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MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.G.O. No. 854Press
Misc

Dated

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Proceedings of the Madras Government, Public Works Department,
14th March 1877. No. 851.

No. 295. Read the following Proceedings of the Government of India in the Public Works Department (Account-General), dated Fort William, 11th March 1876, Nos. 244—52A.—G. :—

Control to be exercised by Government of India in distribution of allotment for Public Works from Provincial Services.

Read again the following papers :—

Financial Department Resolution No. 3,334 of 14th December 1870.

Public Works Department Resolution Nos. 606—15 A—G of 13th September 1871.

" " " " 573—6 A—G of 15th September 1875.

Read also—

Letter from Secy. to the Govt. of Bombay, No. 322 A—G of 25th Nov. 1875.

RESOLUTION.—In reviewing the Provincial Budget-Estimate of the Government of Bombay for 1875-76, the Government of India had occasion to draw attention to the circumstance that, while in 1870-71, previous to the introduction of the Provincial Service arrangements, 53.1 per cent. of the total allotment was spent on Communications,* the proportion to be spent in 1875-76 was reduced to 38.5; while that on Civil Buildings had been increased from 46.9 to 61.5. The disproportion in the grants was commended to the notice of the Local Government.

* Including Miscellaneous Works.

2. In calling attention to this subject and in upholding their right to exercise any control that might be necessary in the distribution of the grant, it was said that the Governor-General in Council would rest content with the assurance of the Local Government that the subject of the grants for Communications would receive their most earnest attention.

3. In acknowledging the receipt of the Resolution on this subject, the Local Government represent that they accepted the grant made to them in 1870 under the assurance that they would not be subjected to interference in such a matter, which they consider to be one of local administrative detail.

4. Again, the Government of India in their orders on the same Budget noticed as unusual the provision of funds for a residence for a Judge and for a Railway Magistrate, and said that the appropriations would not be disturbed provided rent were charged for the buildings or the appointments were specially sanctioned as carrying with them the grant for free quarters.

5. The Government of Bombay in reply urge that there is nothing unusual in these items; that the proposed expenditure on these two "trifling works" hardly calls for interference on the ground that such expenditure would involve an arrangement contrary to general policy, and that, if the reservation of the Resolution under which the Government of India reserves to itself the right to interfere is to cover such cases as these, "then it would perhaps be better to revert to the former system under which the Government of India exercised all control, and were not relieved of responsibility." And it is added that "it seems doubtful if the harmony which it was the avowed object of the order in question to establish and foster can be preserved if the Local Governments are not permitted to regulate minute points of detail such

as those in question, and if they are precluded from the exercise of control in the expenditure of small sums of money, while they are not divested of responsibility as regards the supply of the administrative wants of the Presidency."

6. As these remarks indicate a misapprehension of the powers and responsibility that the Government of India have reserved to themselves in the matter of Provincial Services, the Governor-General in Council deems it necessary further to explain the circumstances which have led to their remarks upon the Public Works Budget of the Government of Bombay.

7. As regards provision of quarters for two officials of the State, viz., the Subordinate Judge and the Railway Magistrate, the Government of India consider that, if the provision of funds for these purposes had been allowed to pass without inquiry and report, a precedent might have been established for the provision of public quarters to all such officials of the Local Government concerned, and eventually to those of the remainder of India. The expense thus involved might be very large. The Government of India were careful to provide in the orders laying down the Provincial Service arrangements that nothing should be done which would have such an effect as this. Thus the order provides that "no addition is to be made to the pay and allowances of any individual or class of officers that would lead to increase in the emoluments of any public servants doing duty in the same Province whose pay and allowances are charged to the Imperial Revenues. The Government of India reserves to itself the right to forbid alterations in rates of pay or allowances which, in its opinion, would produce inconvenience in other Provinces." Again, in the orders issued in September 1871, it was said that "the power which is vested in Local Governments and Administrations is on the condition that the expenditure shall be *bond fide* for a public object. The restriction laid down on this point in paragraph 51 of the Budget rules is applicable to Provincial as well as Imperial Works." And paragraph 51 of the Budget rules provides that no public money is to be disbursed unless it shall *bond fide* be for a public object, and that this general principle must be specially borne in mind in considering applications for the provision of dwelling-houses in which there is a great risk of allowing private convenience to be provided for at the public expense.

8. While, then, fully agreeing with the Government of Bombay that one of the great advantages of the Provincial Service system has been that Local Governments are left free to deal with matters of detail, the Government of India cannot admit that, in the case of the provision for quarters, the inquiry was made upon a matter which can properly be called trifling. The inquiry referred to outlay which might open the door to large expenditure, and it was in entire accord with the announcement made in the Provincial Service order that "it is the desire of the Governor-General in Council to confine the interference of the Supreme Government in India in the administration of Provincial Services to what is necessary for the purpose of securing adherence to the financial conditions now prescribed and to the general policy of the Government of India." In the case of the provision of public quarters instances are numerous in which the Government of India have been very strict in requiring their previous sanction to the provision of quarters at the expense of the State; so that, if in the present case the matter had not been inquired into,

"that general policy" which the Government of India declared its intention of seeing carried out might have been departed from.

9. Next in reference to the remarks of the Local Government to the effect that they would have objected to the Provincial fund arrangements had they known that they would not have been allowed an "unfettered discretion," at least in all matters of local administrative detail, the Government of India think it necessary that it shall be clearly understood that the orders on the subject issued in 1870-71 do not give the Local Governments any "unfettered discretion" in any department. Thus in the case of Establishment, Local Governments cannot sanction appointments of salaries of Rupees 250 and over; they cannot create or abolish grades or classes of officers, nor can they raise the pay or class of any grade of officers. In the case of Public Works, the Government of India deliberately announced that it "has not renounced the administrative control which it possesses over the expenditure now treated as Provincial." And it was said that "this control will be exercised in cases of any works undertaken which may be considered contrary to general policy, or which would involve extravagance or waste," * * and that it "reserves to itself the right * * * to object to any particular sum assigned for any object" * * *. This order was issued in September 1871, and it was nowhere said or understood that the Local Government would be allowed "unfettered discretion."

10. In the case of the distribution of the grant for Public Works between Civil Works and Communications, to which the attention of the Government of Bombay was directed, the Government of India is bound to see that no undue proportion of the allotment is spent on Civil Works, and the observations to which the Government of Bombay take exception deal with a matter of general principle, the importance of which had, moreover, been pressed upon the Government of India by the Secretary of State in Council, and not with a matter of local detail. Upon all such questions, the Governor-General in Council considers it to be his duty to call for information from the Local Governments, and, if necessary, to issue such directions as may be suitable. Upon the present occasion it was considered sufficient to draw the attention of the Local Government to the matter.

11. These remarks will show the line of policy by which the Government of India is guided in exercising a general control over the administration of Provincial Services, and in drawing attention to its Resolution Nos. 606—15 A—G, dated 19th September 1871, as showing in detail the views held on the subject, the Governor-General in Council will now look to the several Governments concerned to see that the control exercised by the Government of India is accepted in a loyal spirit.

Governments of Madras, Bombay, Bengal,
North-western Provinces, and Punjab, and
the Chief Commissioners, Oudh, Central
Provinces, British Burmah, and Assam.

ORDER.—Ordered, that this Resolution be communicated to the Governments and Administrations noted in the margin for information and guidance.

(Signed) C. H. DICKENS, Colonel, R.A.,
Secretary to the Govt. of India.

Proceedings of the Madras Government, Public Works Department,
14th March 1877. No. 851.

No. 236.

ORDER THEREON, 14th March 1877, No. 851.

ACCOUNT, No. 23-A.

COMMUNICATED to the Financial
Department, with reference to the under
mentioned orders:—

G.O., No. 2,702, (P.W.D.), 24th October 1871.

" " 1,927, " 17th July 1874.

" " 1,613, (F.D.), 25th September 1874.

" " 2,220-A, (P.W.D.), 2nd August 1875.

" " 2,535, (F.D.), 31st December 1875.

(True Extract.)

No 854 Public Works Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

UNDER date the 14 March 77

Read the following:—

The Financial Department (H. No. 2535 of 31st Dec 75)
Govt of India - (H. No. 244-52 of 11th March 76)

The Resolution of the
Government of India will

be communicated to the
Financial Department

with reference to the
undermentioned orders

G.O. 2702 (P.W.D.) 24th Oct 71
1927 (P.W.D.) 17th July 74
1613 (F.D.) 25th Sept 74
2220-A (P.W.D.) 2nd Aug 75
2535 (F.D.) 31st Dec 75

From paras 9 and 10
of the Government of India

Resolution communi-
cated with the first of

the above orders, it
would

I do not think that the
will not be a serious
loss is assumed here
of the Govt of India
to have received
any policy at all
for he is at liberty to
submit a representation
to the Govt of India
which will be a serious
loss to the Govt of India
Respectful enquiries
are being made
with a view to
if the Government of India
can be of any use
b/c

would appear that the practice of making lump grants in aid to Local Fund Circles is irregular. Roads are evidently intended to be classed either as Provincial or Local; and when expenditure from Local Funds (raised by tolls or levies) has been incurred on a Provincial Road it should be treated as a grant-in-aid to Provincial Funds; and vice versa.

3. And para 3 of the Resolution communicated with C.B. No 2220 A of 2nd August 1875, as

It is to be noted that the Local Fund Circle is not a separate fund but a part of the Provincial Fund. It is not a separate fund but a part of the Provincial Fund. It is not a separate fund but a part of the Provincial Fund.

enforced by the Resolution now communicated, shows that the approval of the Government of India will certainly be withheld from the proposal to divert upwards of $\frac{1}{2}$ Lakhs of the Provincial Public Works assignment to other purposes, which is involved by the grants from Provincial Funds for Public Works of 1876-77 as they at present stand viz

Provincial	Rs 13,50,000
Grant-in-aid to Local Funds	4,00,000
Petty Construction & Repairs	62,000
	<u>18,12,000</u>

Financial Dept. ✓
Desd 26-3-11

G.M.

Concept found in
- ed on the 4th of Nov
not described by me
- in of letters of the
name
Reinvented for in
- from the of the
Anti-Slavery Society
the force in France
5.4.
1877

Let not see that
this circle does
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likely
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strongly with good
MM

Concept found in
- ed on the 4th of Nov
not described by me
- in of letters of the
name
Reinvented for in
- from the of the
Anti-Slavery Society
the force in France
5.4.
1877

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presentation of
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the right person then
the two forces of
a person of the
presentation of
in a letter MM

27/3/76
C. J. C. J. C.
The Anti-Slavery Society

1002459/70

Govt. of 1877
PUBLIC WORKS.

To *The Financial Dept.*

Dated

Issued

Recd.

Encl.

G. O. 14th March 1877, No. 851

Nos. 295-296

Provincial Services - Resolution of the Govt. of India
amounting to be received
by them in distribution of
allotment for Public Works
from —, commd to the
Genl Dept.

Sent to Dept.