of the work, then I must ask, in what way does this differ from its execution by the Public Works Department? If the estimate is prepared, the work supervised, the expenditure scrutinized,

and completion Certificates furnished by the Public Works Department, there seems to be no ^{left} thing for the Collector but the signing of Cheques and the appropriation of such credit as may be derivable from the satisfactory completion of the works. Under these circumstances it is not clear why the Local Funds Board (if it is a Local Fund work) should not pay the regular charge for Public Works Supervision.

17. In a previous letter upon this same subject, ^{the course adopted} has been defended on this ground, that it would not be "fair" to ask the student to pay three or four 25 per cent. for professional supervision. It is not clear, why he should obtain this assistance gratuitously more than any one else, but if the Local Funds Board do not wish to burden him with the charge, why should not they pay it themselves? According to the Collector's theory, the work is a public one, to which the student has made a certain contribution, and if this contribution amounts to four fifths of the total cost, it certainly would not appear unreasonable, the work being of such great public utility, as it is said, for the Board to pay the other fifth.

18. The answer is simple enough; Mr. Whitehead knows as well as I do that he would never venture to propose the expenditure of anything of public money on such a project as this, and that even the submission of letters (Board would probably reject if asked to find funds for such a purpose.

In point of fact, the operations of the ground office were

19. In point of fact, the execution of the work is justifiable only on the ground of its being a private one, for a more atrocious waste of money can hardly be imagined. So far as the benefit to the pilgrims is concerned, the amount of money might have been provided at a tenth the cost, and on the other hand has the building any sort of claim to restoration, or even to preservation. It is old, certainly, but it is hardly, in its built and picturesque the carving and work of the corner description, and the only feeling at least excited by an examination of it is one of regret at so much labor having been spent for so little purpose, it has no sort of interest, historical, practical or æsthetic.

20. All this however is irrelevant to the main issue of whether the work is a public one or not, and it is the question of the value of the work as a public one which is the question of the value of the work as a public one.

liberality and public spirit in refusing
a building proposed by, intended for the accom-
modation of the pilgrims from whose contribu-
tions his revenues are derived. Admitting
the liberality, and his right to be liberal with
the (Devastation) funds, I do not admit his
right to be equally liberal with my time.

21. The difference between the Hindu
temple and the ally some Maharajah's Choultry
is sufficiently explained in the letter enclosed;
Mr. Whitehead himself can hardly believe
that the relative importance of the two works
has anything to do with the matter.

22. An allusion is also made (para 7)
to the Dispensary fund under construction at
Lower Tripatti, and this is so worded as to lead
to the belief that the two works are of a similar
kind, and that there is no inconsistency in
my action as regards them; it may therefore
be worth while to state that the Dispensary
is essentially a public work being established
in that town of Lower Tripatti, which is open
to all the world, being intended for the use
of all comers and its ownership being vested

in the Local Funds Board, although the
funds for its construction, including the 25 per
cent for Public Work Supervision, have been,
in a really liberal and public spirited manner,
provided by the Mahant.

23. I regret that this letter should have
extended to such a length, and still more that
it has had to be written at all; I have endeav-
oured in this, as in all other matters, to
avoid controversy as much as possible, and
have for the most part succeeded in doing so,
in spite of an amount of provocation which
very few Officers would have overlooked; if
Mr. Whitehead had been a little less hasty,
or a little more open in laying the matter be-
fore Government I have no doubt we could
have come to some amicable arrangement
thereon; as however he has thought proper
to bring it forward in the manner he has
done, I have no option but to state the other
side of the case, and my letter has necessarily
been a long one, as it has been essential
to explain fully the grounds on which my
opinion is based.

24. This correspondence may also explain

to some extent why I have been obliged
to remonstrate against the decision of certain
other questions upon my particular statements by
the Collector.

25. In reality, the question at issue
is a very simple one; being "is the work in
question a public one or not?" I point by the
tests laid down in para 11 of this letter, or even
by the more elastic test of the following para-
graph, it is just, and I submit that the services
of Officers of this Department are not properly
claimable for its supervision except by their
own free consent.

I have the honor to be

Sir

Your most obedient servant

Benjamin J. Capt. R. E.
District Engineer, N. H.

Letter from the District Engineer, North
Brest. No. 223 dated 22^d April 1876

FOR ORDERS.

Comd'g Major Genl
Secretary to Govt. P. W. D.

The only reply I would
make to this long letter
is to tell Captain
Pennington that as the
Govt have directed that
the assistance (in the
way of inspection) of the
D. E. W. should be given
to the restoration:

of the Marlborough at
Dipate, it is unbecoming
in him to raise the question
as to whether the work is
or is not of a public
character B.H.

Wm. Sampson "Lodge"
the letter (I was present)

D. E. W. 1876 D. J. 1876

From
the District Engineer
North
to the Secretary to
Government - P. W. D.

Dated 22^d
Apr 24th 1876

Regarding the con-
sideration of Government
to certain amounts upon
the subject of the works
in the Norfolk Mill -

98-6 May/76 1119

1475

Oct 5.5.76 Oct 6.5.76
Oct 28.4.76 Oct 5.5.76
Ref 28.4.25.4.76

FOR ORDERS.

No 1119 Public Works Department.
PROCEEDINGS of the MADRAS GOVERNMENT.
Usua date the 1 May 1875
Read the following —

To the Council of the Public Works Department
Madras

11/1/75

At a meeting of the
General Council
of the Public Works Department
held on the 1st day of May 1875
at the office of the
Public Works Department
Madras
The following resolution was
passed:—
That the Government
be and they are hereby
authorized to purchase
the land and that of

the

the Government in the
writing of the report on
the work of the
Commissioner of the
Public Works.

1892

to the Public Works

Restoration of the Man-
hattan at the

to the Public Works

where the other from the
the first of the
according to the
to the

1892

1892