(1) பக்கங்களின் எண்ணிக்கை 24

(2) புதுக்கித் திருப்பிய நாள் Oct ~~Sep~~ '91

(3) ஆதாரங்குறிப்பவர் சுருக்கொப்பம் 18/12/91

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

PWD துறை

(8)

அரசாணை எண்.
மு. கோப்புத் தாள் எண். 2445

அச்சகம்
பலவகை

நாள் : 1-9-1882 198 .

மடிக்கவோ கண்டபடி கையாளவோ கூடாது

12 Sheets

ஆவண. கா-1—18,006—15-6-87.

C.D.

Government of India
Home Department

2495/1

Execution of minor contracts and deeds on behalf of the Secretary of State in the territories under the administration of the Government of Bengal.

Extract from the Proceedings of the Govt. of India in the Home Dept., —
No. 1760 (Judicial), — under date Simla the 2nd November 1876.

Read the undermentioned papers on the subject of the execution of minor contracts and deeds on behalf of the Secretary of State for India in Council under 22nd and 23rd of Vic: Cap: 41:

Home Dept. no. 10–1034 dated the 26th June 1876, to the Govt. of Bengal.

Letter from the Govt. of Bengal, no. 2495J, dated 18th Sept. 1876.

Resolution

In exercise of the power conferred by the 33rd & 34th of Victoria Chapter fity-nine, Section two, the Hon'ble the President in Council is pleased to declare that the undermentioned classes of the deeds, contracts

contracts and other instruments referred to in the 22nd and 23rd of Victoria, Chapter 41, section 2, may be executed as follows in the territories under the administration of the Govt of Bengal.

Contracts for the supply of articles and for repairing, Cutting &ca roads & Canals.	By Collectors of Districts, and by Executive, Superintending and Consulting Engineers, subject to the pecuniary limits and conditions prescribed by the Public Works Code
Contracts for the supply of articles to the Post Office	By the Postmaster General of Bengal.
Contracts for the supply of Stationery &ca to the Superintendent of Stationery	By the Superintendent of Stationery Calcutta.
Contracts for the supply of articles, &ca to the marine Depts, and for Docks	By the Master Attendant, Calcutta
Contracts for the supply of Clothing, &ca for the Police	By the Commissioner of Police, Calcutta and the Inspector General of Police, Bengal.
Contracts for the supply of articles &ca for the use of Jails, or regarding the sale of articles manufactured in Jails.	By the Inspector General of Jails, Bengal.

Order. — Ordered, that this Resolution be communicated to the Govt. of Bengal for information, and be published in the Supplement to the Gazette of India

(Signed) Arthur Howell
Offg. Secy. to the Govt of India

[illegible] 1876 page 443

244/2

Govt. of India Resolution
(Home Deptt)
No. 1750 dated 2nd November 1876

Government of India

Home Department

2445/3

Execution of Deeds, Contracts &ca.,
on behalf of the Secretary of State by
State Railway Officers and officers of
the Telegraph Department.

Extract from the Proceedings of the Govt. of India in the Home Deptt (Judl), No. 1644, under date Simla, the 22nd October 1878.

Read again the following papers relative to the execution of deeds, Contracts &ca, on behalf of the Secry. of State.

Home Deptt. Resolution No. 989 dated 23 June 1877
" —— " —— No. 613, " 11 May 1878
" —— " —— No. 684, " 31st " 1878
" —— " —— No. 991, " 3rd Augt 1878,

Read also a letter from the Secretary to the Government of Bombay, Public Works Department, No. 202 A, dated the 8th July 1874, on the same subject.

Resolution.

In exercise of the power conferred by the thirty-third and thirty-fourth of Victoria, chapter fifty-nine, Section two, the Governor-General in Council is is pleased, in supersession of previous orders on the same subject, to declare that the undermentioned classes of deeds, contracts, and other instruments referred to in the twenty-second and twenty-third of Victoria, Chapter forty-one, Section two, may be executed generally as follows:—

I – Contracts and other instruments for supply of Stores and labor on open lines of State Railways.	By Managers of State Railways and Director of Stores.
II – Contracts and other instruments for the execution of works on Railway lines under Construction.	By Executive and Superintending Engineers, Engineers-in-chief and Director of State Railways.
III – Contracts and other instruments for works and Stores in the Telegraph Department.	By the Director and Deputy Director General of Telegraphs and the Director of Construction.

Ordered that this Resolution be communicated to the Public Works Department, together with copies of the Statutes referred to, and that the Resolution be published in the Supplement to the Gazette of India.

(Signed) C. Bernard
Offg. Secy to the Govt. of India.

4

28-7-92

Govt. of India (Home Dept.)
Resolution no. 1444
dated 22nd October 187

No. 313

GOVERNMENT OF MADRAS
18 MAR 89
REVENUE DEPARTMENT

FROM

A. P. MacDONNELL, Esq., C.S.I.
Secretary to the Go vernment of India.

To

The Chief Secretary to the Govt. of Madras.

Home Department.
Judicial.

Ca lcutta, the 12 March 1889.

Sir,

With reference to the Resoluti on of this Department,
I am directed to forward
for the information of His Excellenc y the Governor in Council
copies of the papers marginally
noted, regarding the execution of
deeds, contracts, &c., on behalf of
the S ecretary of State, by the
Chief Engineer and Secretary to
the G overnment of the Punjab,
in the Public Works Department.
It wi ll be seen that a Resolution
on this subject, which was issued by the Government of India in May
1878, was considered to be defective, in asmuch as it did not provide
specifically for the execution of contrac ts for the conveyance or car-
riage of building materials, stores, machi nery, &c. A fresh Resolution
has accordingly been issued in which t his defect has been rectified.
I am to enquire whether, in the opi nion of His Excellency in Council
, there is any necessity for the issue of
similar orders in the case of the Madras Presidency ;
and, if so, what officer or officers are to be authorized to execute con-
tracts of the description referred to.

Home Department Resolution No. 613, dated 11th May 1878.
Letter from the Government of the Punjab, No. 1727½, dated 15th December 1888, with enclosure.
Letter to Solicitor to Government, No. 149, dated 8th February 1889.
Letter from Solicitor to Government, No. 184, dated 15th February 1889, with enclosure.
Home Department Resolution, No. 311/12 dated 12-3-89

I ha ve the honour to be,
Sir,
Your most obedient Servant,

A. P. MacDonnell
Secretary to the Government of India.

28-7-92

Extract from the Proceedings of the Government of India in the Home Department (Judicial),—No. 613, under date Simla, the 11th May 1878.

READ again the following:—

Home Department Resolution No. 989, dated 23rd June 1877, relative to the execution of deeds, contracts, &c., on behalf of the Secretary of State.

Read also the undermentioned papers on the same subject:

From Government of the Punjab, No. 841, dated the 26th February 1878.
To ditto ditto, No. 390, dated the 22nd March 1878.
From ditto ditto, No. 1553, dated the 12th April 1878.

RESOLUTION.—In exercise of the power conferred by the thirty-third and thirty-fourth of Victoria, Cap. fifty-nine, Section two, His Excellency the Governor General in Council is pleased to declare that the undermentioned classes of the deeds, contracts and other instruments referred to in the twenty-second and twenty-third of Victoria, Cap. forty-one, Section two, may be executed as follows in the territories under the administration of the Government of the Punjab.

By the Chief Engineer and Secretary to Government in Public Works Department.	Contracts and other instruments for the supply of building materials, stores, machinery, &c., for public works, and for the execution and maintenance of public works generally.

ORDER.—Ordered, that this Resolution be communicated to the Punjab Government for information, and be published in the Supplement to the *Gazette of India*.

(True Extract.)

C. BERNARD,

Officiating Secretary to the Government of India.

No. 1727½, dated Lahore, the 15th December 1888.

From—C. L. TUPPER, Esq., Secretary to the Government of the Punjab.
To—The Secretary to the Government of India, Home Department.

I am directed to address you with regard to the necessity of amending the Resolution of the Government of India in the Home Department, No. 613, dated the 11th May 1878, so as to authorize the Secretary to the Punjab Government in the Public Works Department to execute contracts for the conveyance or carriage as well as for the supply of building materials, stores and machinery for public works.

2. The necessity of amending the resolution in question was pointed out by the Government Advocate in paragraph 3 of his opinion on the agreement with Mr. Broadway for the conveyance of the iron work required for the Kurrum and Gambila bridges. An extract from his opinion is enclosed. Having regard to this opinion and in order to avoid the possibility of advantage being taken of technical defects in documents to which Government is a party, I am directed to recommend that the wording of the resolution may, if the Government of India sees no objection, be amended as follows:—

"Contracts and other instruments for the supply of building materials, stores, machinery, &c., for public works: *contracts and other instruments for the conveyance or carriage of such materials, stores, machinery, &c.*, and for the execution and maintenance of public works generally."

The words italicised are considered necessary by the Government Advocate to meet the requirements of the case, and the Lieutenant-Governor thinks they can do no harm and may be useful.

Extract paragraph 3 from Government Advocate's Opinion.

* * * * * *

PARA. 3.—Unless it be desired to take a formal bond to meet the provisions of the exception to section 74 of the Contract Act IX of 1872 (which this instrument does not meet), the form should be that of the ordinary memorandum of agreement for work to be done bilateral, and executed by the contractor of the one part and by either the Secretary to Government, Punjab (*Civil Department*), or a Secretary to the Government of India, of the other part. I do not know of any notification empowering the Secretary to Government, Punjab, Public Works Department. I may have overlooked one, and, if so, the Secretary, Public Works Department, will oblige me much by telling me of it. Government of India, Home Department, No. 613, dated 11th May 1878, does not appear to me to cover the case. In it the words "Public Works" are twice used. There is nothing to show any intention to use them in different senses, and it is quite clear that in the earlier instance they mean, exclusively, public constructive works. If a wider meaning was meant to attach to the words lower down, this should have been expressed. I cannot advise that it is safe, on the strength of such language, for the Secretary, Public Works Department, to execute a contract for the *carriage* of building materials, under either clause of the concluding part of the notification.

* * * * * *

No. 149, dated Calcutta, the 8th February 1889.

From—A. P. MACDONNELL, Esq., Secretary to the Government of India, Home Department.

To—The Solicitor to Government.

I am directed to forward the accompanying copy of a communication* received from the Government of the Punjab, and to request that you will be good enough to obtain the opinion of the Honourable the Advocate General as to the necessity for amplifying in the manner suggested the Resolution† of the Government of India in this Department authorizing the Chief Engineer and Secretary to Government, Public Works Department, Punjab, to execute certain classes of deeds, &c., on behalf of the Secretary of State. When framing the Resolution in question, the Government of India intended to provide for the conveyance or carriage of building materials, stores, machinery, &c., but it is now doubted whether the terms of the Resolution give sufficient, if any, expression to this intention.

* Letter No. 1727½, dated the 15th December 1888, with enclosed extract from an opinion recorded by the Government Advocate, Punjab.

† No. 613, dated the 11th May 1878.

(Copy annexed.)

No. 184, dated Fort William, the 15th February 1889.

From—R. LEYCESTER UPTON, Esq., Solicitor to Government.

To—The Secretary to the Government of India, Home Department.

Referring to your No. 149 of the 8th instant, I have the honour to send herewith a copy of the Honourable the Advocate General's opinion on the subject therein referred to.

Opinion by the Honourable Sir G. C. PAUL, Advocate General, Bengal.

I concur in the opinion expressed by the Government Advocate. The proposed amendment should be made.

24/8

No. 3/1-12

Extract from the Proceedings of the Government of India in the Home Department (Judicial),—under date Calcutta, the 12 March 1889.

READ again :—

Home Department Resolution, No. 613, dated 11th May 1878, relative to the execution of deeds, contracts, &c., on behalf of the Secretary of State.

Read also the under-mentioned papers :—

Letter from the Government of the Punjab, No. 1727½, dated 15th December 1888.

Letter to the Solicitor to Government, No. 149, dated 8th February 1889.

Letter from Solicitor to Government, No. 184, dated 15th February 1889.

RESOLUTION.

IN exercise of the power conferred by the thirty-third and thirty-fourth of Victoria, Cap. fifty-nine, *section two, the Governor General in Council* is pleased to declare, in supersession of the orders contained in the Resolution dated 11th May 1878 cited in the preamble, that the under-mentioned classes of the deeds, contracts and other instruments referred to in the twenty-second and twenty-third of Victoria, Cap. forty-one, section two, may be executed as follows in the territories under the administration of the Government of the Punjab :—

By the Chief Engineer and Secretary to Government in the Public Works Department.	Contracts and other instruments for the supply of building materials, stores, machinery, &c., for public works; contracts and other instruments for the conveyance or carriage of such materials, stores, machinery, &c., and for the execution and maintenance of public works generally.

ORDER.—Ordered, that this Resolution be communicated to the Government of the Punjab, and be published in the Supplement to the *Gazette of India.*

(True Extract.)

A. P. MACDONNELL,

Secretary to the Government of India.

112

PWC No 2633

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(750)

No 902 W.d/o ... 1889
903

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Cres 81
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For orders.

This current has been sent to P.W.D. by the Rev. Dept.

The whole question of contracts is now under consideration in connection with C's printed note, but apparently the G. of I. will want a reply at once to this letter.

Under Chapter XII of the Madras P.W. Code, Ex. Engrs execute contracts in this Presy., & the want of an order such as that contained in the G. of I. Resolution has not been felt.

C.
15.3.89

The Govt of India may be informed that the want of the orders suggested has not been felt.

The Govt of India might be referred to para ~~[illegible]~~ 1350 of the Code, [illegible] contemplates [illegible] contracts to be made by [illegible] and the [illegible]

28.3.89

Public Works Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Under date the

Read the following

From the Govt. of India Home Dept No 313 of 12th March 1889

2445/18

Ordered that the following reply be sent to the Govt. of India

H.G. No 915 W.D.

To the Secy to the Govt. of India
Home Department
Judicial

Sir,

In reply to your letter No 313 dated 12th March 1889, I am directed to state that the rules in Chapter XII of the Madras P. W. Code provide for the execution of

HLS
25 Mar

of Contracts by ~~[illegible]~~ officers not below the rank of the [illegible] in this Presidency, & that the want of orders such as those referred to in your letter above quoted has not been felt.

23.3.89

D 27/3.

23.3.89

Fwd 23.III.89

Rd 25/5.

Rcd with
No. 8885

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[16]

Judicial Department.

2445
12

CHIEF SECRETARIAT
MADRAS

PROCEEDINGS OF THE MADRAS GOVERNMENT

Read the following papers:—

From the Government of India, Home Department, of 14th July 1892, No. 1205.

Official Memorandum from the Revenue Department, of 1st August 1892, No. 152.

Proceedings of the Revenue Department of 8th July 1892, No. 3182, Memorandum from the Public Works Department, of 11th August 1892, No. 159 D.

Regarding the execution of deeds, contracts, &c. on behalf of Her Majesty's Secretary of State for India in Council.

—

Order 20th August 1892 No. 1526.

The following letter will be despatched to the Government of India.

(True Extract)
M. Lewis
Under Secy. P.W.D.,
for Chief Secy.

To
The Public Works Department, with papers ret.d
" Revenue Department.

P. W. CURRENT No. 8685

[6]

Govt. of (18) Madras

Memo no 159 D d 11. 8. 92
217 D d 20-8-92
157 D d 11-8-92
122 D d 5-8-92
105 D d 4-8-92
$\frac{902}{903}$ W d 26-3-89

To

The Public Works Dept

No 2445 W d 1 September 1892

13

Recorded

E. 1 file of orig.
E. 902-3 W d 26/3/89

R 26. 8. 92

OWB
29 8 92

Proceedings, dated 20 August 1892
No. 1525

8
295

Subject.

Regarding the execution of deeds contracts &c on behalf of Secy of State

(13)

[illegible]

R 31. 8. 92

26/8

Ws. 181-8
M 29-8

3/6/9

[illegible]