

Revenue (1899) Department.

MISCELLANEOUS SERIES.

G.O., No. 284

DATED 18th January 99

[Despatch Abstract.]

Transferring to the Financial Dept. B. P. recommending
the grant of halting allowance in excess of 10 days' limit to Mr. Cowley,
Brown and certain other forest officials and proposing that a similar concession
be granted to all forest officers or at least to such subordinates as
cannot maintain camp equipment.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
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Public (1898) Department.

Revenue
thru
The Accountant-General

CURRENT No. 7865

From The Board of Revenue,
Land Revenue,
Madras

Endt.
Order No. 284 of 18th Jan 1899

Transferred to the
Financial Department with
notes in original.

For No. 406 Ref.

Dated 26. October 1898

Received 17/11

Registered 18/11

Enclosures 1

Spare copies

SUBJECT.

Recommending for the favourable
consideration of Govt application
for the grant of halting allowance
in excess of the 10 days' limit under
art. 1159(b) of the C. S. Regulations,
and recommending that a general
concession be granted to all
forest officers or at least to sub-
ordinates as cannot maintain
camp equipment.

BACK PAPERS.

G.O.	No.	Department.	Date.
	2175	his	20.5.98
	643	HL	29.7.96
	342	HL	19.5.96
	34	HL	14.1.96

FURTHER PAPERS.

G.O.	No.	Department.	Date.

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2 1,000-7-9-98.

REVENUE DEPARTMENT.

Current No. 7365 of '98

From The Board of Revenue, Land Revenue and the
Accountant-General
Ref. No. 406 Forest Dated 26th October
and Endt. No. 5019 dated 16th November 1893. 1893.

FOR ORDERS.

The exceptional cases in which officers may draw halting allowance for more than ten days of stay at the same place are specified in Art. 1159 of the C. S. R. At first the officers of the Forest Dept. were exempted from the operation of the above art. by a special provision in Art. 1160; but in 1897 when the third edition of the C.S.R. was issued the provision was retained but with the addition of the words "on the understanding that they (the officers referred to in the article) maintain camp equipage".

Please see Art. 1160 on page 314 of the C.S.R. (2nd Edition)

2. In the current read above the Ed. of Rev: requests that

(i) halting allowance for more than

ten days may be sanctioned to Mr. Cowley-
Brown (Dy. Conservator of forests) and the
four other officials mentioned on the
margin of para 2 of the B.P. (current.)

A

FOR ORDERS.

B.

(ii) that all officers of the forest
dept. or at least those on a lower scale
of pay may be exempted from the operation
of Art. 1159 C.S.R. and not required to
maintain camp equipage in order to entitle
them to draw halting allowance for more
than ten days.

The subordinate officers of the forest
dept. cannot, the Board states, afford to
maintain camp equipage and that therefore
the addition in Art. 1160 C.S.R. causes
great hardship among them.

In forwarding the B.P. the Acct-Genl.
is of opinion that the claims of such of
the forest officers as have not maintain-
ed camp equipage should be treated under
clause (b) of Art. 1159 C.S.R.

3. The question whether the Board and
the Acct-Genl have correctly interpreted
the meaning of Art. 1160 of the C.S.R.
(as it now stands in the third edition)

Viz., that allowance may be
admissible if extra expense
were incurred after the 1st ten
days even though camp equipage
was not maintained.

is submitted for consideration. The Bd.
expressly states and the Acct-Genl ap-
parently implies that in order to en-
title a forest officer to draw halting
allowance for more than ten days under
Art. 1160, he must have maintained camp
equipage. The Art. is susceptible of
this meaning if the words "on the under-
standing that they maintain camp equi-
page" are understood to mean on condi-
tion that they maintain camp equipage.
The Acct-Genl and the Board appear to
have understood the addition in Art.
1160 in the sense above indicated and
it is a question whether their interpre-
tation is correct.

The words "on the understanding" in
the Art. appear to have been cautiously
introduced and the Art. understood in
its plain and literal meaning seems to
import the following- "The officers of
the forest dept. and their establish-
ments &c. have been exempted from the
operation of Art. 1159; and this exem-
tion is granted because it is under-

stood that they maintain camp equipage and have therefore on that ground frequently to be exempted". The phrase "on the understanding that they maintain camp equipage" seems to be merely a statement of the reason for granting the exemption and not a condition precedent.

If this be so, the exemption in Art. 1160 is general and does not require that in particular cases camp equipage should have actually been maintained in order to entitle a person of the class described in the Art. to draw halting allowance for more than ten days.

4.. The interpretation given to Art. 1160 by the Board and the Acct-Genl. seems to be inconsistent with the following considerations:-

(i) Understood in the meaning adopted by the Board and the Acct-Genl., Art. 1160 appears to be in substance nothing more than clause (a) of Art. 1159. The exemption in Art. 1160 then becomes unreal and the necessity for a separate provision not clear. The meaning of (as now stands

(ii) The change in the wording of Art. 1160 (in the third edition) was necessitated by alterations in the substance and wording of Art. 1159 and apparently not from an intention of the Govt. of India to change the meaning of Art. 1160. This is clear from a comparison of Arts 1159 and 1160 as they stood in the old (2nd) edition and the same articles in the third edition.

In Art. 1160 (as it stood in the 2nd edition) the class of officers mentioned therein were exempted as being officers of the description mentioned in clause (ii) of Art. 1159 in the same edition viz., as being officers whose duty was such as to entitle them frequently to halting allowance for more than ten days on account of their maintaining camp equipage. In the third edition the classification of cases of exemption from the ten days' limit was changed; with this change the wording of Art. 1160 had also necessarily to be

stood altered and it was accordingly altered to
and the form in which it now stands in the
question third edition.

The obvious and literal meaning of Art.
came 1160 as it now stands being the same as
that of the Art. in the 2nd edition and
the change in wording being the result of
changes in Art. 1159, there appears to be
no reason, it is submitted, to interpret
in Art. 1160 in a narrower sense nor to think
that the Govt. of India had any intention
to change the meaning of the article.

5. If the view set forth above be con-
sidered correct, ~~the~~ Mr. Cowley-Brown and
the four other officials mentioned in
para 2 of the B.P. (current) seem entitled
to halting allowance for the respective
periods of their stay. No question also

(i) then arises as to the real meaning of the
words "extra expense" occurring in Art.
1159 of the C.S.R. (new edition), nor as
whether the Govt. of India should be
addressed with a view to the exemption
of the operation of Art. 1159 C.S.R.
the meaning of the officers of the Forest Dept.
(as now stands

as cannot afford to maintain camp equi-
page.

6. The question raised in paras 3 & 4
above being one of interpretation of
the C. S. R. should be finally dealt
with in the Finl. Dept. (please see G.O.
Finl., No. 969 Misc. d/ 16-12-90
printed in G.O. 643 Finl. d/ 29-9-96
and para 1 of the latter G. O.) If the
Finl. Dept. has any doubt, then the
Finance & Commerce Dept. of the Govt.
of India will have to be addressed--
please see Resolution of the Govt. of
India printed on page 2 of G.O. Finl.
No. 643 d/ 29-9-96.

(Intld) S. M.
3-12-98 Secy.

The remarks of Finl. may be in-
vited.

(Intld) N. E. M.
10-12-98

(Intld) G. S. F.
12-12-98

Finl. Dept. U. O.

Financial Department.

Note for the Chief Secretary.

In the foregoing note the Rev. Dept.
raises the question of the interpreta-

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11 The papers under disposal relate to
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t the claims of certain forest officers for
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t exemption from the operation of Art. 1159
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cl and the Board and the Acct-Genl have un-
no derstood the expression mentioned above
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Ar as meaning "on condition that they main-
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tha tain camp equipage". It is suggested in
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to the note in the Rev. Dept. that the mean-
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5. ing given by the words in question to the
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der Art. is that the officers mentioned in
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the four others-A. to the C.S.R. have been
4 appendix 29
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b) exempted from the operation of Art. 1159 and
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i that this exemption has been granted be-
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(maintain camp equipage and have therefore
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h that ground frequently to be exempted.
1159
at the same question was noticed in the notes
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n G.O. No. 634 Finl. d/ 23rd July 1893,
2nd
n connection with the claims of certain
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ce constables for exemption from the
the me, I
(as now stands

operation of Art. 1159-- please see the
file tied separately with red tape. It
was there pointed out that Art. 1160 as
it appears in the third edition of the
C.S.R. practically excludes the rank &
e of the police force from the con-
cession. It seems to be clear, however,
that the interpretation which the Rev:
Dept. suggests cannot be maintained.
Camp equipage is defined in Art. 21 as
the apparatus for moving a camp and ap-
pendix 26-A. includes police officers
attending fairs, darbars, agricultural
exhibitions. As pointed out on the pre-
vious occasion it is scarcely possible
that police constables would in any
case ~~which~~ maintain camp equipage and
the Govt. of India can scarcely have
supposed that ~~it~~ would. The decision
in G. O. No. 634 Finl. d/23rd July '93,
(vide the Hon. Member's note of the 13th
July preceding the draft G.O.) was that
there was no case for a general exemp-
tion from the operation of the ten day

...tation to be
...al
stood rule of police officers who maintain no
and camp equipage, but that such cases as ap-
queneer deserving of consideration should be
the submitted to Govt. as they occur. The Hon.
1 Member was of opinion that it is best
can that exemptions from Art. 1159 should be
mer closely watched and that they should there-
tic fore be specially sanctioned by Govt. These
116 reasons would apply equally against any
Art. general exemption of forest officers who
in maintain no camp equipage.
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en As regards the cases dealt with in the
5 Art. Board's proceedings, it is to be observed
ir that Art. 1159 is now worked more liberal-
dere ly than it used to be. There appears to
me be no objection to the exemption of the
the forest officers whose cases are dealt
4 appe with in the Board's proceedings.
b. exem

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recause
(maint. (Intld) C. M. S.
2-1-99
in the (Intld) G. S. 3/1/99

of the sa No. 44 d/ 4th Jany 1899.

in G.C Revenue Dept. U. O.
(Intld.) G. S. 3/1/99.

in cont
Revenue Department.

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(as Please see the two points for or-

ders at A and B in this Dept's note at
pages 1 and 2 above.

In the circumstances set forth in
the Finl Dept's note, halting allowance
may be sanctioned as prayed for to Mr.
Cowley-Brown and the other officers
named in the B.P.; but, with reference to
to the question of exemption from Art.
1159 of the C.S.R. the Board may be
told that the Govt. prefers to deal
with particular cases on their merits.

(Intld) N. E. M.
10-1-99

(Intld) G. S. F.
10-1-99

Please see draft endorsement on the
docket of the Bd's reference (current).

(i) Sanction for halting allowance to
Mr. Cowley-Brown and the other offi-
cers should be accorded in the Finl.
Dept. (please see G.O. Finl. No. 342 d/
19-5-96).

(ii) The order that the officers of the
Forest Dept. cannot by a general order
be exempted from the operation of Art.
1159 C.S.R. but that the Govt. prefers

to deal with particular cases on their merits, may also, it is submitted, issue in the Finl. Dept.

(iii) In para 4 of the B.P.(current) the board takes exception to the view contained in G.O. Finl. No. 34 d/ 14-1-96 (With reference to this it is stated in the note (of the Finl. Dept.) that Art.1159 is now worked more liberally than it used to be). The order on para 4 of the B.P. should also therefore issue in the Finl. Dept.

S.Y.
12-1-99 Secy.

Finl. may be asked to issue the necessary orders if no objection. The papers may be transferred accordingly.

(Intld) M. E. M.
16-1-99

(Intld) G. S. F.
17-1-99.

DATED

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DETT.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.

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