

Government of Madras.

PUBLIC WORKS DEPARTMENT.

To

*The Under Secretary of State for India,
 Address to the Govt. of India, Public Works Dept.
 January 1896.*

SIR,

I am directed to inform you that the following
Director Genl of Works India Office London
 telegram was despatched to the Right Hon^{ble}

Honorable the Secretary of State for India on

the 28th January 1896.—

** Indent on the Dir. Genl of
 Works, India Office, London,
 for a valiant steam pumping
 engine required for the
 Kattaw Delta Works.*

*" My letter No. 2380 W 26th
 September last. Please
 treat indent as very
 urgent."*

It was sent in reply to the following
 telegram from the Secretary of State.

I have &c

*Copy to the Private Secy.
 to H.R. the Govr.*

GENERAL.
ESTABLISHMENT.

Govt. of {1896} Madras.
PUBLIC WORKS.

Dated February, 4th.

Recd.

Encl.

G.O. No. 442 W., 4th Feb. 1896.

FEBRUARY.

Deeds, contracts and other
instruments

Government of India circular forwarding
certain correspondence on the subject of
the execution of — on behalf of Her
Majesty's Secretary of State for India,
communicated to officers of the Public
Works Department.

I have the honour to be,

Sir,

Your most obedient Servant,

Secretary to Government, P.W.D.

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GOVERNMENT OF MADRAS.
PUBLIC WORKS DEPARTMENT.

General.
Establishment.

READ—the following paper :—

From G. H. D. WALKER, Esq., Under Secretary to the Government of India, Public Works Department (General), to the Secretary to the Government of Madras, Public Works Department, dated Calcutta, the 21st January 1896, Circular No. 2, Public Works.

[Execution of deeds, contracts and other instruments on behalf of Her Majesty's Secretary of State for India.]

The Governments of Madras and Bombay, Public Works Department, General and Railway Branches.
The Governments of Bengal, the North-Western Provinces and Oudh, and the Punjab.
The Chief Commissioners of the Central Provinces, Burma, Assam and Coorg.
The Resident at Hyderabad.
The Agents to the Governor-General for Rajputana, Central India and Baluchistan.
The Accountant-General, Public Works Department.
The Director-General of Military Works.
The Director-General of Railways.
The Consulting Engineers to the Government of India for Railways, Calcutta, Lucknow and Assam.
The Director-General of Telegraphs.

The following is forwarded to the Local Governments, Administrations and Officers named on the margin, for information and guidance.

ENCLOSURES.

From A. E. HURRY, Esq., Junior Secretary to the Government of the Punjab and its Dependencies, to the Secretary to the Government of India, Home Department, dated 30th August 1895, No. 620.

With reference to the Resolution of the Government of India, No. ^{3 Judicial} 485-501, dated the 28th March 1895, regarding the execution of deeds, contracts and other instruments on behalf of Her Majesty's Secretary of State for India, I am desired to forward, for the orders of the Government of India, a copy of a letter * No. 0404 I., dated the 17th July 1895, from the Secretary to Government, Punjab, Public Works Department, Irrigation Branch, with a copy of a note * by the Chief Engineer, Irrigation Works, Punjab, representing that some further instructions are required on the following points :—

- (i) What are the respective powers of Chief and Superintending Engineers, Superintendent of Works and Divisional Officers to execute the agreements referred to in Section E of the resolution, and whether it is necessary that they should be defined in the Public Works Code or by Government notification.
- (ii) Whether the new Resolution supersedes Circular No. III, Public Works (General), dated 23rd April 1894, or whether the power of an authority to execute an agreement must be held to be distinct from the power to make or enter into the same.

* These are not forwarded.

From the Government of India, Public Works Department, to the Secretary to the Government of the Punjab, Home Department, dated 9th January 1896, No. 76 G.

I am directed to acknowledge the receipt of your letter No. 620, General, dated the 30th August last, to the address of the Secretary to the Government of India in the Home Department, and, in reply, to say as regards the first question stated in that letter, that Home Department Resolution No. ^{3 Judicial} 485-501, dated 28th March 1895, simply purports to be an exhaustive list of the Government Officers of all grades who can execute documents of any kind on behalf of the

Secretary of State, that is, of Government. Thus, to take the very point raised in the enclosure of your letter, before the issue of the Home Department Resolution, there was no Government official legally authorized to execute a lease on behalf of Government for water-power or mills situated on canals. Sub-head E v of that Resolution now remedies this defect.

As to the extent to which the several officers named, *viz.*, Chief and Superintending Engineers, Divisional and Sub-Divisional Officers of the Irrigation Branch, may use the power of executing leases, this is a matter with which the resolution is not concerned. It is a matter, as indicated in the resolution itself, for departmental orders, which do or will decide by which one of several legally-competent officers a particular power should be exercised. Some of these limiting rules, as, *e.g.*, under sub-heads E. i, ii, iii are, as observed in the enclosure of your letter, stated in the Public Works Department Code. Others, such as those affecting iv and v and many besides, are not so stated.

Generally speaking, when the limits are not laid down in the Code or Circular order, the Local Governments should, in regard to matters with which it is concerned, lay down such rules in any way it thinks best for the guidance of its officers.

2. As to the second question raised in your letter, the power to *execute* instruments is of course limited also by any other existing orders imposing restrictions on contracts *to be entered into*. That is to say, no officer empowered under the Home Department Resolution to execute an instrument, can execute one which is prohibited by the rules laid down in Circular No. III, Public Works, dated 23rd April 1894, simply because the latter rules prohibit him from entering into such an agreement.

ORDER—No. 442 W., dated 4th February 1896.

Communicated to officers of the Public Works Department in continuation of the undermentioned orders:—

G.O. No. 99 W., dated 13th April 1894.

„ No. 1483 W., „ 18th June 1895.

(True Extract.)

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

To the Chief Engineer for Irrigation.
 „ the Consulting Engineer for Railways.
 „ Superintending Engineers.
 „ the Consulting Architect to Government.
 „ the Superintendent of Works, Periyár Project.
 „ the Examiner, Public Works Accounts.

Exd. Md. Pahilvan.

Spare Copies

GENERAL.
ESTABLISHMENT.

Govt. of {1896} Madras.

PUBLIC WORKS.

Dated February, 4th.

Recd.

Encl.

G.O. No. 442 W., 4th Feb. 1896.

FEBRUARY.

Deeds, contracts and other
instruments

Government of India circular forwarding certain correspondence on the subject of the execution of — on behalf of Her Majesty's Secretary of State for India, communicated to officers of the Public Works Department.

PUBLIC WORKS

4/2/1896 No. 442w

eds, Contracts and other
instruments.

of India Circular for
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 Majesty's Secretary of
 State for India, Comd^r
 officers of the P. and O.

Ltr 984

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As to the extent to which the several officers named, viz., Chief and Superintending Engineers, Divisional and Sub-Divisional Officers of the Irrigation Branch, may use the power of executing leases, this is a matter with which the Resolution is not concerned. It is a matter, as indicated in the Resolution itself, for departmental orders, which do or will decide by which one of several legally competent officers a particular power should be exercised. Some of these limiting rules, as, e.g., under sub-heads E. i, ii, iii are, as observed in the enclosure of your letter, stated in the Public Works Department Code. Others, such as those affecting iv and v and many besides, are not so stated.

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35C

Recd 31-1-96

Ltr A

No 442 W of 4 Feb 1896

Communicated to
officers of the Public Works
Department in continuation
of the undermentioned
orders.

No. 992 W of 13 April 1894
" 1483 W of 18 June 1895

C. H. S.
3/2/96

1/2/96

The C. E. S.
C. E. S.
S. E. S.
S. E. S.
S. E. S.
S. E. S.

G. I. C. P. O.—No 1281 P. W. 22-96—1483—G. R.

R. S.

186.90 N-453a
134.24 .. 992a
21-1-89 .. 113a
21-11-88 .. 368a
6-3-88 .. 298a
265-24 .. 1255a

[For General Distribution.]

Circular No. 2 Public Works.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

GENERAL.

Execution of deeds, contracts and other instruments on behalf of Her Majesty's Secretary of State for India.

Calcutta, the 21st January 1896.

The Governments of Madras and Bombay, Public Works Department, General and Railway Branches.
The Governments of Bengal, the North-Western Provinces and Oudh, and the Punjab.
The Chief Commissioners of the Central Provinces, Burma, Assam, and Coorg.
The Resident at Hyderabad.
The Agents to the Governor General for Rajputana, Central India, and Baluchistan.
The Accountant General, Public Works Department.
The Director General of Military Works.
The Director General of Railways.
The Consulting Engineers to the Government of India for Railways, Calcutta, Lucknow, and Assam.
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By order,

E. M. Walker

Under Secy. to the Govt. of India.

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From—A. E. HURRY, Esq., Junior Secy. to the Govt. of the Punjab and its Dependencies,

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

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- (i) What are the respective powers of Chief and Superintending Engineers, Superintendent of Works and Divisional Officers to execute the agreements referred to in Section E of the Resolution, and whether it is necessary that they should be defined in the Public Works Code or by Government notification.
- (ii) Whether the new Resolution supersedes Circular No. III Public Works (General), dated 23rd April 1894, or whether the power of an authority to execute an agreement must be held to be distinct from the power to make or enter into the same.

* These are not forwarded.

No. 76 G., dated 9th January 1896.

From—The Government of India, P. W. Dept.,

To—The Secretary to the Govt. of the Punjab, Home Dept.

I am directed to acknowledge the receipt of your letter No. 620 General, dated the 30th August last, to the address of the Secretary to the Government of India in the Home Depart-

*The Joint Secy to the Govt of Madras
P.W. Department Railway Branch
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As to the extent to which the several officers named, viz., Chief and Superintending Engineers, Divisional and Sub-Divisional Officers of the Irrigation Branch, may use the power of executing leases, this is a matter with which the Resolution is not concerned. It is a matter, as indicated in the Resolution itself, for departmental orders, which do or will decide by which one of several legally competent officers a particular power should be exercised. Some of these limiting rules, as, e.g., under sub-heads E. i, ii, iii are, as observed in the enclosure of your letter, stated in the Public Works Department Code. Others, such as those affecting iv and v and many besides, are not so stated.

Generally speaking, when the limits are not laid down in the Code or Circular order, the Local Governments should, in regard to matters with which it is concerned, lay down such rules in any way it thinks best for the guidance of its officers.

2. As to the second question raised in your letter, the power to execute instruments is of course limited also by any other existing orders imposing restrictions on contracts to be entered into. That is to say, no officer empowered under the Home Department Resolution to execute an instrument, can execute one which is prohibited by the rules laid down in Circular No. III P. W., dated 23rd April 1894, simply because the latter rules prohibit him from entering into such an agreement.

[For General Distribution.]

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G. I. C. P. O.—No. 1281 P. W. D.—22-1-96.—1,483—G. R.

To The Secy to the Govt. of Madras
P. W. Department

10th 984

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Recd: 31-1-96

10th

No 442 W of 4 "Feb 1896"

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3/2/96

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The C. E. for
C. E. for
S. Engrs
C. E.
S. of W. P. P.
R. P. W. W.

G. I. C. P. O.—No 1281 P. W. D.—22-9-1483—G. R.

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