

Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 435

DATED 25th January

[Despatch Abstract.]

Transf. to the Financial Dept., B. O. Comfy
G. O. on the letter from G. O. S. explaining clause
(b) art. 1159. C. S. R. and considering that special
rules should be made to compensate the shroffs
accompanying remittances.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
CR. 849/97	90-790	Revenue	10-9-97				

Revenue (1896) Department.

CURRENT No. 52

25/11

From The Board of Rev. Law Rev.

Order and in No 435 of 25th Aug 1897

No. 453 P

Transferred to the Financial Department with reference to its memo No. 2433 dt 21-11-96 to the Board of Revenue

11/11/97

Dated 4 Dec 96

Received 16-1-97

Registered 15-1-97

Enclosures

Spare copies

SUBJECT.

Gaining, for information and guidance, G.O. (Financial) on letter from the Govt of India explaining that clause (b) under article 1159 of the L.S.R., was intended to enable Local Govts to prove the two days' limit for halts operation as a hardship in particular cases, on considering that a special rule should be made to enable the authorities to compensate the shropps accompanying remittances when they are detained at the Head-quarters for more than two days.

Let

Letter No. 27-1-97

printed on p 3 of the current

(R. 239 am 97)

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21/11

BACK PAPERS.

G.O.	No.	Department.	Date.
7042	83	30-10-96	
"	34	14-1-96	7am
"	49	Revenue	6-2-96

FURTHER PAPERS.

G.O.	No.	Department.	Date.

BOARD OF REVENUE (LAND REVENUE), No. 453, 4TH DECEMBER 1896.

PROCEEDINGS OF THE BOARD OF REVENUE (LAND REVENUE).

READ—again the following Proceedings of the Board of Revenue (Land Revenue),
Mis. No. 4217, dated 14th September 1896 :—

Read—the following letter from J. N. ATKINSON, Esq., Collector of Kistna District,
to the Secretary to the Commissioners of Land Revenue, dated 25th August
1896, Ref. on C. No. 3663-Ver. :—

I have the honour to state that V. V. Ranga Row, a shroff of this office, who
accompanied a remittance of 10 lakhs of rupees from this treasury to Madras Bank,
Madras, on 24th April 1896, was obliged, in the interests of the public service, to halt
at Madras from 1st to 28th May 1896, up to 27th in shroffing the amount and on
28th in preparing to return to head-quarters. He has been put to additional expense
by this long stay at Madras. I request that the Board will be pleased to recommend
to Government to exempt the shroff from the operation of Article 1159, Civil Service
Regulations.

Resolution—Mis. No. 4217, dated 14th September 1896.

The Board is not prepared to support this application, as no case has been made
out for exemption from the provisions of Article 1159, Civil Service Regulations.

2. The Board has had occasion to notice that since January last shroffs accom-

Despatching Treasury.	Receiving Treasury.	Amount of Remittance.	Number of days detained.
1. Tanjore	Madras ..	About .. 7	21
2. Vizagapatam	Do. ..	Do. .. 5	21
3. South Arcot	Do. ..	About .. 13½	11
4. Trichinopoly	Do. ..	Do. .. 8	16
5. Do.	Bangalore ..	Do. .. 3½	29
6. Do.	Nilgiris ..	Rs. 65,000	19
7. Do.	Madras ..	About .. 11	21
8. Do.	Do. ..	Do. .. 8	16
9. Kistna	Do. ..	Do. .. 10	28
10. Do.			

panying remittances
to Madras and other
places have been de-
tained for more than
ten days as shown
in the margin. The
Accountant-General
is requested to cause
better arrangements
to be made in view to
obviate the hardship
caused by such pro-
longed detention.

(True Copy and Extract.)

(Signed) R. C. C. CARR,
Acting Secretary,

To the Collector of Kistna.
" Accountant-General.

Read—also the following Government Order, Mis. No. 4283, Revenue, dated 30th October 1896:—

Read—the following Proceedings of the Board of Revenue (Land Revenue), Mis. No. 4719, dated 17th October 1896:—

Read—the following letter from F. C. HARRISON, Esq., Officiating Accountant-General to the Government of Madras, to the Secretary to the Commissioners of Land Revenue, dated 22nd September 1896, No. 407-I.D.:—

With reference to the Proceedings of the Board of Revenue (Land Revenue), Mis. No. 4217, dated the 14th September 1896, I have the honour to state that funds accumulate at different treasuries at about the same time especially from January to April and have to be removed for want of accommodation at about the same time, the most part coming to Madras. Some delay in detaining potdars is therefore unavoidable. When the expense would be less if they were allowed to go away and come back in time for the examination of the remittances they accompanied, this course is followed. It is probable that when potdars are detained owing to unavoidable delay in the examination of the remittances they accompanied, they are put to greater expense.

Resolution—Mis. No. 4719, dated 17th October 1896.

The papers read above will be submitted for the orders of Government.

2. Since the receipt of Government Order, No. 8, Financial, dated 6th January 1896, passing orders on a claim for halting allowance for more than ten days under Article 1159, Civil Service Regulations, the Board has refrained from recommending any exemption in favour of shroffs who accompanied remittances of treasure to Madras and elsewhere and who were detained at the receiving treasury for more than ten days. Owing, however, to the frequency of such applications, the Board addressed the Accountant-General in view to arrangements being made for obviating the inconvenience caused by the prolonged detention of shroffs on this duty. The Accountant-General states that the delays in the cases referred to were unavoidable and that the shroffs were probably put to extra expense by their detention.

3. In these circumstances, the Board requests that exemption from Article 1159, Civil Service Regulations, may be granted in the ten cases specified below:—

Despatching Treasury.	Receiving Treasury.	Amount of Remittance.	Number of days detained.	Number and date of Collector's letter.
1. Tanjore	Madras	About .. LAKHS. 7	21	No. 896, dated 29th February 1896.
2. Vizagapatam	Do.	5	21	No. 1255, dated 30th April 1896.
3. South Arcot	Do.	About .. 13½	21	No. 1713, dated 4th May 1896.
4. Trichinopoly	Do.	8	11	No. 2881, dated 6th August 1896.
5. Do.	Bangalore	3½	16	
6. Do.	Do.	3½	29	
7. Do.	Nilgiris	Ra. 65,000	19	No. 2807, dated 17th August 1896. No. 3663, dated 25th August 1896.
8. Do.	Madras	About .. 11½	21	
9. Kistna	Do.	6	16	
10. Do.	Do.	10	28	

(True Copy and Extract.)

(Signed) R. C. C. CARR,
Acting Secretary.

To the Secretary to Government, Revenue Department, with seven letters and one enclosure, in original, to be returned.

Order—Mis. No. 4283, Revenue, dated 30th October 1896.

Transferred to the Financial Department for favour of sanction.

(True Extract.)

(Signed) G. STOKES,
Ag. Secretary to Government.

To the Financial Department.

Copy to the Board of Revenue (Land Revenue).

Read—also the following:—

Memorandum No. 2433.

Read—the following:—

Government Order, Mis. No. 4283, Revenue, dated 30th October 1896.

The attention of the Board of Revenue is drawn to the letter from the Government of India, Finance and Commerce Department, No. 5677-Ex., dated 6th December 1895, printed on page 3 of Government Order, No. 34, Financial, dated 14th January 1896 (copy enclosed), from which it will be seen that, in order to establish a claim for exemption from the operation of Article 1159 of the Civil Service Regulations, under clause (b) of that article, it is necessary to prove that the extra expenditure to which an officer is subjected is of the kind which travelling allowance is intended to meet. Article 1086 of the Civil Service Regulations lays down the principle that travelling allowance is given to an officer to cover actual travelling expenses and the expression "actual travelling expenses" is clearly defined in Article 15.

The Board is requested to reconsider its proposals in the light of the above remarks.

FORT ST. GEORGE,
21st November 1896.

(Signed) A. L. HANNAY,
for Chief Secretary.

To the Board of Revenue (Land Revenue) with original enclosures returned and with copy of Government Order, No. 34, Financial, dated 14th January 1896.

ENCLOSURE.

Government Order, No. 34, Financial, dated 14th January 1896.

Read—again the following Government Order, No. 822, Educational, dated 11th October 1895:—

Read—the following letter from the Hon'ble Mr. D. DUNCAN, M.A., D.Sc., Director of Public Instruction, to the Chief Secretary to Government, dated Madras, 3rd August 1895, No. 8299:—

In April last, I appointed a committee consisting of the four Inspectors, and the two Inspectresses of Girls' Schools, the Assistant Inspector of Schools, 4th Division, and the Assistant Inspector of Schools, 6th Division, to meet at my office to consider, amongst other matters, the revision of the Madras Educational Rules and to submit to me a report as to the changes that should, in their opinion, be carried out in them. I took that opportunity of inviting representatives of important missionary bodies and the Secretary to the Council on Aided Education, consisting in all of seven members, to attend the conference and to take part in the discussion. The conference lasted for 14 days from the 17th to 30th April 1895, both days inclusive. The results of its labours will in part appear in the revised copy of the Educational Rules, which I hope to submit to Government shortly. I have now the honour to request that the travelling and daily allowances of the mofussil non-official members, who were all Europeans, may be sanctioned at the rates sanctioned in Government Order, No. 1288, Financial, dated 7th December 1886. There were only three such members, viz., Revd. W. Goudie of the Wesleyan Mission, Tiruvallūr (Chingleput), the Revd. J. S. Chandler of the American Mission, Madura, and Revd. G. H. Macfarlane of the London Mission, Cuddapah, the first having attended seven meetings and the two latter two meetings only.

2. I beg further to request that Messrs. Logan and Flanagan, the Inspectors of Schools, Western and Southern Circles, respectively, M.R. Ry. C. Nagoji Rao, the Inspector of Schools, Northern Circle, and Miss E. Carr, the Inspectress of Girls' Schools, Southern and Western

Circles, who had to halt at Madras for more than ten days continuously in connection with the conference, may be allowed their daily allowance for the period of their halt in excess of ten days, as they had to incur heavy expenses at Madras on account of boarding, carriage, &c. I would observe that the maximum limit for which daily allowance can be claimed will be 14 days, and that a similar concession was granted to Messrs. A. Monro and G. Bickle, formerly Inspectors of Schools, in Government Order, No. 717, dated 11th November 1886.

Order—No. 822, Educational, dated 11th October 1895.

The Accountant-General will be authorized to disburse to the Revd. Messrs. Goudie, Chandler and Macfarlane travelling and daily allowances at the rates sanctioned in Government Order, No. 1288, Financial, dated 7th December 1886. This authorization will, however, be subject to the limitation that the amounts disbursed in each case do not exceed the actual expenses incurred.

2. The Government doubts whether the officials specified in paragraph 2 of the Director's letter can be exempted from the ten days' rule under article 1159 of the Civil Service Regulations. A reference will be made to the Government of India on the subject.

(True Extract.)

(Signed) J. F. PRICE,
Chief Secretary.

To the Director of Public Instruction.
„ Accountant-General.
„ Financial Department.

Read—again the following Government Order, Nos. 896, 897, Financial, dated 14th November 1895:—

Letter—to the Secretary to the Government of India, Finance and Commerce Department, No. 897, Financial, dated 14th November 1895.

I am directed to address you, regarding the construction to be placed on the phrase “extra expense” in article 1159 (b) of the Civil Service Regulations which is nowhere clearly defined.

2. Part XI of the Civil Service Regulations in which this article occurs is apparently governed throughout by article 1086 unless the contrary is anywhere distinctly stated. This article states that travelling allowance is given to an officer to cover actual travelling expenses and the expression “actual travelling expenses” is defined in article 15 as meaning “the actual cost of locomotion for an officer himself, his servants, and personal luggage, including charges for ferry and other tolls, and for carriage of camp equipment (when necessary); but not including charges for hotels, dak bungalows, or refreshments, or for the carriage of stores or conveyances, or for presents to coachmen, nor any allowance for such incidental losses or expenses as the breakage of crockery, the wear and tear of furniture, the entertainment of additional servants and the like.”

It appears to be the intention of the Government of India that the “extra expense” referred to in article 1159 (b) should be in the nature of “actual travelling expenses” as defined in article 15, for in paragraph 3 of Finance and Commerce Department letter, No. 6204 P., dated 20th December 1894, the claim of the establishment of the Resident in Travancore and Cochin to a general exemption from the provisions of article 1159 was negatived, because it appeared to have been put forward “largely on the ground of the extra cost of living—for which travelling allowance is not intended to compensate—and not so much because the travelling allowance admissible under rule is insufficient on the whole to cover the actual expenses on account of travelling.” Again, in Government Order, No. 16, Financial, dated 19th January 1895, and in paragraph 2 of Mr. Hewett's letter, No. 1173, dated 2nd August 1895, it was pointed out that a daily allowance is not intended to meet charges for conveyance to office or court or to cover cases of special duty or special inconvenience.

3. On the other hand, article 1159 as it previously stood permitted special exemption from the ten days' rule solely in cases where (i) the prolonged halt was necessary in the interests of the public service and (ii) it was necessary to maintain camp equipage. The article as amended and as it now stands contains the first condition but, as an alternative to the second condition, empowers Local Governments to grant a special exemption when satisfied that an officer has been put to extra expense by his halt after the expiration of the first ten days although no camp equipage may have been maintained. The application of the definition of “actual travelling expenses”

contained in article 15 as a means of interpretation of the phrase “extra expense” raises a difficulty for the reason that during a halt there can be no charges for locomotion, no ferry or toll dues and no cost of carrying camp equipment unless an officer hires carriage for the whole period of his tour. In the latter case he would be maintaining “camp equipage”, and his case would fall under clause (a) of article 1159. The practical effect therefore is that if the “extra expense” in article 1159 (b) is to be taken as meaning expense of the nature of “actual travelling expenses” the clause is incapable of being applied.

Article 1154 (a) states that a daily allowance is intended to cover the ordinary daily charges of an officer on tour, but it would seem that this is restricted by articles 1086 and 1132, which read together lead to the inference that a daily allowance is only intended to cover “actual travelling expenses” as defined in article 15. As a matter of fact, however, actual travelling expenses are not incurred during a halt except in the way of payment for the upkeep of “camp equipage.” In many parts of this Presidency, officers seldom have occasion during halts to keep up camp equipage, in which case their “actual travelling expenses” during a halt would be nil, and they would not be legitimately entitled to a daily allowance for a halt unless the expression “ordinary daily charges” can be interpreted as covering items such as batta to servants, bungalow fees, etc., which do not enter into “actual travelling expenses.” It would appear, therefore, that a similar wide interpretation should be assigned to the words “extra expense” in article 1159.

4. In making these remarks I am to say that this Government is of opinion that article 1159 (b) should be withdrawn on the ground that the travelling allowance granted to officers is ample on the average to cover the expenses of travelling on duty. Claims for travelling allowance for halts exceeding ten days are, in the experience of this Government, almost invariably made on account of halts at favourite stations.

(Signed) J. F. PRICE,
Chief Secretary.

Read—also the following paper:—

From R. NATHAN, Esq., Officiating Under Secretary to the Government of India, Finance and Commerce Department, to the Chief Secretary to the Government of Madras, dated Calcutta, the 6th December 1895, No. 5677-Ex.

I am directed to refer to your letter No. 897, Financial, dated the 14th November last, regarding the construction to be placed upon the phrase “extra expense” in article 1159 (b) of the Civil Service Regulations.

2. In reply, I am to say that the proviso in clause (b) under article 1159 was intended to enable Local Governments to prevent the ten days' limit operating as a hardship to an officer who is actually obliged, for reasons of public duty, to continue expenditure of the kind which travelling allowance is intended to meet; and that the question whether or not there exists a hardship requiring a remedy is one for the judgment of the Local Government in passing orders on the case.

Order—No. 34, Financial, dated 14th January 1896.

The letter from the Government of India will be communicated to the Departments of the Secretariat for information and guidance.

2. The officials referred to in paragraph 2 of Government Order, No. 822, Educational, dated 11th October 1895, cannot be exempted from the operation of section 1159 of the Civil Service Regulations.

(True Extract.)

(Signed) J. F. PRICE,
Chief Secretary.

To the Educational Department.

„ Ecclesiastical
„ Judicial Department.
„ Marine
„ Public
„ Political
„ Legislative
„ Revenue
„ Public Works Department.
„ Accountant-General.

RESOLUTION—No. 453, dated 4th December 1896.

The instructions of Government as well as of the Government of India regarding the interpretation of article 1159 (b) of the Civil Service Regulations will be communicated to all Collectors and Conservators of Forests, for information and guidance. It will be seen that, under the Government order of January 1896 which is now communicated to the Board, claims under article 1159 (b) to halting allowance for more than ten days are inadmissible unless the extra expense to which the officer has been put is of the nature of "actual travelling expense" as defined in article 15, Civil Service Regulations.

2. This interpretation narrows very materially the range of the application of article 1159, Civil Service Regulations. The Board is therefore compelled to withdraw the recommendation made in favour of the shroffs who accompanied remittances to Madras and elsewhere. The Board would at the same time bring to the notice of Government the special hardship of cases such as those under report. There can be no question that these poorly-paid officials are put to considerable expense by their detention at head-quarters, and as the Accountant-General reports that such detention is unavoidable, the Board considers that a special rule should be made to enable the authorities to compensate them for the same.

(True Copies and Extract.)

(Signed) R. C. C. CARR,
Secretary.

To the Secretary to Government, Revenue Department.
,, all Collectors.
,, Conservators of Forests.
,, the Forest Section.

1454
Civ 38.2.1897

REVENUE DEPARTMENT.

1896.

Board of Revenue

(Land Revenue),

MADRAS.

Printed January 14th, 1897.

Proceedings, No. 453, 4th December 1896.

Communicating to all Collectors and Conservators of Forests, for information and guidance, Government Order (Financial) on letter from the Government of India explaining that clause (b) under article 1159, Civil Service Regulations, was intended to enable Local Governments to prevent the ten days' limit for halts operating as a hardship in particular cases, and considering that a special rule should be made to enable the authorities to compensate the shroffs accompanying remittances when they are detained at the head-quarters for more than ten days.

When given for copying _____
When copied _____
When examined _____
When signed _____

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READ AGAIN G.O., No. _____
189

DATED

CURRENT No. _____

ENCLOSURES TO C. No. _____

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT

STATEMENT WITH DITTO

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL

N.B.—

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Paper taken out of the Records from the charge of the Record-keeper.

~~Regular~~
Miscellaneous No. 435-425-1- of 1897.

CURRENT.		To whom given.	When taken out.
	Year.		
	9/1/97		5/7/97
	9/1/97		23/10-97
	9/1/97		11-11-97
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	8/1/98		10-2-98
	11/1/98		25-4-98

