M.R.O. 1—4,002—16-9-48.

(1) Number of pages _____

(2) Date of repair _____

(3) Initials of the Referencer _____

MADRAS RECORD OFFICE

Government of Madras

Public Works DEPARTMENT

G.O. No. 2269-70 (9) Press
B.P. No.— —Mis.—

Dated 28-8- 1876.

Not to be folded or roughly handled

No. 611. Read the following letter from Captain L. CONWAY-GORDON, R.E., Examiner of Public Works Accounts, to Major-General G. W. WALKER, R.E., Secretary to Government, Public Works Department, dated Fort St. George, 17th July 1876, No. 121-W :—

WITH reference to paragraph 2 of G.O., No. 1,111, dated 5th May 1876, I have the honor to report that I have for some time been in communication with the Chief Engineer for Irrigation for the purpose of satisfying myself that I had overlooked no orders bearing upon the powers of the Local Government to sanction estimates for works to be carried out *wholly or partly* from Loan Funds; and that I have been unable to discover any orders besides those on which my original opinion was based.

2. As far as I have been able to discover, the rules bearing upon the question at issue are embodied in the resolutions and letters of the Government of India, printed with the following Proceedings of the Madras Government, *viz.* :—

No. 2,792, dated 4th November 1871.
„ 425, „ 13th February 1872.
„ 2,149, „ 23rd September „
„ 2,731, „ 20th November „

3. Rules I, II, III, and VII of the rules printed with the Proceedings of 4th November 1871, modified by the rule printed with Proceedings dated 23rd September 1872, appear to me to contain the whole of the law regarding original construction. The other rules seem to relate entirely to Establishment, Tools and Plant, and Maintenance during construction.

4. Under these rules, as I understand them, the powers of the Madras Government are as follows :—

(A.) The Madras Government can sanction *detailed estimates* for separate component works of a scheme, provided that the Government of India have previously sanctioned a *lump-sum estimate* for each separate work; meaning by *lump-sum estimate*, a rude approximation not based upon details of quantities and rates; as for instance when a building is estimated for at so much per cubic foot all over (see Rule I of Proceedings of 4th November 1871).

(B.) The Madras Government can sanction *detailed estimates* for the several subsidiary works connected with one of the *large works* of a scheme *as distinguished from one of the sections of a scheme*, as, *e.g.*, the out-houses of a building, provided that the Government of India have previously sanctioned a *lump-sum estimate* for such subsidiary works taken together (see Rule III of same Proceedings).

(C.) The powers under both (*a*) and (*b*) are subject to the condition that the detailed sanctions must not exceed the lump-sum sanction accorded by the Government of India.

(D.) For works which have been sanctioned by the Government of India the Madras Government can *pass expenditure* to the extent of 5 per cent. on the estimates sanctioned by the Government of India, provided that the total excess so sanctioned does not exceed Rupees 2,00,000. Savings *actually* realized, and realized moreover in carrying out the works according to the

sanctioned design, may be treated as a set off to or reduction of excesses so sanctioned (see Rule I of Proceedings, 23rd September 1872, and Rule II of Proceedings, dated 4th November 1871).

(E.) The Madras Government may revise estimates sanctioned by the Government of India, *with a view* to *reduction of the estimates* owing to employment of machinery and plant not contemplated in the original estimates.

5. I cannot find that the Madras Government can sanction any expenditure whatever on works which have not been previously specifically sanctioned by the Government of India, with the slight exception stated above under (*b*).

6. I must point out that there seems to be a slight contradiction between the statements under (*c*) and (*d*); this Government may *pass expenditure* to the extent of 5 per cent. in excess of sanctioned estimates, but yet in certain cases they are debarred from sanctioning revised estimates involving any excess whatever. Moreover, it is not clear whether the expression '*pass expenditure*' can be interpreted as '*sanction revised estimates involving modifications of the sanctioned design.*' And, lastly, it is not clear whether the 5 per cent. limitation to the powers of this Government to *pass excess expenditure* (whatever the expression may mean) is to be applied to each work separately or to the works of an entire system (*e.g.*, the Godavery Delta System) or in what other way it is to be applied.

No. 153-W.

No. 611-A. *Note by the Chief Engineer for Irrigation.*

THE interpretation to be placed upon the rules laid down by the Government of India in Circular No. 56, so far as they relate to the powers of sanction by Government of detailed estimates against lump-sum provisions in estimates sanctioned by the Government of India, turns upon the meaning of the term component works of a project which occurs in Rules I and II. It may be noticed that these rules appear to be applicable to projects of all kinds, the Circular being headed "Account—General," and it would seem that component works of a project must bear a varied signification according to the kind of project referred to in any particular case.

Proceedings of the Madras Government, 4th November 1871, No. 2,792.

2. The Examiner of Public Works Accounts, in giving his view of the interpretation, has unfortunately taken his illustrative examples from buildings, which possess but little analogy to the works of an irrigation project, but so far as a comparison can be instituted between a building and its out-houses, and a canal and its minor sluices and channels, it would seem that if the Government can sanction detailed estimates against lump-sum sanctions by the Government of India for out-houses of a building, it is reasonable to suppose that they are empowered to sanction distribution sluices and channels under similar conditions for a canal. Both appear to be component works of the respective projects.

3. The distribution works which have been provided for in the Godavery estimates by lump sums are petty works. The provision has been made for each

canal individually, and, as will be seen from papers which are about to be submitted to Government, this provision is for two purposes, *viz.*, for—

(1.) improved distribution arrangements to formerly existing irrigation, whether required in consequence of the alteration of the canals of supply or otherwise.

(2.) the supply of new irrigation.

The works are clearly not of a character which should require the sanction of the Government of India to each individually, *e.g.*, from the statement printed in Proceedings of the Madras Government, 5th May 1876, No. 1,111, it will be seen that seventeen minor masonry works have been sanctioned for the Cocanada Canal, their average cost being Rupees 806. It must manifestly involve waste of power to set the machinery not only of this Government, but of the Government of India, in motion to deal with such works individually, and it is of course necessary that the detailed arrangements for the supply of water to particular villages and areas should be dealt with individually. If, therefore, the Examiner's interpretation be correct, it would seem to be desirable that the rules should be modified.

4. Circular No. 55, dated 28th October 1872, relates to the sanction by Local Governments of detailed estimates for Tools and Plant against lump-sum provision under this head, and the procedure there authorized, it may be noticed, is exactly in accordance with the interpretation which the undersigned considers should be placed on the rules relating to component works.

Proceedings of the Madras Government, dated 29th November 1872, No. 2,731.

5. Again, the Examiner's interpretation of Rule II of Circular 56, *vide* his remarks D, appear to be needlessly restrictive. He substitutes the words "sanctioned classification" for "sanctioned design" of the rule, and his interpretation, as has been evidenced by his recorded views in office notes, extends to the prohibition of the sanction by Government of any individual works, however small, which have not been specifically provided for in the estimates sanctioned by the Government of India, *e.g.*, he considers that the escapes* sanctioned by Government for the Ellore Canal, Godavery Delta, were beyond the competence of Government to sanction. A sanctioned design for an irrigation canal should, it is considered, be taken to mean arrangements for securing certain objects in a way, the leading features of which have been detailed in the design, and undue restrictions upon variations of details can lead only to one of three results:—

		Rs.
*Estimates	... ...	1,050
		745
		450
Total for 3 estimates	...	2,245

(1.) the carrying out of details less perfect than others known to be preferable, because they have been sanctioned, and the trouble of obtaining fresh sanction would be too great;

(2.) the carrying out of altered details in anticipation of sanction;

(3.) the stoppage of work until revised designs and estimates can be prepared, and this might occur many times during the progress of a single canal.

6. Though not affecting the question as to what rules are in themselves proper and right, it is necessary to mention that the Godavery Delta completion estimates

were prepared and sanctioned before Circular No. 56 was issued; that, moreover, it has been necessary in carrying out the estimates to provide for the requirements of a great area* of irrigation concurrently with the carrying out of extensive improvements, and it appears to be absolutely requisite in order to avoid loss of revenue that a reasonable freedom of action should be allowed. That the operations have been on the whole judiciously carried on is manifest from the statement† recently compiled by the Examiner, which shows that although since 1868-69, when the improvements were commenced, the interest charges have increased from Rupees 30,19,189 to Rupees 46,98,602, the difference between net revenue and interest has been augmented from Rupees 57,89,019 to Rupees 127,69,614.

* Half a million of acres.

† Approximate General Abstract of Financial Results of Godavery Delta System, dated 12th June 1876.

Ootacamund, 3*rd August* 1876.

(Signed) J. MULLINS, Lieut.-Col., R.E.,
Chief Engineer for Irrigation.

No. 612. Order thereon, 28th August 1876, No. 2,269.

IRRIGATION, No. 64.
Account.

There appearing to be considerable doubt regarding the correct interpretation of the rules communicated in the Circular of the Government of India, No. 56 of the 13th September 1871, that Government will be addressed on the subject:—

2. Ordered that the following letter be sent.

(Here enter No. 2,270, dated 28th August 1876.)

(True Extract.)

Colonel,
Offg. Under Secy. to Govt., P.W.D.

To the Examiner of Public Works Accounts.
" Chief Engineer for Irrigation.

Ead. W. H. French.
Spare Copies

Public Works Department,
Fort St. George, 28*th August* 1876.

No. 613. No. 2,270.

From

Major-General G. W. WALKER, R.E.,
Secretary to the Government of Madras,
Public Works Department,

To

The SECRETARY to the GOVERNMENT of INDIA,
Public Works Department.

IRRIGATION, No. 65.
Account.

Sir,—In March last the Examiner of Public Works Accounts brought to notice that apparently the District Engineer, Godavery, and the Chief Engineer for Irrigation had been exercising powers, which he considered had not been entrusted even to Local Governments, in sanctioning estimates for distributaries against lump sums on their account provided in estimates sanctioned by the Government of India, the Madras Government directed all such estimates to be submitted to Government for sanction, and the Chief Engineer for Irrigation, while admitting that the previous practice of giving such sanctions had been irregular, having differed from the Examiner as to the interpretation of the rules, the latter officer was called upon for a further report; and his views on the meaning of the rules and those of the Chief Engineer for Irrigation having been stated at length and differing materially, I am directed to ask for such an interpretation as will enable future procedure to be conducted in accordance with the wishes and intentions of the Government of India.

Proceedings, Madras Government, No. 1,111, 5th May 1876, copy enclosed.

2. The points on which an interpretation is required are—

First.—Whether the term "the separate component works of a project" in Rule I of Circular No. 56, of the 13th September 1871, is applicable as regards Irrigation works to the distributaries of individual canals. The lump-sum provisions for distribution works in the completion estimates of the eastern and western sections of the Godavery Delta were sanctioned by the Government of India for each canal individually, and against such provision detailed estimates have been sanctioned locally. The Examiner of Public Works Accounts is of opinion that Rule I does not confer this power on Local Governments, and that the sanction of the Government of India to all such detailed estimates against lump-sum grants for distributaries is necessary, and his opinion is apparently based on the circumstance that these lump sums have not been provided separately for individual distributaries, but for the distributaries generally of a canal. The provision was made in the sanctioned estimates partly for the improvement or rearrangement of distribution to old irrigation, and

partly for its extension to land to be newly irrigated, and the individual works to be carried out are none of them very considerable, while most of them are very small. I am to transmit, for the information of the Government of India, a copy of the Proceedings of this Government as per margin, containing a statement of all the distribution estimates for the eastern section of the Godavery sanctioned up to date. I am to add that Circular of the Government of India, No. 55, of the 28th October 1872, on sanctions by Local Governments against lump-sum sanctions for Tools and Plant, and Chapter XVI, Section 1, paragraph 55-A, of the Government of India Code, on the sanction of estimates for rajbuhas, do not seem to warrant the Examiner's restrictive interpretation of Rule I.

No. 2,269, dated 28th August 1876.

Secondly.—Whether, in the event of the Government of India deciding that it is competent for Local Governments to sanction detailed estimates against lump-sum provision for distributaries sanctioned by the Government of India for canals individually, Local Governments can sanction such estimates within the total of the lump sums irrespective of the amounts under particular sub-heads: *e.g.*, it may have been intended originally to provide, say, twelve separate off-takes for distributaries under a canal. Afterwards it may be determined to reduce the number of off-takes to four: the alteration would probably increase the earthwork and diminish the masonry estimates, and if the total cost of distribution were not augmented, would the sanction of the Government of India to the modification be necessary.

Thirdly.—The Examiner of Public Works Accounts considers that Local Governments have no power to sanction any works not specifically provided for in estimates sanctioned by the Government of India either under Rule II of Circular No. 56, or under the Circular No. 44, dated 30th August 1872. He thinks that a saving on, say, a bridge, a fall, and an escape provided for in estimates might by Local Governments be applied to cover excess on other specific works of an estimate, but that such saving could not be made use of to build an additional bridge or other work. What therefore are the powers intended to be conferred by Rule II, which apparently are limited only by the concluding sentence, which latter would seem to be unnecessary if no variation whatever be admissible.

Fourthly.—What powers are intended to be conferred by Section 1, paragraph 2, of the Circular from the Government of India, No. 44, dated 30th August 1872, which allows Local Governments to sanction excess expenditure within 5 per cent. on the estimates sanctioned by the Government of India. Do these powers extend to the sanction of variations of detail within the above limit which may be shown to be desirable the better to attain the object for which the particular sanction may have been accorded by the Government of India, or is it desired that the authority of Local Governments should be restricted to the sanction of excess expenditure on specific works, such as bridges, falls, escapes, &c., which were directly provided for in the estimate on which such excess may occur.

3. The Circular No. 56, of 1871, was not drawn up specially for Irrigation works, and I am to mention that His Grace the Governor in Council considers that the nature of such works would seem to preclude the convenient application to them of restrictions which may perhaps be proper with regard to buildings and similar works, every detail, or at least every material detail of which can usually be settled beforehand. In the case of the Godavery Delta completion estimates there has been, moreover, the further difficulty arising from the circumstance that, concurrently with the carrying out of extensive improvements, the requirements of an area of irrigation of about 500,000 acres and of a heavy traffic on the canals have had to be attended to.

4. Officers competent to draw up the scheme for the improvement of particular canals would seem, I am directed to say, to be equal to the determination of details not settled finally in the first instance, and the review of their proposals by the Chief Engineer for Irrigation, and the formal sanction of these by Government, do apparently secure every safeguard which the necessity of the case requires.

I have the honor to be,
Sir,
Your most obedient servant,

Colonel,
Offg. Under Secy. to Govt., P.W.D.,
for *Secretary to Government.*

Exd. W. H. French.
Spare Copies

P. W. Dept 215

Letter from the Examiner of P. W. accounts
No. 121 W. dy. 17th July 1876.
Note by the Chief Engineer for Irrigation
No 81, dy. 3rd August 1876.

Circulated for orders.

The retrenchment rules are framed by the Govt of India. The Examiner of Public Works accounts is doubtful how they should be interpreted I would send the enclosure of his letter and the Memo by the Chief Engineer for Irrigation, with which I agree. in a letter to Govt of India and request their interpretation of their own Rules.

Lt. Colonel Hendley
Joint Secretary to Govt P.W.D.

If their decision implies retrenchments which will be injurious we can demonstrate but our first duty is to understand the rules laid down for our guidance. HH

5125
6262

Nº 153-W 74

Nº 2

Note by the Chief Engineer for Irrigation

The interpretation to be placed upon the Rules laid down by the Government of India in Circular

A.G. 4 Nov. 1871 Nº 56, so far as they relate to the
Nº 2792 powers of sanction by Government of detailed estimates against lump sum provisions in estimates sanctioned by the Government of India, turns upon the meaning of the term component parts of a project which occurs in Rules I & II. It may be noticed that these Rules appear to be applicable to projects of all kinds, the Circular being headed "Account-General", and it would seem that component parts of a project must bear a varied signification according to the kind of project referred to in any particular case.

2. The Examiner of P.W.A., in giving his view of the interpretation

has unfortunately taken his illustrative examples from buildings, which possess but little analogy to the works of an irrigation project, but so far as a comparison can be instituted between a building and its outhouses, and a canal and its minor sluices and channels it would seem that if the Government can sanction detailed estimates against lump sum sanctions by the Government of India for outhouses of a building, it is reasonable to suppose that they are empowered to sanction distribution sluices and channels under similar conditions for a canal. Both appear to be component works of the respective projects.

3. The distribution works which have been provided for in the Godavery estimates by lump sums are petty works. The provision has been made for each canal individually and as will be seen from papers which are about to be submitted to Government this provision is for two purposes viz for

(1) improved distribution arrangements to formerly existing irrigation, whether required in consequence of the alteration of the canals of supply or otherwise.

(2) the supply of new irrigation.

The works are clearly not of a character which should require the sanction of the Government of India to each individually e.g. from the statement printed in P.W.G. 5th May 1876, Rs 1111, it will be seen that 17 minor masonry works have been sanctioned for the Cocanada Canal their average cost being Rupees 806. It must manifestly involve waste of power to set the machinery not only of this Government but of the Government of India in motion to deal with such works in-

- dividually; and it is of course necessary that the detailed arrangements for the supply of water to particular villages and areas should be dealt with individually. If, therefore, the Examiner's interpretation be correct it would seem to be desirable that the Rules should be modified.

4. Circular No. 55, dated 28th October 1872, relates to the sanction by local Governments of detailed estimates for Tools and Plant against lump sum provision under this head, and the procedure there authorized, it may be noticed, is exactly in accordance with the interpretation which the undersigned considers should be placed on the Rules relating to component works. P.W.L. 2030 dt. No. 2731.

5. Again the Examiner's interpretation of Rule II of Circular 56 vide his remarks D, appear to be needlessly restrictive. He substitutes the words "sanctioned classification"

for "sanctioned design" of the Rule, and his interpretation, as has been evidenced by his recorded views in office notes, extends to the prohibition of the sanction by Government of any individual works however small which have not been specifically provided for in the estimates sanctioned by the Government of India. e.g. the coincidence that the escapes sanctioned by Government for the Eltare Canal, Godavery delta, were beyond the competence of Government to sanction. A sanctioned design for an irrigation canal should it is considered be taken to mean arrangements for securing certain objects in a way the leading features of which have been detailed in the design, and undue restrictions upon variations of details can lead only to one of three results

(1) the carrying out of details less perfect than others known to be

Estate Rs 1050
" 745
" 450
+3 ... 2245

preferable because they have been sanctioned, and the trouble of obtaining fresh sanction would be too great.

(2) the carrying out of altered details in anticipation of sanction

(3) the stoppage of work until revised designs and estimates can be prepared, and this might occur many times during the progress of a single canal.

6. Though not affecting the question as to what Rules are in themselves proper and right, it is necessary to mention that the Godavery Delta completion estimates were prepared and sanctioned before Circular No. 56 was issued; that moreover it has been necessary in carrying out the estimates to provide for the requirements of a great area of irrigation concurrently with the carrying out of extensive improvements,

and it appears to be absolutely requisite in order to avoid loss of revenue that a reasonable freedom of action should be allowed. That the operations have been on the whole judiciously carried on is manifest from the statement* recently compiled by the Examiner, which shows that although since 1868-69, when the improvements were commenced, the interest charges have increased from Rupees 30,19,189 to Rupees 46,98,602, the difference between net revenue and interest has been augmented from Rupees 57,89,019 to Rupees 127,69,614.

*Approximate General Abstract of Financial Results of Godavery Delta System dated 12th June 1876.

I have &c.

Sd/- Hutchinson Lieut Colonel R.E.
Chief Engineer for Irrigation &c

Rajahmundry
3rd August 1876

To The Secretary to Govt P.W.D.

*half a million acres.

Fo. 4 Nov/71. No. 2792
5 May/76-1111
23 Sept/76-2249.

P.W.D.
30 DEC 76

No.

From the Chief Engr for Irrign
To the Secretary to Govt Pub. Wks.

Dated 5 August 1876

No. 153-W.

Powers of Local Govt to pass Estimates — Note pointing out the doubt existing in the interpretation of the rules communicated with Govt. of India Cir. No. 56 dated 18 Sept/71 regarding the powers of Govts to sanction Detailed Estimates against Lump sum provisions.

No. 611 a

Rec'd 21-8-76
Cir. 28-8-76
Desp. 24 July

[Cr. Wks. Form No. 2.]

No. 1217

From THE CONTROLLER,
PUBLIC WORKS ACCOUNTS,

To The Secretary to Government
Public Works Department

FORT SAINT GEORGE, 17 July 1876.

Sir,

With reference to para 2 of Government Order No. 1111, dated 5 May 1876, I have the honor to report that I have for some time been in communication with the Chief Engineer for Irrigation for the purpose of satisfying myself that I had overlooked no orders bearing upon the powers of the Local Government to sanction estimates for works to be carried out wholly or partly from Loan Funds; and that I have been unable to discover any orders besides those on which my original opinion was based.

2. As far as I have been able to discover, the rules bearing upon the question at issue are embodied in the resolutions and letters of the Government of India, printed with the following Proceedings of the Madras Government, viz:-

No. 2792 dated 4 November 1871.

No.

No 425 dated 13 February 1872.
" 2449 " 23 September 1872.
" 2731 " 20 November 1872.

3 Rules I, II, III, and VII of the rules printed with the Proceedings of 4 November 1871, modified by the rule printed with Proceedings dated 23 September 1872 appear hence to contain the whole of the law regarding original constructions. The other rules seem to relate entirely to establishment, tools and Plant, and maintenance during construction.

4 Under these rules, as I understand them, the powers of the Madras Government are as follows.

(A) The Madras Government can sanction detailed estimates for separate component works of a scheme, provided that the Government of India have previously sanctioned a lump sum estimate for each separate work; meaning by lump sum estimate a rule of proportion not based upon details of quantities and rates, as for instance when a building is estimated for at so much per cubic foot all over (See Rule I of Proceedings of 4 November 1871).

(B) The Madras Government can sanction detailed estimates for the several subsidiary works connected with one of the large works of a scheme as distinguished from one of the sections of a scheme, as e.g. the outhouses of a building, provided that the Government of India have previously sanctioned a lump sum estimate for such subsidiary works taken together (See Rule III of same Proceedings).

(C) The powers under both (A) and (B) are subject to the condition that the detailed sanctions must not exceed the lump sum sanctioned accorded by the Government of India.

(D) For works which have been sanctioned by the Government of India the Madras Government can pass the estimates sanctioned by the Government of India, provided that the total expenditure to the extent of 5 per cent on excess so sanctioned does not exceed Rs 2,00,000. Savings actually realized, and realized moreover in carrying out the works according to the sanctioned design may be treated as a set off to or reduction of excesses so sanctioned (See Rule I of Proceedings 23 September 1872 and Rule II of Proceedings dated 4 November 1871).

(E) The Madras Government may raise estimates sanctioned by the Government

Government of India with a view to a reduction of the estimates owing to employment of machinery and plant not contemplated in the original estimates.

5. I cannot find that the Madras Government can sanction any expenditure whatever on works which have not been previously specifically sanctioned by the Government of India, with the slight exception stated above under (f).

6. I must point out that there seems to be a slight contradiction between the statements under (c) and (f) of this Government may pass expenditure to the extent of 5 per cent in excess of sanctioned estimates, but yet in certain cases they are debarred from sanctioning revised estimates involving any excess whatever. Moreover it is not clear whether the expression 'pass expenditure' can be interpreted as 'sanction revised estimates involving modifications of the sanctioned design.' And lastly it is not clear whether the 5 per cent limitation to the powers of this Government to pass excess expenditure (whatever the expression may mean) is to be applied to each work separately) or to the works of an entire system (e.g. the Godavery Delta

13

Delta System) or in what other way it is to be applied.

I have the honor to be,
Sir,
Your most obedient Servant.

Thomas Gordon

Examiner P.W. Accounts.

31.8.

31.8.76

No. 5125

From

The Examiner
P. W. Accounts.

To

The Secy. to Govt.
P. W. Dept.

Madras 17th July 1876.

No. 1217.

Reporting that he had overlooked orders bearing upon the powers of the Local Govt. to sanction Estimates for works to be carried out wholly or partly from Loan Funds.

Wks. Form No. 2.]

No. 1217

From THE CONTROLLER,
PUBLIC WORKS ACCOUNTS,

To The Secretary to Government,
Public Works Department.

FORT SAINT GEORGE, 17th July 1876.

Sir,

With reference to para 2 of Govt. Order No. 1111 of 5th May 1876, I have the honor to report that I have for some time been in communication with the Chief Engineer for Irrigation for the purpose of satisfying myself that I had overlooked no orders bearing upon the powers of the Local Govt. to sanction estimates for works to be carried out wholly or partly from Loan Funds; and that I have been unable to discover any orders besides those on which my original opinion was based.

2 As far as I have been able to discover, the rules bearing upon the question at issue are embodied in the resolutions and letters of the Government of India printed with the following Proceedings of the Madras Government, viz,

No. 2792 of 4th November 1871
" 425 " 13th February 1873
" 2449 " 23rd September "
" 2731 " 20th November "

Rules

3 Rules I II III and VII of the rules printed with the Proceedings of 4th November 1871, modified by the rule printed with Proceedings of 23d September 1872, appear to me to contain the whole of the law regarding original construction. The other rules seem to relate entirely to Establishment, Tools and Plant and Maintenance during Construction.

4 Under the rules, as I understand them, the powers of the Madras Government are as follows

(A) The Madras Government can sanction detailed estimates for separate component works of a scheme provided that the Government of India have previously sanctioned a lump-sum estimate for each separate work, preceding by lump-sum Estimate a rude approximation not based upon details of quantities and rates; as for instance when a building is estimated for at so much per cubic foot all over. (See) rule I of Proceedings of 4th November 1871).

(B) The Madras Government can sanction detailed estimates for the several subsidiary works connected with one of the large works of a scheme, as distinguished from one of the sections of a scheme, as e.g. the out houses of a building) provided that the Government of India have previously sanctioned a lump sum estimate for such subsidiary works taken together (See Rule III of same Proceedings)

(C) The powers under both (A) and (B) are subject to the condition that the detailed sanctions must not exceed the lump-sum sanctioned accorded by the Government of India

(D) For works which have been sanctioned by the Government of India, the Madras Government can pass expenditure to the extent of 5 per cent on the estimates sanctioned by the Government of India; provided that the total excess so sanctioned does not exceed Rupees 2,00,000. Savings actually realized, and realized moreover in carrying out the works according to the sanctioned classification may be treated as a set off to or reduction of excesses so sanctioned (See Rule I of Proceedings dated 23rd September 1872 and Rule II of Proceedings dated 4th November 1871

(E) The Madras Government may

many) precise estimates sanctioned by the) Government of India) with) a) view to) reduction of the) estimates) survey) to) employment of) machinery) and) plant not contemplated in the) original) estimates.-

5 I cannot find that the) Madras Government can) sanction) any) expenditure) whatever) on) works which) have) not been) previously) specifically) sanctioned by the) Government of India with the) slight exception stated above under) B)

6. I must point out that there) seems to be) a slight contradiction) between) the) statements under) C) and) D); this Government may) pass expenditure) to the extent of 5 per cent in) excess of sanctioned estimates, but yet in) certain) cases they) are debarred from) sanctioning) revised estimates involving) any) excess whatever. Moreover it is not clear whether the) expression) 'pass expenditure' can be interpreted as 'sanction) revised estimates involving) modifications of the sanctioned design). And lastly) it is not clear whether the 5 per cent limitation) to the) powers of this Government to) pass excess expenditure) (whatever the) expression may mean) is to be) applied to each) works separately or to the) works of) an) entire) system) e.g. the Godavery) Delta) System) or in) what other way it is to be) applied

I have the honor to be)
Sir,
Your most Obdt. Servant

L. Conway-Gordon.

Examiner, P.W. Accounts

15/7/76

Godavery

P. W. 1876 Dept
From No. 5125

To

The Examiner
P. W. Accounts

&

The Secy: to Govt.
P. W. Deptt.

Dated 17th
Rd 18th } July 1876

E84-11-71 No 2792 orig
" 13-2-72 " 425
" 23-9-72 " 2249
" 20-1-72 " 2751
" 30-5-76 " 1111

No 1217.

Estimates for Works to be carried Out wholly or partly from Loan Funds. Reporting that he had overlooked G.O. ordering sanction of the Local Govt. to

Forwarded from Board's Con 25th Sept 76.

Cir:-7-8-76
Dept to Cir 18-7-76.

E. I. Form No. 22.

17

Public Works Department.

No 2269

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 25th August 76.

Read the following:—

From Exr P.W. Accts. } No. 2512 W. dd. 17th July 1763
Note by the Ch. Engr. for Irrign } " 1512 W. dd. 3d Augt 1763

+ Their Circular

There appearing to be considerable doubt regarding the correct interpretation of the Rules communicated in the Circular of the Government of India, No 56 of the 13th September 1871, that Government will be addressed on the subject.

2. Ordered that the following letter be sent.

Exr P. Accts &
C. Engr for Irrign

dated 11-9-76

No 2270 of 28th Aug/76.

To

The Secretary to the
Government of India.

Sir,

In March last the Examiner of P.W.A. brought to notice that apparently the District Engineer, Godavery, and the Chief Engineer for Irrigation had been exercising powers which he considered had not been entrusted even to local Governments, viz sanctioning estimates for distributaries against lump sums granted on their account provided in estimates sanctioned by the Government of India, the Madras Government

P.W.D. No 1111- 5 May 1876, copy enclosed.

18 9

directed all such estimates to be submitted to Government for sanction, and the Chief Engineer for Irrigation, while admitting that the previous practice of giving such sanctions had been irregular, having differed from the Examiner as to the interpretation of the Rules, the latter Officer was called upon for a further report; and his views on the meaning of the Rules and those of the Chief Engineer for Irrigation having been stated at length and differing materially, I am directed to ask for such an

interpretation as will enable future procedure to be conducted in accordance with the wishes and intentions of the Government of India.

2. The points on which an interpretation is required are

1st Whether the term "the separate component works of a project" in Rule 1 of Circular No. 56 of the 13th September 1871 is applicable, as regards Irrigation Works, to the distributaries of individual canals. The lump sum provisions for distribution works in the completion estimates of the Eastern and Western

tricts of the Godavery delta were sanctioned by the Government of India for each canal individually, and against each provision detailed estimates have been sanctioned locally. The Examiner of P.W.A. is of opinion that Rule 1 does not confer this power on Local Governments, and that the sanction of the Government of India to all such detailed estimates against lump sum grants for distributaries is necessary, and his opinion is apparently based on the circumstance that these lump sums have not been provided

separately for individual distributaries but for the distributaries generally of a canal. The provision was made in the sanctioned estimates partly for the improvement or rearrangement of distribution to old irrigation, and partly for its extension to land to be newly irrigated, and the individual works to be carried out are none of them very considerable, while most of them are very small. I am to transmit for the information of the Government of India a copy of the Proceedings of this Government as per margin, containing a statement of all the

No. 2269 of 28 August 1876

distribution estimates for the Eastern section of the Godavery sanctioned up to date. I am to add that Circular of the Government of India No. 55 of the 28th October 1872 on sanctions by Local Governments against lump sums sanctions for Tools and Plant, and Chapter XVI - Section VI para 53 A of the Government of India Code on the sanction of estimates for rajbuhay does not seem to warrant the Examiner's restrictive interpretation of Rule I. 2nd. Whether, in the event of the Government of India deciding that it is competent for Local Governments

to sanction detailed estimates against lump sum provision for distributaries sanctioned by the Government of India for canals individually, Local Governments can sanction such estimates within the total of the lump sums irrespective of the amounts under particular subheads. e.g. it may have been intended originally to provide, say, 12 separate offtakes for distributaries under a canal- afterwards it may be determined to reduce the number of offtakes to 4: the alteration would probably increase the earthwork and diminish the masonry estimates, and if the total cost of distribution were not augmented, would the sanction of the Government of India to the modification be necessary

3rd/ The Examiner of P.W.A. considers that Local Governments have no power to sanction any works not specifically provided for in estimates sanctioned by the Government of India either under Rule II of Circular No. 56 or under the Circular No. 44 dated 30th August 1872. He thinks that a saving on, say, a Bridge, a Fall and an Escape provided for in estimates might be

to local Governments to be
be applied to cover Excess
es on other specified works
es of an estimate, but that
ti each saving could not
of be made use of to build
in an additional bridge
Gs or other work. What
es therefore are the powers
th intended to be conferred
re by Rule II, which app-
th parently are limited
fe only by the concluding
e sentence, which latter
is would seem to be un-
p necessary if no variation
p whatever be admissible
in 4thly What powers are in-
re tended to be conferred
m by Section I para 2 of the Circular
from the Government of India
re No 44 dated 30th August 1872
re which allows Local
th Governments to sanction
p Excess Expenditure within
e 5 per cent on the Estim-
ates sanctioned by
the Government of India.
Do these powers extend
to the sanction of variations
of detail within the
above limit which may
be shown to be desirable
the better to attain the
object for which the
particular sanction
may have been ac-
corded by the Govern-
ment of India, or is
it desired that the authority
of Local Governments
should be restricted
to the sanction of Excess
Expenditure on specific
works such as bridges,
falls, escapes &c which
were directly provided for
in the estimate on which
such Excess may occur
3 The Circular No 56

of 1871 was not drawn up specially for Irrigation works; and I am to mention that His Grace the Governor in Council considers that the nature of such works would seem to preclude the convenient application to them of restrictions which may perhaps be proper with regard to Buildings and dissimilar works, every detail, or at least every material detail of which can usually be settled before-hand. In the case of the Godavery Delta completion estimates there has been moreover the further difficulty arising from the circumstance that, concurrently with the carrying

out of extensive improvements, the requirements of an area of irrigation of about 500,000 acres and of a heavy traffic on the canals have had to be attended to.

4 Officers competent to draw up the scheme for the improvement of particular canals would seem, I am directed to say, to be equal to the determination of details not settled finally in the first instance, and the review of their proposals by the Chief Engineer for Irrigation, and the formal sanction of these by Government do apparently secure every safeguard which the necessity of the case requires.

July. 1878

of 1876 Madras.

PUBLIC WORKS.

The Examiner of P. W. A.

Issued

Recd.

Encl.

G. O. 28th August 1876, No. 2269 / 2270

Nos. 611-613

Note [illegible]

Powers of Local Governments to sanction Estimates for works to be carried out wholly or partly from Loan Funds. Passing orders on papers relating to the —

Requesting an interpretation of the Rules laid down in Circular No. 56 of 13th Sept 1871 relating to the power of sanction by Govt of detailed Estimates against lump sum provisions in

Estimates sanctioned by the Govt of India

5225/1876

of 1876 Madras.

PUBLIC WORKS.

Issued
Rect.

Encl.

G. O. 28th August 1876, No. 1115
2276

Nos. 611-613

Powers of Local Governments
to sanction Estimates
for works to be carried out
wholly or partly from Local
Funds. Passing orders
on papers relating to
the —

Regulating an interpre-
tation of the Public Works Code
in force Circular No 56 dy 15th
Sept 1870 relating to the
powers of sanction by Govt of
detailed Estimates against
Local Funds provision in

Returned sanctioned by the
Govt of India