

ASSAM FINANCIAL RULES
PART I
GENERAL

	Rules	Pages
Chapter I- Introduction	... 1-7	1-2
Chapter II- Definitions	... 8-52	2-7
Chapter III- General Principles and Rules		
Receipt of Government Money		
	... 53-57	7-10
Custody of Government Money	... 56-60	10-11
Deposit of each chest and valuables in the Treasury	... 61	11-14
Payments		
Drawing of money from the Treasury	... 62-63	14-15
Cheque	... 64-73	15-17
Loss of cheque forms	... 74-75	18
Cancelled, lost and lapsed cheque of the Forest Department	... 76-77	18
Vouchers for Departmental Payments	... 78-81	19-20
Permanent Advances or Imp rest Accounts	... 82	20-23
Advances to Disbursers of the Forest Department	... 83	23
Arrear Claims	... 84-90	23-30
Issues of duplicates or copies of documents	... 91-92	30
Responsibility for over charges	... 93	30
Audit objections	... 94	31
Cash Book	... 95	31-33
Cash Book of the Forest Department	... 96-102	33-34
Defalcation and losses	... 103	35-37
Financial control over Department Accounts	... 104-105	37
Security Deposits	... 106	37-38
Special Rules for the Public Works Department	... 107-111	38-39
Contractors closed Accounts	... 112	39
Lapsed and confiscated deposits	... 113-114	39-40
Accounts of interest bearing Securities	... 115	40
Destructions of Records	... 116	40
Calling for an acceptance of tenders	... 116-A	40-41

CHAPTER IV-Revenue Receipts and their check

Controlling Officers responsibility	...	117	41-41
Revenue receipts of the Public Work Department	...	118	42
Revenue receipts of the Forest Department	...	119-120	42
		112-	
Recoveries of rents of buildings and lands	...	131A	43-45
Sales of quinine, vaccines lymph and seed depot articles	...	132	45-46
Vaccine lymph	...	133	46
Seed depot articles	...	134	46

CHAPTER V- Pay and Allowance-General Rules

Due date	...	135	46-48
Death of payee	...	136-137	48-50
Disbursement of pay, pension etc to a Lunatic	...	138	50
Bond of Indemnity for drawing leave salaries etc.	...	139	50-51

Part II

CLAIMS ON THE TREASURY

CHAPTER VI- Gazetted Government Servants

Pay bills	...	140-141	52
Sterling overseas pay bills	...	142	53
Engagement of passages	...	143	53
Pay of Government servants in England	...	144	53
Transfer of offices	...	145	53
Transfer of Public Work Offices	...	146-157	53-58

CHAPTER VII- Establishment

Annual Return of Establishment	....	158	58-60
Revision of establishment	...	159-161	60-63
Service Books	...	162	63
Acquaintance Roll	...	163	63
Payment of Bills			
Special Rules for the Public Works Department	...	164	64
Special Rules for the Forest Department	...	165-166	64
Recoveries from establishment Bills--			64
Fund subscriptions	...	167	64
Security deposit of employees	...	168	64-68
Payment into a Court of Law	...	169-173	

Undisbursed pay	...	174-176	69
-----------------	-----	---------	----

CHAPTER VIII- Pension

Verification of Services	...	177	69
Prompt disposal of pension cases	...	178	70
Anticipatory pensions	...	179	70
Formal Applications	...	180	70-73
Pensioners photograph	...	181	73
Rules for the identification of pensioners by Means of the Thumb and Finger Impressions	...	182	73-76
Recoveries from pensions	...	183	76
Functions under the Pension Act, 1877	...	184	1877

Chapter IX- Miscellaneous charges

Refunds	...	185-187	77
Compensation for land required	...	188	77
Departmental construction of buildings	...	189	77
Transport in the Lushai Hills	...	190	77

CHAPTER X - Stores

General Rules	...	191	77-78
Receipt of stores	...	192	78
Issue of stores	...	193	78
Stock accounts	...	194	78-79
Stock taking	...	195	79
Special Rules for the Public Works Department			
General	...	196	79
Acquisition of stores	...	197-201	79-80
Reverse of stock	...	202	80
Disposal of stores	...	203-204	81
Stock	...	205	81
Quantity Accounts			
Receipts	...	206-207	81-82
Issues	...	208-210	82-83
Value Accounts			
(A) Payment for stock received	...	211-212	83
(B) Recoveries for stock issued---			
Issue rates	...	213-215	83-84
Mode of recovery	...	216	84
Fictitious adjustment	...	217	84
Yearly Register of stock	...	218-219	84
Stock taking	...	220-222	84-85
Tools and plant			
Numerical Account			
Receipts	...	223	85

Payment of suppliers	...	224	85
Recoveries		225	
For use of tools and plant	...	226	85
For sales and transfer	...	227	85
Verification	...	228-230	85
Road metal	...		86

CHAPTER XI- Conservancy and work charges of the Forest
Department

Laborers	...	231-233	86-87
Measurements	...	234-235	87
Advances to Contractors	...	236	87
Record of sanction and expenditure	...	237-238	87-88
Hire of tools and plant	...	239	88

CHAPTER XII- Execution of works in the Public Works Department

Administrative appeal and technical sanction	...	240-243	88-89
Demand by Civil Officers	...	244-247	89
Preparation of Projects	...	248	89-90
Contracts	...	249-265	90-100
Disposal of land	...	266-267	100-101
Commencement of work	...	268-271	101
Lapse of sanction	...	272	101
Traveling allowance for artificers and laborers	...	273	102
Advances to Contractors	...	274-275	102-103
Communication of sanction	...	276	103
Supplementary estimates	...	277	103
Revised estimates	...	278-280	103
Completion reports	...	281-282	103-104
Non Government works			
Estimates	...	283-284	104
Local loan works	...	285-286	104-105

CHAPTER XIII- Works Accounts—Public Works Department

General principles	...	287-289	105
Initial records of accounts	...	290	105-106
Muster rolls	...	291-292	106-107
Measurement Books	...	293-297	107-109
Cash payments	...	298	109
Payments of labourers	...	299-302	109-111
Payments to Suppliers and Contractors	...	303-304	111-112

Forms of Bills and Vouchers	...	305-311	113-114
Preparation examination and payment of Bills	...	312-319	114-119
Procedure of lump sum contracts	...	320	119-120
Aid to Contractors	...	321	120
Submission of vouchers to audit	...	322	120
Work charged establishment	...	323-324	120-124
Issue of materials	...	335	124
To Contractors	...	336-344	124-127
Direct to works	...	345-346	127
For major works and minor works for which the expenditure is recorded by sub-heads	...	347-351	127-129
Works abstracts	...	352-354	129
Watch over liabilities and balances	...	355-356	129-130
Records of progress	...	357	130
Register works			
Closing the accounts on completion of works	...	358	130-131
(b) Completion reports and statements	...	359	131
(c) Schedule of rates	...	360	131
(d) Security of accounts	...	361-362	131
(e) Contractors ledger	...	363	131

CHAPTER XIV--- Loans and Advances

Sanction and estimates	...	364	132
Interest	...	365	132
Conditions of re-payments	...	366-367	132
Recovery	...	368	133
Calculation of interest	...	369	133
Defaults in payments	...	370-371	133
Accuracy of plus and minus memorandum	...	372	133
Irrecoverable loans and advances	...	374-375	134
Periodical review	...	376	134

CHAPTER XV- Advances to Government servants and others

General principles	...	377-381	134-135
Advances for the construction of houses	...	382	135-141
Advances to repairs to houses	...	383	141-142
Advances for purchase of motor cars or motor-boats	...	385	143-146
Advances for purchase of motor cycles	...	386	146-147
Advances for purchase of other conveyances	...	387	148
Repayment of advance	...	388	148
Other advances	...	389-396	148-155
Advances for passage overseas of certain Government Servants of non-Asiatic domicile and their families	...	397	155-157
Forms of drawing and repaying	...	398-400	157-158

CHAPTER XVI-- Deposits

I- Civic Deposits	...	401	159
Revenue Deposits	...	402	159
Personal Deposits	...	403	159
Limitations	...	404-406	159-161
Miscellaneous Rulings	...	407-411	161
Quarterly Certificate	...	412	161-162
Civil Courts Deposit	...	413-414	162
Agreement with Treasury	...	415-417	162-163
Deposit for works done for public bodies or individuals	...	418	163
Deposits of fees received by Government servants for work done for private bodies	...	419	163
II- Public Work Deposits	...	420	163-164

CHAPTER XVII --- Bills and remittances

Reserve Bank of India – Remittances

I- Introductory	...	421-425	164-165
II- Telegraph transfers	...	426-429	165-166
III- Drafts-Drawings and encashment			
Explanations	...	430-431	166
Form of draft , etc	...	432-434	166-167
Issue of drafts	...	435-442	167-171
Advice of remittances drawn	...	443-444	171-174
Regularity of signature	...	445-446	172
Encashment of drafts	...	447-451	172-174
Doubtful drawings	...	452	174
Form of receipt	...	453	174-175
IV—Record of drawings and encashments	...	454-457	175
V--- Other Rules			
Issue of duplicates	...	458-459	176
Cancellation and refund	...	460-	
Exchange of drafts	...	460A	176-177
Unpaid drafts	...	460B	177
Laps of drafts	...	460C	177
Supply of Forms	...	460D	177
Special Rules for remittances of police men	...	460E	177-178
		460F-	
		460H	178

CHAPTER XVIII-Miscellaneous subjects

Money-orders issued on payment of bills	...	461-464	178-179
Remittances by postal money-orders of forest revenue to Treasuries and of advances to Forest disbursers	...	465	179-180
Enforcement of responsibility for losses sustained by Government through fraud or negligence of individuals	...	466	180-181

Departmental enquiry in case of fraud and embezzlement of Government money in which Government servants are involved	...	467	181-182
Prosecution for the embezzlement of Government rent money	...	468	183-184
Injuries to Government servants caused through the negligence of another person	...	469	184
Demarcation of boundaries between British Territory and Indian States and Foreign States	...	470	184-185
Trust Funds	...	471	185
Supply of funds for expenditure in England	...	472	185
Inspection of Treasuries and Departmental offices by the Audit Department	...	473	185-186
Duties of Public Works Officers			
Chief Engineer	...	476	186
Superintending Engineer	...	477	186-187
Executive Engineer	...	478	187-188
Divisional Officer	...	479	188
Divisional Accountant	...	480	188
Stationery and Forms	...	481-483	188-189
Custody of cash	...	484	189
Cashiers	...	485	189
Audit inspections	...	486	189
Results of audit	...	487-488	190
Public Works Department works building	...	489-495	190-191
Purchase, sale dismantlement of Public buildings	...	496-497	191-192
Hire of office accommodation for the Public Works Department	...	498	192
Letting	...	499	192-193
Taxes	...	500-506	193-195
Transfer of lands or buildings to another Departments	...	507	195
Notice to Municipal Board when a Government building falls vacant	...	508	195
Use of buildings by the Auxiliary Force	...	509	195
Register of buildings	...	510	196
Residences of Government servant	...	511-513	196
		514-	
Rent Rules	...	516A	196-197

PART III

Powers of sanction and treasury procedures

CHAPTER XIX – Powers of sanction	...	517	197
----------------------------------	-----	-----	-----

Sanction to expenditure		
Rules for expenditure from the discretionary grants for his Excellency the Governor and the Hon'ble Minister	...	518 197-198
Representation against Audit objections	...	519 198
Loss in Small Coins Depots and Currency Chests	...	520 198
Communication of sanction	...	521-524 198-199
Date of effect of sanction	...	525 199
Lapse of sanction	...	526 200

CHAPTER XX – Treasury procedure

Closing for the day	...	527 200-201
Examination of Cash Account by the Treasury Officer	...	528 201
Returns to the Comptrollers	...	529 201
Notices for working of Treasuries	...	530-531 201-203
Cheques and Receipts Books	...	532-534 203
Register of Cheque and Receipt Books in the Public Work Department	...	535-537 203-204
Reports of Inspection of Treasuries by the Audit Department	...	538 204

Chapter XXI Treasuries of which the Business is conducted by the Bank

General remarks	...	539 204
Accounts maintained in the Bank	...	540-541 204-205
Daily Returns	...	542-544 205
Comparison of the receipts of Public Officer	...	545 205
Issue of Bank drafts on non-bank Treasuries	...	546 205
Issue of Government drafts	...	547 206
Civil charges	...	548 206
Departmental payment	...	549-550 206-207
Refunds	...	551 207
Discount on sale of postage and other stamps	...	552 207
Interest on public debt	...	553 207
Deposit repayments	...	554 207
Bill payments	...	555 207
Treasure	...	556 208
Currency of payment orders	...	557 208
Closing of the Bank	...	558 208
Registers of chillums issued and orders for payment	...	559 208
Treasury Returns	...	560 208

CHAPTER XXII – Local Funds

Definitions	...	561	208
Receipts and payments	...	562-564	269
Service stamps	...	565	209
Verification of balances	...	566	209
Work done on behalf of local bodies	...	567	209-210

CHAPTER XXIII--- Public Debt

Section I-- Permanent and temporary loans	...	568-569	210
Section II—Floating debt			
Treasury Bills	...	570-571	210
Ways and means advances	...	572-574	210

APPENDICES TO FINANCIAL RULES

APPENDIX		PAGES
1. Comptroller and Audited –General’s (Duties, Powers and Conditions of Service Act, 1971	...	211-220
2. Duties and Powers of the Auditor –General of India	...	220-224
3. Rules for the receipt, custody and delivery by Government treasuries of sealed packets containing duplicate keys of strong rooms and chests of treasuries conducting business with the Bank	...	225
4. Rules regarding destruction of accounts records	...	226-227
5. Directions under S. 168 of the Government of India Act , 1935	...	227-232
6. Rules relating to money-orders other than revenue money orders in favour of Government and Local Bodies entitled to bank at treasuries or sub-treasuries.	...	232-235
7. Rules for the grant of the value of stamps	...	236-237
8. Rules for the payment of compensation for land taken up under the Land Acquisitions Act (Act I of 1894)	...	237-249
9. Rules regulating departmental construction of public buildings	...	250-251
10. Rules regulating the use of Government transport in the Lushai Hills	...	255-257
11. Rules of supply of articles required to be purchased for the public Service	...	257-260
12. Rules for hire of tools and plant	...	260-264

13. Rules for the distribution of establishment band tools and plant charges	...	264-265
14. Rules for charitable endowments and other trusts	...	266-277
15. Supply of funds to the Secretary of State for India for expenditure in England	...	277
16. Rules regarding sanction and auditing of grants in aid	...	277-281
17. Agreement between the Government of Assam and the Reserve Bank of India	...	282-287
18. Auditor-General's direction for the preparation and submission of the Annual Establishment Return	...	288-289
19. List of Schedule Banks recognized within the meaning of and for the purpose of R. 426	...	290

FINANCIAL RULES FORMS

1. Receipts for payment to Government	...	290
2. Cash Book	...	291
3. Statement of remission of and abandonment of claims to land revenue	...	292
4. Forest Department bill for book transfer	...	293
5. Statements of rents which are recoverable in cash or by deduction from pay-bills	...	294
6. Bond of indemnity for drawing arrears of pay and allowances or pensions of deceased Government servants or pensioners	...	294-295
7. Return of deaths of European Officers and pensioners	...	295
8. Bond of indemnity for drawing pay, pensions, annuities etc.	...	296-297
9. Claim for the payment of overseas pay in England	...	298
10. Letter asking for certificate to engage passage	...	298-299
11. Detailed statement of the Permanent Establishment	...	300
12. Detailed statement of new names, leave, etc.	...	301
13. Statement of proposition of revision of establishment	...	302
14. Statement of proposition of revision of establishment	...	302
15. Service book	...	305
16. Service Roll	...	305
16-A. Service Roll	...	306
17. Acquaintance Roll/Inner sheet of Pay Bill	...	307
18. Indent for Stores	...	308
18-A. Survey Report of Stores	...	309

19. Stock Register	...	309-313
20. Road Metal Rate Book	...	314
21. Forest Department, Assam, Lakhimpur Division	...	315
22. Forest Department, Assam, Lakhimpur Division	...	316
23. Muster Roll	...	317-320
24. Measurement Book	...	320-323
25. First and Final Bill	...	324-325
26. Running Account Bill	...	326-330
27. Running Account Bill	...	330-333
28. Running Account Bill "B"	...	334-339
29. Running Account Bill "C"	...	339-343
30. Running Account Bill for lump sum contracts (or use other than Forest and Public Works Departments)	...	343-345
31. Final Bills for lump sum contracts (for use in order than Forest and Public Works Department)	...	345-348
32. Hand Receipt	...	348
33. Indenture for secured advances	...	349-352
34. Running Account Bill for lump sum contracts (for use in the Public Work Departments)	...	352-354
35. Final Bill for lump sum contracts (for use in the Public Work Departments)	...	355-357
36. Pay Bill of wok charged establishment	...	358-360
37. Site Account Form	...	361
38. Contractors' Ledger	...	361-363
39. Detailed statement of materials compared with estimated requirements	...	364-365
40. Report of the value and verification of unused materials	...	366-369
41. Detailed Completion Report	...	370-371
42. Completion statement of works and repairs	...	372
43. Mortgage for house –building advances	...	373-374
44. Reconveyance for House Building Advance	...	374-376
45. Mortgage for house –building advances granted to officers who do not possess full proprietary rights in the land upon which they intend to build a house	...	376-379
46. Agreement to be executed at the time of drawing an advance for the purchase of land for the purpose of constructing a house thereon or of a house readymade	...	379-380
47. Mortgages bond to be executed for advances drawn for purchase of land and building a house thereon	...	380-382

48. Agreement to executed at the time of drawing an advance for the purchase of car/boat/cycle advance	...	382-383
49. Mortgages bond for motor car/boat/cycle	...	383-385
50. Letter intimating to the Insurance Company the Governor's interest in insurance policies of motor cars etc.	...	385
51. Agreement to be executed at the time of drawing a passage advance	...	386
52. Indent for Reserve Bank of India Draft, Forms and other connected Forms	...	387
53. Advise list of money-orders received in the treasury	...	387
53-A. Annual Return of Service taxes	...	388
54. Register of Cheque/Receipt Books	...	388-390
55. Cash Book	...	391

ASSAM FINANCIAL RULES, 1939

PART I

General

CHAPTER I

Introduction

1. Section 151 (1) of the Government of India Act, 1935, authorizes not only the making of rules to regulate the procedure relating to payment of moneys into and withdrawal of funds from the Public Account, but the closing words of the section are sufficiently wide to attract the provisions of rules or orders which regulate the treatment of Government moneys before their receipt into or after their withdrawal from a treasury or the Bank. The rules and procedure relating to the payment of moneys into and withdrawal of funds from the Public Account and the control to be maintained in treasuries have been provided in the Treasury Rules and the Subsidiary Orders made there under, but

for the sake of convenience those relating to the treatment of moneys before their receipt into or after their withdrawal from, the treasury or the Bank and those for the control over receipt and disbursement of moneys and their safe custody in offices other than Treasuries have been provided in these rules, though strictly speaking they are Subsidiary Orders under the Treasury Rules and as such are subject to amendments only after consultation with the Comptroller.

It is recognized that in many cases the rules connected with the former, (*viz.*, the Financial Rules) are inseparable from the rules connected with the latter (*viz.*, the Treasury Rules and the Subsidiary Orders) and for this purpose necessary references have been given by means of Subsidiary Orders under the relevant Treasury Rules. .

2. The rules and orders contained in this volume are sufficiently general and universal in character except where they are indicated as applicable to particular departments. Matters relating to departmental instructions will be regulated by Codes of departmental rules.

3. The term "Financial Rules" includes the rules regulating the contingent expenditure of various departments and those relating to the preparation of budget and revised estimates and the departmental control of receipts and expenditure, but these rules are contained in separate volumes entitled "Contingency Manual" and "Budget Manual" respectively:

4. The functions of the Central and Provincial Governments and of the Reserve Bank of India in respect of the procedure to be followed at Government Treasuries in connection with the movement of funds the custody and remittance of treasure and the supply of currency to the public are explained below:

(a) The functions of prescribing the procedure at Treasuries and Sub Treasuries

under their administrative control in respect of the custody of treasure, the receipt and disbursement of moneys held in the Treasury balance, the security of strong rooms etc., devolve on the Provincial Government;

- (b) The Provincial Government will also prescribe, in consultation with the Reserve Bank of India, the Treasury procedure governing the maintenance of currency chest accounts, the submission Of the connected returns to the Reserve Bank and

all matters connected with resource and remittance of funds. The Reserve Bank will issue the necessary orders and directions to the branches of the Imperial Bank of India conducting Treasury business as its agent;

- (c) The Central Government will be the authority to issue instructions regarding Treasury procedure in respect of treasuries under its administrative control. The procedure in connection with the transfer of funds between Treasury balances and small coin depots at all treasuries and between the treasury balance and the currency chest balance at treasuries where, owing to the existence of a currency office in the jurisdiction of the Provincial Government, the operations are taken against the balance of the Central Government, will be regulated by instructions issued by the Governor-General;

- (d) The Central Government will deal al 0 with all matters to coinage, such as the statutory rules under the India Coinage Act, withdrawal: of coins from circulation, etc;

- (e) The rules prescribed by different authorities in respect of matters hitherto contained in the resource Manual (which has ceased to be a separate publication) are embodied in the Volume of Treasury Rules and Subsidiary

Orders.

5. In the discharge of his responsibility for keeping the accounts of the Federation and of the Provinces, the Auditor-General of India will be issuing a comprehensive compilation called the "Account Code" under S. 168 of the Government of India Act embodying therein the rules bearing on the principles or accounts, classification and adjustments. His rules regarding the incidence of receipts and expenditure will be based more or less on decisions *of* different Governments or on mutual agreements between them [Extracts from the Government of India Act, 1935]. His Majesty's Orders in Council and the Rules and Regulations framed by the Governor-General and the Governor of Assam respectively in regard to the duties and powers of the Auditor-General of India are given in Appendix I.

6. The Rules contained in the Assam Financial Rules are intended to be applicable to provincial transactions only, but where they indicate specifically that they relate to any Central subjects with which this Government deal as Agent of the Central Government, they should be regarded as the rules of that Government.

7. The Financial Rules of the Provincial Government and the Auditor General's Account Code will supersede the Civil Account Code, Public Works Account Code and the Forest Account Code, so far as provincial transactions are concerned but these Codes will remain in force only in respect of central transactions, except where otherwise specifically indicated, until the Central Government have issued the Treasury and Financial Rules of their own.

CHAPTER II

Definitions

8. Unless there be something repugnant in the subject or context, the terms defined in this chapter are used in this Rules in the sense here.

9. Administrative Approval. This term denotes the formal acceptance, by the administrative department concerned of the proposals for incurring any expenditure in the Public Works or any other department of Government on a work initiated by, or connected with, the requirements of such administrative department. It is, in effect, an order to the Public Works or such other Department of Government to execute certain specified works at a stated sum to meet the administrative needs of the department requiring the work:. [Sec Rr. 240 to 243 and also R. 2 of Appendix 8].

NOTES

"Administrative" and "approval"-Meaning of The term "administrative" or "executive" is capable of bearing a wide range of meanings. Broadly speaking, however, this term refers to broad areas of governmental activities in which the repositories of power may exercise every class of statutory function. .

A thing done with the "approval" of A means that, and only that, which he has, with full knowledge, approved [C. V. Subramanian v. Joint Registrar of Co-

operative Societies. AIR 1965 AP 69 at p. 72: (19.c4) 2 Andh LT 94. See Stroud's Judicial Dictionary, Vol. I, 2nd Ed., p. 106].

10. Advance payment means a payment made on a running account to a contractor for work: done by him but not measured. [See R. 275 and also Rr. Sand 6 of Appendix 8].

11. Agency transaction is the term employed so denote those transactions in which the Governor or the Government of Assam acts as the Agent of the Governor-General, the Federal Government or His Majesty's Representative for the exercise of the functions of the Crown in its relations with ", Indian States, as the case may be, under Ss. 123, 124 and 287 respectively of the Government of India Act, 1935.

11. Assets. In the accounts of works this term indicates all outstanding or anticipated credits which have to be taken in reduction of final charges. Examples-Recoveries of advances or recoverable payments, and sale-proceeds or transfer value of surplus materials.

13. The term "Bank" is used in the sense in which it is defined in CI. (d) of Treasury Rule 2.

14. Book transfer. This term is applied to the process whereby financial transactions' which do not' involve the giving or receiving of cash, or of stock materials are brought to account. Such transactions may either affect the books of a single accounting officer, or they may involve operation on the books of more than one accounting officer whose accounts are ultimately incorporated it! the accounts of Government. They usually represent liabilities and assets of Government brought to account either by way of settlement or otherwise. but they may also represent corrections and amendments made in cash, stock, or

book transfer transactions previously taken to account.

15. Commercial Department. *See* Appendix 4.

16. Completion of completed. "Completion of a work" may be understood to include "abandonment of work", and "completed" to include "abandoned".

17. Contingencies (Works). When used in respect of the accounts of works, this term indicates the incidental expenses of '1 miscellaneous character, which cannot appropriately be classified under any distinct, sub-head or sub work, yet pertain to the work as a whole.

18. Contract and contractor. The term contract means any kind of undertaking, written or verbal, express or implied by a person, not being Government servant, or by a syndicate or firm, for the construction, maintenances or repairs of one or more works, for the. Supply of materials or for the performance of any service in connection with the execution of works or the supply of materials. The term *Contractor* means a person, syndicate or firm that has, made such an undertaking, but often its use is restricted to contractors for the execution of works or for services in connection therewith.

19. Deposit Works. This term is applied to works of construction or repair by the Public Works Department the cost of which is met', not out of Government funds, but out of funds from non-Government sources, which may either be deposited in cash or otherwise placed at the disposal of the Divisional Officer. Works executed for municipalities and other public bodies fall under the category when the cost is chargeable either to cash deposits made for the purpose, or to their credit balances at treasuries.

20. Direct charge and direct outlay. These expressions as distinguished from "Indirect Charges" and "Indirect Outlay" [*vide* R. 27 below] are applied to those charges pertaining to a work, project or job, which are directly Incurred *for its*

execution and are included in the regular accounts of it.

21. *Direction Office.* The term indicates the office of an administrative officer who has one or more Public Works. Divisional Officers working under his orders and is not himself entrusted with the execution of works or with the receipt and disbursement of public money, e. g., a Chief or a Superintending Engineer, or a Superintendent of Works: but, if such an officer is also entrusted at any time with the receipt and disbursement of public money, he is treated as a Divisional Officer even though some part of his emoluments may be treated as Direction charges."

22. *Direct receipts.* These receipts, as distinguished from Indirect Receipts [vide R. 28] relate to items of revenue receipts which are realised in connection with a work or project either by officers of the Public Works Department or other departments and are directly brought to account as appertaining to the work or project.

23. *Final payment* means the last payment on a running account made to a contractor on the completion or determination of his contract and in full settlement of the account.

24. *Government or Provincial Government* means the Governor aided and advised by the Council of Ministers in the exercise of his functions, except in so far as he is by or under the Government of India Act, 1935, required to act in his discretion or to exercise his individual judgment.

25 *Head of a department* means an authority designated as such in the Subsidiary Rules framed under the Fundamental Rules.

26. *Head of an office* is a Government servant recognised as such by the Government or the, Head of a Department under whom he may be employed.

27. Indirect Charges and Indirect Outlay. These expressions are applied to those charges, and capital outlay, respectively, which pertain, or are incidental to a work, project, workshop job or manufacture job, but, which are not incurred directly and solely in connection therewith and thus cannot be directly taken into such detailed accounts of it as are incorporated in the regular accounts of the expenditure of the Public Works Department.

28. Indirect receipt. Receipts which pertain, or are incidental to a scheme or work, but cannot be directly taken into such detailed accounts of it as are incorporated in the regular accounts of the receipts of the Public Works Department.

29. Intermediate payment is a term applied to a disbursement of any kind on a running account, not being the final payment.

30. Issue rate. This term denotes the cost per unit fixed, in respect of an article borne on the stocks of the Public Works Department at a valuation, for the purpose of calculating the amount creditable to the sub-head concerned (*i. e.*, the sub-head under which the article is classified) of the stock accounts by charge to the account of service concerned, when any quantity of that article is issued from stock. This does not take into account the storage charges mentioned in R. 44.

31. Labour. When a separate material account is kept for one or more sub-heads of an estimate and the term "labour" is used in connection with such an account, it denotes all charges pertaining to each of those subheads, other than (1) the cost of materials issued direct, and (2) carriage and incidental charges in connection with the materials.

32. Liabilities. When used in respect of works, this term includes all anticipated charges which are final charges, but have not been paid, regardless of whether or not they have fallen due for payment, or having fallen due have or have not been

placed to the credit of persons concerned.

33. *Major estimate* is a term applied to the estate for work when the sanctioned amount of the expenditure exceeds Rs. 10,000. This term is also applied, for the sake of convenience, to the work itself.

34. *Market rate*. Used in respect of an article borne on the stock accounts, this term indicates the cost per unit at which the article, or an article of similar description can be procured, at a given time at the stores godown, from the public markets suitable to the division for obtaining a supply thereof.

35. *Minor estimate* is a term applied to the estimate for a work, when the sanctioned amount of the works expenditure does not exceed Rs. 15000. This term is also applied, for the sake of convenience, to the work itself.

36. *On account payment or payment on account* means a payment, other than an advance payment, made, on a running account, to a contractor in respect of work done or supplies made by him and duly measured. Such a payment may or may not be for the full value of work or supplies; if it is an intermediate payment, it is subject to the final settlement of the running account on the completion of the contract for the work or supplies.

37. *Operation*. Used in respect of manufacture and workshop transactions, this term indicates the charges incurred on the manufacture operations connected with specific jobs.

38. *Out-turn*. Used in respect of manufacture and workshop transactions, this term denotes the value of the finished products (or of the work done, in cases in which the articles wrought are not supplied departmentally) of manufacture

operations connected with specific job.

39. Rate. In estimates of cost, contracts, contractor's bills and vouchers, generally, rate means the considerations allowed for each unit of work, supply or other service. Except in the case of lump sum contracts, every bill or other demand for payment should, as far as possible, set forth the unit rate at which payment is to be made.

40. Rate of cost and inclusive rate of cost. "Rate of cost" means generally the total cost of work or supply divided by its quantity. It represents the recorded cost per unit, as arrived at by dividing the up-to-date final charges on a sub-head, by the up.-to-date progress thereof. *Inclusive rate of cost* means the rate of cost of the entire work relating to a sub-head, including the cost of materials if recorded separately in the accounts.

41. Recoverable payment means a payment to or on behalf of a contractor which does not represent value creditable or payable to him for which done or supplies made by him, and has therefore to be made good to Government by an equivalent cash recovery or short payment of dues.

42. Running account is a term applied to the account with a character when payment for work or supplies is made to him at convenient intervals subject to final settlement of the account on the completion or determination of his contract.

43. Secured advance is a term applied specifically to an advance *made*, on the security of materials brought to site of work, to a contractor whose contract is for the completed items for work. [See R. 274]

44. Storage rates and storage charges. These expressions denote respectively, the percentage rate fixed for and charges levied on, all issues of stock to cover such actual expenditure as is incurred, *after the acquisition of the stores*, on work-charged establishment employed on handling and keeping initial

accounts, the custody of stock and the maintenance of the store, godown or yards, etc.

45. Sub-work: In the case of a large work consisting of several buildings or smaller works, or groups thereof, the term sub-work is often applied to a distinct unit of the same if that unit is sufficiently large or important to be kept distinct for the purposes of accounts. For example, the outer wall, the solitary cells, the cook-houses, the jailor's quarters, etc., in the case of a large central jail. In the case of Irrigation, Navigation, Embankment, Drainage and Water Storage Projects, the Head Works, Main line, each branch of a canal, each group of distributaries relating to each branch separately, the drainage and protective works, the watercourse scheme, and special tools and plant, .all form separate sub-works.

46. *Supervision charges.* This term is ordinarily applied to the charges which are levied, in addition to book value and storage charges, in respect of stock materials sold or transferred, and are intended to cover such items of the expenditure incurred on the stores as do not enter their book value, and are not included in the storage charges. [See R. 44]

47. *Suspense accounts.* This term is applied primarily to certain heads of account, falling under the minor head "Suspense" of a major head of expenditure, which are reserved for the temporary passage of such transactions as must at once be taken to the account of the transaction or grant concerned, but cannot be cleared finally either because the relevant payment, recovery, or adjustment is awaited, or because it is necessary to keep an effective watch over the values of any stock materials, until their final disposal. The charges under a suspense account are taken in enhancement of the charges under the major head of expenditure concerned, and the receipts in reduction thereof.

48. *Technical sanction.* This name is given to the order of competent authority sanctioning a properly detailed estimate of the cost of a work of construction or repair proposed to be carried out in the Public Works or any other Department of Government. Ordinarily such sanction can only be accorded by Government in the Public Works Department or by such authorities of that or any other Department to whom the power has been delegated by Government

49. *Treasury means* any treasury of the Province and includes a sub treasury.

50. *Value.* This term used in connection with the sale of stock materials [vide R. 203] or other issue to works includes storage charge.

51. *Work.* The term "work" when by itself is used in a comprehensive sense and applies not only to works of construction or repair but also to other individual objects of expenditure connected with the supply, repair and carriage of tools and plant, the supply or manufacture of other stores, or operations of a workshop.

52. *Works expenditure and works outlay.* These terms are used to indicate respectively the expenditure, and the capital charges on the special services connected with the construction, repair and maintenance of works. The charges falling under these categories may be net, when under rule any receipts are taken in reduction of the charges, but they do not include the cost of the general services, tools and plant and establishment, or any charges not taken to final heads of account but kept under one of the suspense accounts.

CHAPTER III

General Principles and Rules

Receipt of Government Money

53. Government servants receiving moneys on behalf of Government must give the payer a receipt. .

54. Receipts of the Public Works Department in Financial Rules Form No. I can be issued only by Divisional Officers, Sub-divisional Officers and other Government servants specially authorised by Government.' Receipt books should be obtained from the head treasury of the district within which their respective headquarters are situated, and the books should be carefully examined to see that the forllls cpntain~dill each are complete, and a certificate of count recorded on the fly-leaf. Counterfoils of used up receipt books should be return promptly to the divisional office for record.

Note. 1 Special Officer, *viz.*, Chief and Superintending Engineers, and other special officers not being Divisional Officers, and their subordinate officers do not realise any departmental receipt.

Note. 2. The divisional accountant or sub divisional head clerk may, when authorised to do so by the Divisional or Sub-divisional Officer, with the previous consent of the Comptroller, Assam, receive money at headquarters when the latter is away from his headquarters and when the amount receivable in each case does not exceed Rs, 50. In such cases the responsibility will; however, remain with the Divisional or the Sub-divisional Officer. The Divisional or Sub-divisional Officer should on his return to headquarters verify and initial the counterfoils of all receipts granted by the accountant or the sub-divisional head clerk after comparison with the entries in the cash book.

The receipt book should be in the custody of a divisional accountant or sub-divisional head clerk beyond the periods necessary and should be kept in the personal custody of the officers when he is at headquarters.

When the money receivable exceeds Rs. 50 the remitter should, in each case,

be called upon to pay the amount direct into the treasury and sent a duplicate receipted challan to the Divisional or Sub-divisional Officer.

Note 3. The Senior Assistant Political Officer, Sadiya, is authorised to grant receipts of the Public Works Department during the 'absence of the Political Officer [Public Works (Disburser)] on tour.

Note 4. The Senior Civil Officer attached to the Deputy Commissioner's Office in the Naga Hills is authorised to grant receipt of the Public Works Department during the absence of the Deputy Commissioner [Public Works (Disburser)] on tour.

Note 5. The accounts clerk of the Sub-divisional Officer, Mokokchung (Public Works Department), and the clerk of the Sub-divisional Officer, North Cachar Hills (Public Works Department), are authorised to grant receipts for payments to Government up to a limit of Rs. 50 in each case during the absence of the Sub-divisional Officer on tour. The Sub-divisional Officer should in such cases, exercise the same check as laid down in Note 2.

Note 6. The Senior Civil Officer attached to the Deputy Commissioner's Office of the Garo Hills is authorised to grant receipts of the Public Works Department during the absence of the Deputy Commissioner Public Works (Disburser)] on tour.

Note 7. The head clerk of the office of the Political Officer, Balipara Frontier tract is authorised to receive all moneys and to issue receipts in respect of them, when the Political Officer is away from the headquarters.

The Head Clerk is now authorised to receive moneys and to issue receipts in the absence of Political Officer when away from Head Quarter.

Government duties are accepted by offices of the department up to certain monetary limit only. They are entered immediately in a cashbook and are remitted into treasury on the same or next working day. Arrangements are made by them for the safe custody pending deposits into the treasury.

55. In the case of non-Public Works Departments (including the Forest Department) the receipt books should be serially numbered, a register of receipt books should be maintained and a certificate of count should be recorded on the fly-leaf. They should be kept in the personal custody of the head of the office or of a responsible officer authorised by him in writing.

General principles and rules

There should be one receipt book only used at a time and no receipt book should be issued unless the counterfoils of the previous book are returned for record; this may, however, be relaxed at the discretion and on the responsibility of the head of the office *e. g.*, in cases where it may be found convenient to issue more than one books at a time for facility of collection or where owing to a distance

between the issuing and the receiving officer it may be necessary to issue a receipt book in advance before the counterfoils of the previous ones are received.

56. Departmental receipts may ordinarily be realized in legal tender coin or currency and bank notes only. Government currency and bank notes of all denominations are now universal legal tender and are received by all Government Officers in payment of Government dues or in settlement or other transactions. But in the following cases cheques payable on demand including crossed cheques, Government and bank drafts may be accepted.

57. (1) (a) At places where the cash business of the Treasury is conducted by the Bank, cheques on local Banks may be accepted in payment of Government dues, or in settlement of other transactions with the Government, if the cheques have been crossed by the drawer or the acceptance of uncrossed cheques in that class of transactions has been permitted by the Government. Until however, a cheque has been cleared, the Government cannot admit that payment has been received and consequently final receipt shall not be granted when a cheque is tendered. A receipt for the actual cheques only may be given in the first instance, but if a person making payment in this manner so desires, a formal payment receipt shall be sent to his address after the cheque has been cleared. Collection charges of the Bank, if any, will be "recovered by or under instructions of the Bank from the party presenting the cheque.

The preliminary acknowledgement receipt of the cheque will be in the following form below:

"Received Cheque No.....for Rupees... .."

drawn on..... bank, on account of/as per challan No "

Note. The Reserve Bank and the Imperial Bank of India reserve to themselves the right to refuse to accept cheque collection which in their opinion cannot reasonably be undertaken and which they would not accept on behalf of their own constitutions.

(b) In the event of a cheque being dishonored by the Bank on presentation, the fact shall be reported at once to the tenderer with a demand for payment. in cash, but the Government cannot accept any liability for loss or damage which may, possibly occur as a result of delay in intimating that the cheque has been dishonored.

(c) When Government dues which are payable by certain fixed dates are paid by cheques, the person desiring, to make such payment in -this manner without risk: must take suitable precautions to ensure that his cheque reaches the Treasury or the receiving office at the latest on the working day preceding the date on which the payment is to be made. Cheques received. on the last day of payment of Government dues are liable to be refused at the discretion of the officer to whom they are tendered and those registered letter may not be accepted.

Note. The term "Local Banks" as used in this rule means Banks (including the Reserve Bank and the Imperial Bank of India) located in the station in which a Bank/Treasury is located

NOTES

The rule prior to amendment stood as under:

57. At places where treasury business is conducted by the bank, cheques on banks, which have clearing accounts with the Reserve Bank, or the State Bank, will be accepted in payment of Government dues, or in settlements of other transactions. Until, however, a cheque has been cleared the Government cannot admit that

payment has been made and consequently final receipt will not be granted when it is tendered. A receipt for the actual cheque only should be given in the first instance, but, if the person making payment in this manner so desires, a formal payment receipt will be sent to his address after' the cheque has been cleared.

Note 1. In the event of such a cheque being dishonoured by the bank concerned on presentation, the fact will be intimated at once to the tendered; but Government cannot accept any liability for loss or damage which may possibly occur as a result of delay in intimating that the cheque has been dishonored.

Note. Demand drafts shall not be distinguished from cheques for the purpose of these rules and the draft is honored on presentation, payment shall be deemed to have been made subject to the provision of R. 75.

(2) The Government may, in relation to any particular class of transactions involving payment of Government dues, issue orders varying or relaxing any of the conditions prescribed in this rule.

Note 2. Certain special arrangements will be necessary when Government dues which have to be paid by certain fixed dates are paid by cheque, and persons desiring to make such payments in this manner without risk must take precautions to ensure that their cheques reach the treasury at the latest on the day before the date on which the payment is to be made. Cheques received on the last day of payment of Government dues will be liable to be refused, and those received latter will not accepted.

Exception. Treasuries, the business of which is not conducted by the Bank,

may also be specially authorised by Government to accept such crossed cheques, if they are not situated far from the Bank.

Custody of Government Money

58. Public money in the custody of a department should be kept in strong treasure chests and secured by two locks of different patterns. In the absence of any precise orders from Government, the officer-in-charge of the chests should make such arrangements for the custody of the key and the proper disbursement of all moneys as he considers requisite. All the keys of the same lock must, except where the procedure prescribed in the note to this rule is adopted, be kept in the same person's custody, and as a general rule, the keys of one lock should be kept apart from the keys of the other lock", .and in a different person's custody when practicable. The chest should never be opened without both custodians being present. The non-commissioned officers of the guard should always be present when a treasury chest is opened and until it is again locked. Whenever a cashier is attached to an office the keys of one of the locks of the treasure chest will necessarily remain in his possession.

Note. If considered desirable, the duplicate keys of cash chests may be placed under the seal of the officer-in-charge, in the custody of the Treasury Officer. In the event of this practice being adopted, a duplicate key register should be maintained once a year; in the month of April, the keys should be sent for, examined and returned under fresh seal, a note being made in the register that they have been found correct.

59. The officer-in-charge of the chest will count the cash in the hands of

each cashier at least once a month; or, in the case of outstations he or any other gazetted officers named by him should count it whenever he may visit them, and will record a note in the cash book showing the date of examination and the amount (in words) found.

60 The counting should be made on last working day of each month immediately after closing the cash account of the month, but where this is not possible, the cash balance may be counted on the first working day of the following month before any disbursement is made on that date.

Note. A Divisional Forest Officer need not specially return to head quarters during the touring season in order that the monthly verification of the cash may be made on that last working day of one month or on the first working day of the next. .

Deposit of cash chests and valuables in the treasury

61. (a) Cash chests or sealed bags belonging to other departments may be lodged in the treasury for safe custody where necessary. When so lodged they should be presented with a slip or memorandum stating the contents, and a receipt should be obtained from the Treasury Officer for the cash chests or sealed bags said to contain the amount specified in the slips. The keys on the chests of the treasure boxes in which the sealed bags are kept in the treasury should be kept by the depositing officer and he will be entirely responsible for the contents of the cash chests or sealed bags deposited.

Note 1. The following are received in the treasury for safe custody -----

(1) Undisbursed pay of the past month of the Police Department and money in the hands of the Police for purposes of investigation which do not involve the identity of the precise coins or notes.

(2) Cash in sealed bags that may be in the hands of Munsiffs, when availing themselves of the annual vacation.

(3) *Funds and papers of co-operative societies.* The concession may be allowed in all cases in which the Government is satisfied that the society could not otherwise, accept at unreasonable cost, for the custody of its funds or papers.

(4) (i) Cash chest of other Governments department on the authority of the District Officer, subject to the condition that the Comptroller will bring to the notice of Government any case in which he permission appears to have been improperly granted. .

ii) All cash chests of all departments, excepting to the Police when lodged in the treasury or sub-treasury for safe custody may be kept in the single lock room when single lock rooms exist, if difficulty is experienced in transacting business by keeping them the strong room under double lock.

(iii) The cash chests of the Police Departments will be in charge of the Accountant. No deviation from this rule may be made without the sanction of the Inspector-General of Police. It should be permanently fixed in the ground or placed in .the position of security, if possible, under the protection of the Treasury-guard.

(iv) The Postal Department may be allowed, as. a special case, to keep the cash of the Post Office inside the strong room, during *Durga Puja* and Christmas holidays.

(v) The Shillong Municipal Board is permitted to keep sealed box containing the fidelity and security bonds of its employees in the single lock room of the Shillong Treasury, on the condition that the Board remains responsible for the contents.

(vi) The Municipal Board of Silchar and the Tura Fund have been

permitted to deposit their cash chests in the single lock 'rooms of the Silchar and Tura treasuries respectively.

(vii) The District Fund Committee, Garo Hills, has been permitted to lodge its post office certificates in the Tura treasury, as available, for safe custody on condition that they are kept in a sealed box. .

(viii) The question papers for the Matriculation and other examinations of the Calcutta University to be kept, in the local treasury strong rooms, whenever the Superintendent of a centre considers such a measure to be desirable.

(ix) During the collection season mauzadars arriving late in the day may deposit in the treasury for one night a bag or bags distinctly sealed as "valuable" containing Government revenue collected.

(x) The North Sylhet Local Board is permitted to deposit its cash chest in the single lock room of the Sylhet Treasury.

(xi) The Deputy Commissioner, Khasi and Jaintia Hills, is permitted to deposit in Shillong Treasury his locked steel box containing confidential and secret papers.

(xii) Moneys received by the Treasurer of Ima Treasury on non-treasury days may be kept in the single lock chest of: the Treasury, the key remaining with the Treasury Officer.

(xiii) The Deputy Commissioner, Lakhimpur, is permitted to keep departmental chests on the verandah of the court building near the strong room under the protection of a proper guard.

Note 2. In the case of departments which have been authorised to lodge cash chests in the treasury for safe custody the key or keys of the chests should not be kept by any of the treasury officials. This rule does not prohibit the deposit in the

treasury of duplicate keys of such safes in sealed covers.

Note 3. The Bank is authorised to deposit in Government treasuries the duplicate keys and padlocks of its strong rooms or currency chests in sealed cover. The detailed rules will be found in Appendix

Note 4. Deputy Commissioners and Sub-divisional Officers who have no cash chest to lodge the Savings Bank Pass Books are authorised to lodge the same in the Treasury in sealed packets as is done in the case of other valuables.

(b) Bullion, jewellery and other valuables coming into the hands of a Government servant in his official capacity may be deposited into the treasury for safe custody. Title deeds and other valuables belonging to a Ward's Estate should be lodged in the treasury unless otherwise ordered by the Commissioner. Safes containing valuable documents of the Registration Department may also be lodged with the Deputy Commissioner's permission. The following rules are prescribed for dealing with the valuables so deposited ----.

- (i) when it is directed that bullion, jewellery or other valuables or any intestate property not being current money received by a Government servant in his official capacity, should be placed in the treasury for safe custody, the property should be made up in a sealed packet, which should be presented at the treasury with a memorandum from the Government servant sending it, giving a list of the property contained in the packet and a statement of its actual or estimated value;

Exception. The deed boxes of the Bijni and Mechpara Wards' Estates may be kept unsealed in the Dhubri Treasury with a memorandum of contents;

- (ii) The Treasury Officer, after satisfying himself that the seal is intact, will record receipt of the packet, in a register in Treasury Rule, Form No.2 which may be kept in manuscript;

(iii) After noting on the packet the number assigned to it according to the entry in the register, the Treasury Officer will endorse a receipt in the following form on the back of the memorandum of contents giving it the number assigned to the packet and will return the memorandum to the Government servant presenting the packet -----"Received a sealed packet said to contain property detailed on the reverse".

(Sd.) A. B. Treasury Officer

(iv) The packet will then be kept in the same way as cash, and should not be returned without written order from the Government servant from whom it was received who should also be required to surrender the original memorandum of contents receipted by the Treasury Officer.

(c) No mortgage or security bonds will be received in the treasury for safe custody. Mortgage bonds for house-building advances should be kept by District Registrars in their safes, and other security bonds should be kept in the custody of the Inspector-General of Registration. All valuable documents executed, on behalf of Government, such as title deeds, conveyance and other similar documents, should be sent to the Inspector-General of Registration for safe custody. Savings Bank Pass Books for security deposits of Police Officers should be kept in the cash chests in the offices of the Superintendents of Police.

Exception. Mortgage and Security Bonds and other valuable documents executed on behalf Government may be received in the Kohima Treasury for safe custody:

(d) Security bonds, lands and ferry leases and, other documents of this

nature concerning the Public Works Department (except mortgage bonds for house building advances, which should be kept with the District Registrar), should be kept in the custody of the Executive Engineer of the Division concerned. Documents of provincial interest such as agreements with Transport Companies, Electric Supply Companies, etc., are kept in the Public Works Secretariat Office.

(e) Rule for the receipt, custody and delivery by Government treasuries of sealed packets containing duplicate keys of strong rooms and chests of treasuries the business of which is conducted by the Bank are indicated in Appendix 2.

.

NOTES

The following further authorizations have since been made:

Authority	Particulars	Name of the Treasury	Remarks
-----------	-------------	----------------------	---------

North Sylhet local Board D.C Kheri & Jaintia Hills	Cash Chest Locked steel box containing confidential and secret papers	Sylhet Shillong	Single lock
Ima Treasuries D.C Lakhimpur	Money of treasurers Departmental chest	Ima treasury Verandah of court building near the strong room	Single lock on a treasury day Under proper protection of guards or safe custody
All authorities	Mortgage, security bond and other valuable documents	Kohima	

PAYMENTS

Drawing of Money from the Treasury

62. Detailed rules for the preparation of bills in which the different classes of charges are drawn, and as to the method of obtaining money from the treasury whether bills or by cheques for subsequent disbursements are laid down in the Subsidiary Orders framed under Treasury R. 16.

63. Primarily the Divisional Officer is the responsible Disbursing Officer of a Public Works Division but he may delegate this function to his Sub divisional Officer in certain cases, and with a view to enable him to set a monthly limit on the drawings of any of his Sub-divisional Offices he may require the submission by a convenient date of an estimate of the probable requirements of each sub-divisional Officer in a suitable form.

64. The following rules relate to payments by cheques:

- (a) Disbursing Officers authorized to draw cheques whether on treasuries or sub-treasuries or on the Bank should obtain their cheque books direct from the Treasury Officer-in-charge of the head treasury concerned, by sending duly

signed, the printed requisition form which is inserted in each book towards the end. Not more than one book should be obtained on a single requisition. The cheque book should, on receipt, be carefully examined to see that the number of forms contained in each book is intact and a certificate of count should be recorded on the fly-leaf:

(b) Cheque books obtained from a particular treasury should not be drawn on other treasuries or on sub-treasuries of other districts.

(c) Each cheque book must be kept under lock and key in the personal custody of the drawing officer, who when relieved, should take a receipt for the correct number of cheques made over to the relieving officer.

(d) No advice of the issue of any cheque need be sent to the treasury. As a general rule cheques should not be issued for a sum less than Rs. 10 unless this is permissible under the provisions of any law or rule having the force of law.

A cheque remains current for one month only counting from the date of issue.

Note 1. A cheque may be issued for a sum less than Rs. 10 in recoupment, on the last working day of the permanent advance held by the Development Officer of the Barpathar Development Fund.

Note 2. A cheque may be issued for a sum less than Rs. 10 by Forest and Public Works Disbursers for payment into the treasury by book transfer of recoveries made from the pay of Government servants of the Forest Department and members of the work charged establishment of the Public Works Department, when the recoveries are creditable to the Central Government.

Note 3. Cash payments may be made for Public Works Department charges in the undernoted districts up to the limit noted against each, provided sufficient

precautions are taken to secure Government from loss:

Lushai Hills	.....	Rs 250: but upto Rs.400 in exceptional circumstances the reasons being recorded in each case
Naga Hills	.....	Rs 200
North Cachar Hills	.....	Rs 200
Balipara Frontier Tract	.....	Rs 200
Sadiya Frontier Track	.....	Rs 1000; for Hill Tribesmen only

- (e) When an officer is authorised to draw cheques on sub-treasuries, he should give notice to the Treasury Officer from time to time, of the probable amount of his drawings on each sub-treasury in order that funds may be provided as far as possible. Cheques drawn on sub-treasuries should be distinguished by different numbers and letters from those drawn against the head treasury.
- (f) In cases of departments, like the forest department and the public works department where funds are issued from the treasury on cheques. the departmental-officer should see that the drawings are regulated by budget grants and appropriations.

NOTES

The life of a cheque has been reduced from three months to one month now w. e. f. 1st August 1972.

65. For petty disbursements of the forest and the public works departments lump-sums may be drawn from the treasury by cheques. Only the minimum cash

required should be drawn, and if it is found at any time that the balance in hand is larger than is required, the surplus should be refunded into the nearest treasury.

66. If a limit has been set by a public works division of officer on the drawing of a sub-divisional officer on a treasury the limit so prescribed should be entered on the reverse of the counterfoil of the cheque book for that treasury before any cheques are drawn during that month. and Sub-divisional Officer should watch that the limit is not exceeded, by deducting from it, the amount of each cheque as it is drawn. The undrawn balance at the close of the month should not be carried forward to the next month. .

67. In the absence of a monthly limit on the drawings the drawing officer should record on the reverse of the counterfoil of each cheque the amount of the next cheque drawn and of the total of drawing during the month, and carry forward their total to the next counterfoil. This will enable him, from time to time, to exercise an independent check on the posting of his cashbook.

68. If the currency of a public works cheque should expire owing to its not being present at the treasury for payment within two months from the date of its issue, it may be received back by the drawer for destruction and issue of a new cheque in lieu of it. The fact of the destruction and the number and date of the new cheque should be recorded on the counterfoil of the old cheque, and the number and date of the old cheque, destroyed entered on the counterfoil of the new one.

NOTES

Non- payment certificate. Where a cheque has been lost, a certificate of its non-payment from the treasury upon which it was drawn should be obtained

before its proceeds are paid to the claimant. Where a cheque expired on a holiday, the payment scroll or cheques should be checked with respect to next opening day as a measure of abundant caution.

69. When a cheque is cancelled, the cancellation should be recorded on the counterfoil, and the cheque, if in the drawer's possession should be destroyed. If the cheque is not in the drawer's possession he should stop payment at the treasury, and on ascertaining that payment has been stopped, he should write back the entry in the cashbook. "A cheque remaining unpaid from any cause for twelve months from the date of its issue should be cancelled and its amount written back in a similar manner.

70. As a rule no cheque should be drawn until it is intended to be paid away, and cheque drawn in favour of contractors and others should be made (over to them by the disburser direct; but the disburser may be assisted in making disbursements by a cashier appointed for the purpose. The occasional delivery of cheques through a subordinate may be permitted at the discretion and on the responsibility of the disburser. In such cases the subordinate should make no entry in any accounts which he keeps, as a payment made 'by cheque should appear in the cash account of the disbursing officer who draws the cheque, and the subordinate's record will be in his correspondence

Note 2. It is a serious irregularity to draw cheques and deposit them in the cash chest at the close of the year for the purpose of showing the full amount of a grant utilized.

NOTES

Accounts clerk has now been authorised to act as cashier in the absence of political officer from

headquarters.

71. Counterfoils of used up cheque books should be returned promptly by the sub divisional officer to the divisional officer for record.

72. Cheque should not be used for the transfer of funds division to another.

73. If a disbursing officer be informed that a cheque drawn by him has been lost, he may address the treasury officer drawn on, forwarding for signature a certificate in the accompanying form If, after search through the lists of cheques paid, the treasury officer finds that the cheque has not been cashed, he will sign and return the certificate, taking care to note the stoppage of the cheque, a board showing the particulars of stopped cheques being hung up before the clerk concerned. If the original cheque be presented afterwards the treasury officer will refuse payment and return the cheque to the person presenting if after writing across it "Payment stopped", . The disbursing officer will enter in his account the original cheque as cancelled and may issue another.

Note. "Certified that Cheque No , dated ... , for P.s.....

reported by the disbursing officer to have been drawn by him on the treasury in 'favour of has not been paid, and will not be paid. if presented hereafter”

TREASURY.

The 19

Treasury Officer

Loss of cheque forms

74. Loss of cheque forms should be notified only to the treasury at which the disbursing officer has a drawing account. The drawing officer before bringing into use any cheque book from which a form has been lost, should intimate the loss to the treasury officer on whose treasury it is proposed to draw. .75. If a cheque is issued in payment of any Sum due by Government and that cheque is honored on presentation to Government's bankers payment shall be deemed h) be made,---

(a) If the cheque is handed over to the payee, or his authorised messenger, on the date it is so handed over, or

(b) If it is posted to the payee, on the date when the cover containing it is put into the post.

Note. Cheques marked as not payable before a certain date should not be charged to the accounts until the date on which they become payable.

The rule applies *mutatis mutandis* to a cheque (or a Bank draft) in payment of Government dues or in settlement of other transactions received and accepted in accordance with the provisions of R. 57.

NOTES

The provision has been extended now to Bank draft as well.

CANCELLED, LOST AND LAPSED CHEQUES OF THE
FOREST DEPARTMENT

76. If a cheque which has been drawn and entered in the cash book has to be cancelled subsequently, the amount of it could be charged on the creditor side as a "Cancelled Cheque" the cancelled cheque being treated as the voucher.

Simultaneously an entry should be made on the debtor side, as indicated below:

- (a) *If the cancelled cheque is immediately replaced by a fresh cheque.* The fresh 'cheque should be shown as a "Forest Remittance" the number and date of the cheque in lieu of which it is drawn being quoted the entry.
- (b) *If the cancelled cheque is not replaced immediately.* The expenditure in payment of which it was drawn has to be written back. An entry of the cancelled cheque should, therefore, be made on the debtor side as for a cash recovery of a service payment. There will thus be no fresh charge against the head of service originally debited, even if the cancelled cheque is renewed.

77. A lost cheque should be treated in the accounts of the Department in all respects like a cancelled cheque (R. 76), the treasury certificate of non payment (R. 76) being regarded as the voucher in support of the entry of cancellation on the creditor side of the cash account.

78. lodged with Government for whatever purpose, must be supported by As a general rule every payment, including repayment of money previously a voucher setting forth full and clear particulars of the claim, As far as possible, the particular form of voucher applicable to the case should be used. Suppliers of stores and others should be encouraged to submit their bills and claim in proper departmental forms. But bills not prepared in such forms should not be rejected if they set forth the necessary details of the claims. In such cases the additional particulars required should be added by the Disbursing Officer.

Note. When it is not possible to support a payment by a voucher, a certificate of payment signed by the Disbursing Officer, and endorsed if necessary by his superior officer, should always be placed on record. Particulars of the claim should invariably be set forth.

78-A. Every voucher must bear a pay order signed or initialed and dated, by the responsible Disbursing Officer. This order should specify the amount payable both in words and figures

Vouchers for Departmental Payments

Note 1. Range Officers of the Forest Department are authorised to make payment to contractors for works sanctioned by competent authority on vouchers endorsed by themselves for payment within the following limits:

Rangers in charge of Ranges up to Rs 500 in each case

Other subordinates in charge..... up to Rs.250 in each case

of Ranges

The pay order on bills for amounts exceeding the above limits should be passed by the Divisional Forest Officer before payment.

Note 2. Cashiers and others authorised to make disbursement on passed vouchers should make no payment without a proper pay order or the responsible Disbursing Officer recorded clearly in ink on the bill or other voucher. No payment should be made on a voucher or order unless it is signed by hand and in ink. .

79. Except as provided in Subsidiary Order 168 (e) every voucher "should also bear, or have attached to it, an acknowledgment, of the payment signed by the person by whom or in whose behalf the claim is put forward. The acknowledgment should always be taken at the time of the payment.

Note 1. If a Disbursing Officer anticipates any difficulty in obtaining, from the person to whom money is due, a receipt in the proper form, it is open to him to decline to hand over him the cheque or cash, or to make a remittance to him, as the case may be, until the acknowledgment of the payment, with all necessary

particulars, has been given by him. In all cases of payment by remittance, a note of the date and mode of remittance must be made on the bill or voucher at the time of remittance. In case of remittance by Postal Money Order, the purpose of the remittance should be briefly stated in the acknowledgment portion thereof.

Note 2. In the case of articles received by value payable post, the value payable cover together with the invoice or bill showing the details of the items paid for may be accepted as a voucher. The Disbursing Officer should endorse a note on the cover to the effect that the payment was made through the post office and this will also cover charges for the postal commission.

Note 3. A certified copy, marked "Duplicate" of a receipted voucher may be retained by the Disbursing Officer, should be necessary to complete the record of his office, but the payee should not be required to sign such a copy or give a duplicate acknowledgement of the payment.

Note 4. As it has been ruled by the Calcutta High Court that under the Code of Hindu Law generally applicable in the province a surviving partner of a firm cannot sue for a debt accruing to the partnership during the lifetime of a deceased partner unless he joins the heirs or representatives of the deceased as plaintiffs, disbursing officer should be careful not to make any such payment without the production of letters of administration or otherwise satisfying themselves that the receipt obtained will be a valid acquittance.

Note 5. In the case of receipts furnished by individuals on behalf of firms, the Disbursing Officer will be responsible for making sure that the person signing the receipt has authority to bind the firm.

80. General instructions regarding the preparation and completion of vouchers are given in Subsidiary Order Nos. 53, 54 and 56 under Treasury R.16. The following

supplementary instructions should also be observed -----

- (a) When the payee signs in a vernacular, he should be required to note the amount acknowledged in the vernacular in his own hand: ' writing. In transliterating his acknowledgments, the amount acknowledged, as well as any remark made by him should also be reproduced in English;
- (b) The Disbursing Officer is responsible that the full name of the work as given in the estimate or the name of the component part (or sub-head) of it, or the head of account to which the charges admitted on a voucher are debit able, or to which the deductions or other credits shown in the vouchers are creditable, is clearly indicated on it in the space provided for the purpose or in some prominent position.

81. In cases of payments to supplies of stores, remittances of amounts *of* less than Rs. 25 for which Government Drafts cannot be issued by Treasury Officers, may be made by postal money order at the public expense.

Permanent Advances or Imp rest Accounts

82. (a) Advances are granted to Government servants who may have to meet certain classes of expenditure before they can place themselves in funds by drawing bills; the amount of the advance being fixed by Government according to the requirements of each office. The following rules apply, however, to these advances:

- (i) Heads of Departments and the Commissioners of Divisions can, unless Government otherwise direct, sanction the grant of permanent advances for offices subordinate to them, up to the amount advised by the Comptroller as appropriate. The permanent advances for the offices of the officers referred to must, however; be sanctioned by the next superior administrative authority
- (ii) (ii) Applicants for the grant or revision of a permanent advance must be submitted to the sanctioning authority through the Comptroller who will advise

as to the appropriate amount of the advance. In cases falling under CI. (i) above if there is any difference of opinion between the Comptroller and the sanctioning authority on this point, the matter should be referred for the orders of the Government;

- (iii) (iii) As these advances involve the permanent retention of money outside the treasury they must not be larger than is absolutely essential;
- (iv) These advances should not be multiplied unnecessarily. An officer's advance should meet the needs of every branch of his office. If he has subordinates who require petty sums, he should rather spare a small portion of his own advance for their use than apply for separate advances for them taking acknowledgments from them in the same way as he himself furnishes the Comptroller and retained them in his office;

(v) The advance is intended to provide on the responsibility of the officer entrusted with it for emergent petty advances of all kinds, though it is seldom that they will be needed for other than contingent charges; thus if a menial servant is required to travel by rail, his fare must sometimes necessarily be advanced from this amount.

NOTES

Clauses (xi) to (xii) of sub - R. (a) have since been deleted. They stood as under:

"(vi) The cost of service books required for office establishment should be met, in the first instance for the permanent advance of the office concerned, the permanent advance being subsequently recouped from the amount realised by the sale of the books to Government servants;

(vii) In the case of transfer of charges yearly on 15th April each office holding a permanent advance must send an acknowledgment to the Comptroller of the amount due from and accountable for by himself;

(viii) Advances may be made of the actual railway and steamer fare *or l* and road mileage out of the permanent advance to all non gazetted police officers, but such advances and their repayment need not appear in Government accounts. Traveling allowances bills may be made out once for all, for the full claims admissible as soon as the journeys are completed and any advances made out of the permanent advance may be recovered out of the amounts drawn from the treasury on such traveling allowance

(ix) If owing to the treasury being closed or for any other case it is impossible to draw and cash a bill to meet the pay of any man of the Assam Rifles who has been discharged before the end of the month his pay may be disbursed from the permanent advance of the Commandant in order to avoid detention of the man.

Under similar circumstances the pay of any member of a permanent coolie corps may be disbursed from the permanent 'advance of the officer controlling the corps;

(x) The Director of Public Health is permitted to pay advance traveling allowance to the office established or the Assistant Director of Public Health out of his permanent advance;

(xi) Payment made out of compensation fines to plaintiffs at Passighat in the Sadiya Frontier Tract and at Lungleh in the Lushai Hills may, in the first instance be made from the permanent advance which should be recouped in revenue deposit repayment voucher from which the receipts of the actual payees attached thereto;

(xii) Refunds of registration fees may be made out of permanent advance of Registrars and Sub-Registrars, the permanent advance being subsequently recouped by drawing the amounts from the treasury in Treasury Rule Form No. 18 supported by payee's receipts."

(b) An imprest is a standing advance of a fixed sum of money given to an individual in the Public Works Department to enable him to make certain classes of payments which may be entrusted to his charge by the Divisional Officer or the Sub-divisional Officer. The amount of an imprest should not, however, exceed one thousand rupees in any case, without special sanction of Government

Note 1. In the case of temporary subordinates the amount of the imprest should not, without the special sanction of Government, exceed the amount of security furnished by the subordinate.

Note 2. The classes of payments for work done or supplies made which may be entrusted by the Divisional or Sub-divisional Officer for payment from imprest are wages of labourers and work charged establishment and other petty payments of sums less than Rs. 25 each.

Note 3. The Sub-divisional Officer (Civil), Jowai, is authorised to hold an imprest up to Rs. 100 for making payments to Public Works Department work charged establishment.

(c) When a Disbursing Officer makes remittance to a subordinate officer to enable him to make a number of petty payments on a muster roll or other voucher which has already been passed for payment, the amount remitted, should be treated as a temporary advance.

(d) The holder of a permanent advance or an imprest is responsible for the safe custody of the money placed in his hands and he must at all times be ready to produce the total amount of the money in vouchers or/and in cash.

NOTES

It is competent to meet the emergency payments contingent upon the happening on unforeseen event. The maxima is fixed by the Head of the Department with reference to the office under him required to meet such charges. An absolute maximum is determined in consultation with the Auditor or Accounts Officer; Once an imprest is sanctioned the amount spent from it is replenished by drawing, from the treasury the deficient amount. The sanctioning authority for permanent advance may consider-

(i) What amount is absolutely necessary and the permanent advance should not be

larger than this figure;

(ii) It should be based on average monthly expenditure of an office in preceding 12 months;

(iii) Recoupment is normally done once a month. .

(iv) Audit / Accounts Officer should be furnished the vouchers recouped against permanent imprest.

Advances to Disbursers of the Forest Department

83. A subordinate officer of the Forest Department who is not authorised to draw cheques against the drawing account of the Divisional Officer, may be given a cash advance of suitable amount to enable him to make the disbursements, entrusted to his charge, and the advance may be remitted to him by postal money order.

ARREAR CLAIMS

84. .A claim against Government which is barred by time under any provisions of law relating to limitation is ordinarily to be refused and no claim on account of such a time-barred item is to be paid without the sanction of Government. The onus is upon the claimant to establish a claim to special treatment for a time-barred item, and it is the duty of the authority against whom such claim is made to refuse the claim until a case for other treatment is made out. All petty time-barred claims should be rejected forthwith and only important claims of this nature considered.

NOTES

Rule 84 - "Arrears", "Claims". According to the Webster's' New International Dictionary "arrears" means among other things "that which is behind in payment or which remains unpaid though due. In Stroud's Judicial Dictionary, 3rd Ed., it has been stated that the word "arrears" presupposes a time fixed for payment of a sum of money and the lapse of time thereafter without payment". [*See Kedarnath Jute Mfg.*

Co. Ltd. v. Commissioner of Income-tax, Central Calcutta, (1971) 28 STC 672 (SC); *State of Madhya Pradesh v. Shyama Charan. Shukla*, (1972) 29 STC 215 at pp. 218-19 (SC) (1972) 1 SCR 861 at pp. 865-66].

The word "areas" is not a term of art, as explained in Burrow's Words and Phrases, Vol. I, p. 231. There must be a legal obligation to payment which has been ascertained or is easily ascertainable. [*T. M. K. Abdul Kassim v. First Additional Income-tax Officer, Karaikudi*, (1958) 33 ITR 466 at p. 470 (Mad) : AIR 1958 Mad 301 : ILR (1958) Mad 487: (1958) 1 MLJ 268: (1958) MWN 209: (1958) 71 MLW 227].

The word "arrears" involves the two concepts of a duty and a default. It means that the duty to pay a certain sum of money having arisen, the person bound by the duty has defaulted in its performance.

The Oxford Dictionary states that in archaic usage the word "arrear" means hinder part especially of procession and that in plural "arrears" the word means outstanding debts and that the expression "in arrears" means behind hand in payment. [*V. Narayanchari v. Comm., and Returning Officer Bangalore*,. (1971) 1 Mys LJ 225 at p. 230]

A "claim" is "a demand of a right or supposed right: and assertion which is open to challenge: a right to claim or demand: a just title to anything claimed or demanded, especially. a piece of public land staked out". The Lexicon Webster Dictionary, Encyclopedia Edition, Vol I, states -----

"claim, title, prevention, pretence' are comparable when they denote an actual or alleged right to demand something as one's possession, quality, power, or prerogative.'Claim' carries the strongest implication or any of these terms of a demand for recognition, only the context can indicate whether that demand is regarded, as justifiable or whether the right is actually asserted by the person involved (though the house was

legally the daughter's, the father, as the one who had paid for it and had taken care of all taxes and insurance, had a moral claim to live there the rest of his life), (intelligent persons cannot accept the claims made for many patent medicines), (he advanced no claim to scholarly knowledge), (searching for truth as against all the claims and all the counter-claims of all the partisans Lippmann), (Liberty, itself became a principle of anarchy rather than a body of claims to be read in the context of the social process -- Laski). Claim also occurs in a more concrete sense as denoting the property or possession for which one sets up a claim (stake out a claim in an oil-field)". [Webster's New Dictionary of Synonyms].

Claim: A demand for something as due; an assertion of a right something
To lay claim to; to assert one's right to claim".

[Vide The Compact Edition of the Oxford English Dictionary, Vol. I].

"Claim ----- (I) A demand for something as due: an assertion of a right to something,

(2) Right of claiming; right or title (to something or to with *in!* phrase: also

on, upon a person, etc. Claim (v): (1) To demand as one's own or one's due: to seek or

ask for on the ground of right. . (2) To assert and demand recognition of (an alleged

right, title, or the like); to assert as one's own-ME". [Vide Shorter Oxford English

Dictionary Third Edition).

'Claim' is a challenge by any man of the properties or ownership of a thing which he hath not in possession, but is withholden from him wrongfully" [*Terms de la Lay*]. (2)

'Claim against the Crown for damages or compensation' [Crown Suits, Ordinance, 1876, S. 18 (ii), is an apt expression to include claims arising out of Torts). Crown

Proceedings Act, 1947 (10 & II Geo. 6, c. 44), S. I, "a claim against the Crown after the commencement, of this Act" does not include a claim statute-barred at the

commencement of the Act (5) 'Claim for compensation' includes. a notice of claim, as well as the initiation of proceedings. Vide Stroud's judicial Dictionary, Third

Edn., Vol.]].

There are claims, in the Merchant Shipping Act; claims which may be adjusted or set off the one against the other; statutory claims; claim for damages; claims arising out of some statutes, claims founded on and arising out of a breach of contract; and claims of certain rights. In the *Law Lexicon* of Venkataramaiya it is made abundantly clear that expression "claim of right" does not refer to actual legal right and that the claim of right as to ownership or possession of property may stem from a mistake of fact or of both.

It is seen from "Words and Phrases" (St. Paul, Minn. West Publishing Co.) that the word 'claim' has been variously understood and interpreted in various statutes in the United States of America. It is stated therein that -----

"A 'claim' is, not only legally speaking, but in ordinary parlance, clearly distinguishable from a 'grant' or a 'title'. A 'claim' is defined in the Century Dictionary as 'the thing claimed or demanded; specifically, a piece of public lands which a squatter or settler marks out for himself with the intention of purchasing it when the Government offers it for sale; as, 'he staked out claim'. 'A 'grant' on the contrary has a distinctly broader meaning. It implies an acquired right, and is described as applicable to the conveyance of incorporeal rights."

It is further stated that -----

"A claim "is, 'in a just judicial sense, a demand of some matter of right made by one person upon another to do or to forbear to do, some act or things as a matter of duty."

The following passage occurs in the "Corpus Juris Secundum" (Vol. XIV) is regarding the word "claim":

"The word is derived from the Latin 'clamor', meaning of call, a demand. and, as applied in the law, has been described as a term of well defined, and well understood meaning, although in particular cases it has been said to require construction in the light of the context. While in its popular sense, and as used in statutes and some State constitutions, the word has been judicially interpreted to extend only to those claims originating in contracts either expressed or implied and is seldom used when referring to a demand for damages that a party may sustain

in consequence of a wrong or injury to his person or property, it has been held sufficiently comprehensive to embrace actions sounding in tort as 'well as those founded on contract. In particular connections, claim' has been held to imply the performance of services or the furnishing of materials to, or the expending of money on behalf of, another for which claimant is, entitled to be paid, something unequivocal, something more than a mere inquiry as a basis for a later claim, more even than an expression of a future wish or desire to claim, if replies to the inquiry are favorable; also that the right is in dispute, suggesting contention, litigation, and something left for future determination; but not to imply formality necessarily, or even the use of words, acts in support of a claim having been had sufficiently to establish it under particular circumstances, nor does it imp past due indebtedness;

Assertion or Demand of a Right. In what has been termed its primary meaning, or Its ordinary or usual sense, the word is a broad and comprehensive term; and in its leg I use has been understood in a somewhat enlarged sense, embracing every species of legal demand, not necessarily limited to money demands; and, particularly when used in connection with property 'claim' has been held to signify a demand and nothing more. The term has been specifically defined as meaning. a demand of a right or of an alleged or supposed right; a calling on another for something due or supposed to be due; an active assertion of right and the demand for its recognition; an assertion demand, or challenge. of something as a right; the assertion of a liability to the party making it to do some service or to pay a sum of money or a demand of a right or thing withheld, the amount of which can be stated in money; the demand of some matter as of 'right by one person on another; to do or to forbear to do some act or thing as matter of duty; more specifically. a challenge by a man of the property or ownership of a thing which he has not in possession, but which is wrongfully

detained from him, or the assertion of ownership or proprietary interest or other direct right or claim to the property itself; also, the making known of the demand to the person who is subject to it; the means by or through which the claimant obtains the possession or enjoyment of the thing sought, as distinguished from the subject claimed; and also the occasion to pay. Used sometimes in a technical sense, the word "claim" or "claims" has been held to signify a demand enforceable in law and in conformity to particular statutory requirements. or a demand entered of record, stating the amount.

The *right to demand*. In its secondary meaning, distinguished from the primary meaning set out in the preceding sub-division, "claim" has been defined as meaning a right to claim or demand; the right itself. such as a right or title, actual or supposed, to a debt privilege, or other thing in possession of another; a right to lay claim to specific property which is in another's possession; a title to any debt or privilege or other thing in possession of another; or title to anything which another should give or concede or confer on the claimant; also the facts giving rise the demand, which show the right asserted, hence cause of action, or a chose-in- action". [*Indian Overseas Bank v. N.,*

A. Sellamuthu and others. AIR 1982 M 89 at pp. 90-91 and 92 : 1981 TNW 403 : (1981) 94 ad LW 626 : (1981) 2 Mad W 349J.

85. No claim against Government not preferred within six months of its becoming due can be paid without the sanction of the Comptroller; but this rule does not apply to claims to Rs. [1.000] and less which are preferred within one year of their becoming due and to payments made by Forest Disbursing Officers, nor does it apply to payment of claims on account of pensions which are governed by special rules.

86. Claims of Government against Railways and Steamer Companies for overcharges and claims of Railways and Steamer Companies against" Government

departments for undercharges will be recognized and admitted if the claims are preferred within six months

(a) in the case of cash payments-from date of payment;

(b) in the case of warrants or credit notes-from the date of presentation of bill by the Railway Administration and Steamer Companies.

The Railways and Steamer Companies named in Annexure A to this Chapter have agreed to the adoption of the above rules.

Explanation. The terms 'overcharges' and 'undercharges' used in this rule mean overcharges and undercharges of railway freight and fares only. They refer to shortages and excesses in the items included in a bill which has already "been rendered; the omission of an item "in a bill is not an 'undercharge' nor is the erroneous inclusion of-an item as 'overcharge'.

As regards other' past transactions with Railway Administrations (*i. e.*, other than those relating to overcharges and undercharges of freights and fares) the re-audits to be limited to a period of three years, counting from the date on which a mistake is discovered. The expression "the date on which a mistake is discovered should be held to mean "the date on which the mistake is discovered and reported to the department liable to pay".

87 Scholarship and grant-in-aid bills are due on the first day of the following month.

Except in case of transfer, traveling allowance bills become .due for payment as a general rule, on the last day of the month or at the end of the journey if prolonged beyond the end of the month. In the case, however, of Government servants who are not required to undertake tours as a part of their regular duties but who may be required to go out occasionally, traveling allowance bills may be presented for payment on the completion of the journey without waiting for the end of the month.

Co rolling Officers may also at their direction pass bills on the completion of a journey, if they think fit to do in any particular case. The months' limit should therefore be calculated from that date, and neither from the date of countersignature, nor from date from which the sanction takes effect.

Note 1. Periodical charges (including pay, etc. of contingency menials) will become due immediately after the period in question is over.

Note 2. The claims relating to the cost of articles supplied and services rendered will become due on the date following the day the supplies have been completed or services rendered. .

Note 3. Claims relating to peculiar and special charges become due from the date of sanction or in the absence thereof from the date the charges become payable, as decided by the Accountant-General, Assam in consultation with the Government.

NOTES

Inserted *vide* C. S. No. 220 PM 43/60/27, dated 31-1-1964. Reference No. FM 43/60/20, dated 19-8-1963.

Note 4. The Right of a Government servant to traveling allowance, including daily allowance, is forfeited or deemed to have been relinquished if the claim is not preferred to the head of office or the Controlling Officer within one year from the date on which it becomes due.

Note 5. If the traveling allowance claim is not preferred by the Administrative authority concerned for payment within one year from, the date of its becoming due, it shall not be paid unless the reason for delay are investigated in detail by the authority competent to sanction investigation of the claims under R. 88 and a specific sanction, issued by it. If the investigation shows that the claim could not be preferred

in time due to administrative delay, without adequate and cogent reasons, suitable
2 action may be taken against the officer(s) concerned so that such delays do not
8 re-occur in future.

Reference FM 56/69

Exception. It has been decided by the Auditor-General that arrear pay of contingency menials should be pre-audited Rule 85 is clear on that point and such pre-audit will enable Audit Officer to see that an adequate explanation is forthcoming in regard to the delay in the submission of the claim and that necessary certificate of previous non payment is furnished by the drawing officer.

NOTES

Claim should be preferred as expeditiously as possible. One year has been provided for T. A. of Government servants. The Controlling Officers are also required to explain the delay in their investigation.

Financial control over the claims of the contingency paid menials had been as well enjoined. They are required to be pre-audited in certain circumstances.

88. Claims of Government servants, whether Gazetted or not, to arrears pay or

allowances or to increments which have been allowed to remain in abeyance for a period not exceeding one year may be investigated by the Comptroller under the orders of the authority which appoints the Government servant by whom the claim is made, but such claims remaining in abeyance for a period exceeding one year but not exceeding six years cannot be Investigated by him except under the special orders of Government who will not ordinarily admit claims (except as regards pension) more than six years old.

Note 1. Delays in payment are opposed to all rules and are highly inconvenient and objectionable, and when not satisfactorily explained should be brought to the notice of the head of the department concerned.

Note 2. When a bill containing a claim to pay, allowance, or 'increment not preferred within six months of its becoming due is presented at the treasury, it should be supported by an authority from the Comptroller. In any case, however, in which the claim has been delayed in consequence of some objection taken but subsequently satisfied, the Treasury Officer will not refuse to pay merely because it is in arrears under the rule.

Note 3. When pay has been revised with retrospective effect, the bill should be submitted to the audit 'office for pre-audit before payment. In such cases and where the amount involved is considerable, the audit officer, before pre-auditing the bills, will enquire whether budget provision exists or whether additional allotment has been applied for.

Note 4. The periods of six months and one year should be calculated from the date the claim becomes due and not from the date from which the sanction takes effect..

Interpretation. Pay and allowances for which sanction exists become due for-payment on the first working day after the close of the month to which they relate

(vide R. 135]; but a claim for which no sanction exists cannot become due unless and until it is sanctioned. The periods of six months and one year occurring respectively in Rs 85 and 88 should therefore be calculated for purpose of both the rules from the date on which the claims become due. To make this matter clear, the following illustrations are given:

Illustration 1 The Government sanction on the 1st June, 1928 under Fundamental Rule the payment of an advance increment to a Government servant with effect from the 1st June, 1926. In this case the claim becomes due on the 1st June, 1928, and under Note 4 to R. 88 the periods of six months or one year for the purpose of Rs 85 and 88 respectively, should be calculated from the 1st June 1928, and not from the 1st June, which is the date from which the sanction takes effect.

Illustration 2. The ordinary monthly pay bill of a treasury account for January 1927 has been allowed to remain undrawn. In this case, the claim became due for payment on the 1st February, 1927. The period of six months or one year should, therefore, be reckoned from the 1st February 1927, the date on which the claim becomes due.

88-A. A claim for arrear fee of a lawyer engaged by Government which requires specific sanction, if not presented to Treasury within one year of its becoming due shall require the sanction of Government in the Law Department for pre-audit of the claim by the Accountant-General.

A claim shall become due with effect from the date of judgment of the case where lawyer's fee has been sanctioned previous to that date and in other cases, the date of sanction.

NOTES

Limitation has been prescribed for arrears fee of a lawyer engaged by Government which now requires special sanction on their not being presented within

a year.

89. No payments may be made on account of increases to pay until the additional expenditure thereby caused has been provided for in the budget estimates and duly sanctioned.

90. When submitting; arrear bills for pre-audit, the following particulars should be entered therein:

(a) The reasons why the amount claimed in the bill was not drawn before.

(b) The source (viz., the particular item of savings, "held over" undischursed pay" and fines) from which the amount is to be met (This should be correctly stated even when drawing arrear bills without pre-audit)

(c) Orders of the competent authority permitting investigation of the claims where necessary.

(d) Any other information which will facilitate audit and prevent unnecessary delay.

ISSUE OF DUPLICATES OR COPIES OF DOCUMENTS

Note. Order payment of bills for pre-audit which are intended to be acted upon before the close of the financial year should be sent so as to reach the office of the Comptroller, Assam by the 15th March, in which it is possible to do so, to avoid rush of payment towards the close of the year involving the risk of over-payment.

91. No Government servant may issue duplicates or copies of receipts granted for money received, or duplicates or copies of bills or other documents for the payment of money which has already been paid, or the allegation that the originals have been lost. If any necessity arises for such a document, a certificate may be given that on a specific day, a certain sum on a certain account was received *from* or paid to a certain

person. The prohibition extends only to the issue of duplicates in the allegation that the originals have been lost' and does not apply to cases in which, by existing rules, duplicates are prepared and tendered with the originals. In the case of a bill or deposit repayment voucher passed for payment at a treasury but lost before encashment for payment, the officer who drew the original bill or voucher should ascertain from the treasury that payment has not been made on the original before he issues a duplicate, which should bear distinctly on its face the word "duplicate" written in red ink [see also Note 4 under S. O. 28].

92. Duplication of agreement should in no case be required, that is to say, an authority who has concluded an agreement should not be required to draw up and sign again if an agreement already executed.

Responsibility for overcharges

93. (a) A drawer of pay abstracts or bills for pay, allowances or contingent expenses will be held responsible for any overcharge.

(b) .The responsibility of countersigning officers will be that which attaches to all Controlling Officers.

(c) The Treasury Officer who makes payment without pre-audit will be responsible for checking any palpable errors, and (in the case of change of office, or of rate of pay of Gazetted Government servants) for passing the new rate with reference to the orders directing the change. He is also required to examine the accuracy of the arithmetical computations in a bill.

(d) The responsibility will thus rest primarily with the drawer of the bill and (failing recovery from him) the overcharge will be recovered from the Treasury Officer or the countersigning officer, only in the event of culpable negligence on the part of either of them.

94. Every Government servant, entrusted with the duty of making 'payments on behalf of Government, should attend promptly to all objections and orders communicated to him by the Comptroller, either direct or through the Treasury Officer, by letters, audit memoranda, etc., and return the audit memoranda or reply to objections within a fortnight, or send letters explaining the cause of delay.

Note. In the case of the Forest Department the objection statements should be returned in original by the Divisional Forest Officer through the Conservator within a week of their receipt from the Comptroller. A list will also be forwarded by the Comptroller to the Conservator-each month showing the dates on which the objection statements were sent to each divisional office. The list should be completed and sent back to the Comptroller by the Conservator after all the objection statements for the month have been returned.

Cash Book

95. (1) Except in the case of those Departments for which a special form of cash book has been prescribed, a simple cash book in Financial Rule Form No.2 should be kept by all Departments for recording in separate columns all moneys received by Government servants in their official capacity, and their subsequent remittance to the treasury or to the Bank as well as moneys withdrawn from the treasury or the Bank either by bills or cheques and their subsequent disbursement. The use of a cash *book* may, however, be dispensed with in offices where the money transactions are not heavy.

(2) Each entry in the cash book should be verified daily by the head of the office or by a Gazetted Officer authorised by him. In either case the head of the office will

be responsible for the accuracy of the cash book and of the cash balance.

NOTES

The words "on which behalf by an" has been substituted by the words "a Gazetted". The words "and approved by Government" has been deleted *vide* Memo No. FEG-66j64/30, dated 27-1-1967.

(3) The cash book should be closed and balanced each day and the head of an office or his duly authorised representative should put his dated initials in the cash *book* in the "Remarks" column against the closing balance in token of his having verified all the entries of the day inclusive of the closing balance. The balance of each column at the end of the month should also be verified with the balance of cash in hand and a certificate to the effect that this verification has been made should be recorded in the cashbook under the signature of the Government servant responsible for the money. . The head of the office is personally responsible to Government for the due accounting of all moneys received and disbursed and for the safe custody of cash. For this purpose he should satisfy himself by periodical examination, at least once in 3 months that the actual cash corresponds with the book balance.

(4) When Government moneys in the custody of a Government officer are paid into the treasury or the bank, the head of the office making such payments should compare the treasury officer's or the bank's receipt on the chalan or his pass book with the entry in the cash book before attesting it, and satisfy himself that the amounts have been actually credited into the treasury or the bank. When the number of payments made in a month is more than 10 and the total amount involved therein exceeds Rs. 1,000 he should, within a week after the end of the month, obtain from the treasury a consolidated receipt for all remittances made during the month which should be compared with the postings in the cash book, and the

certificate to that effect should be recorded in the cash book.

Note. Notwithstanding the provisions of this clause, the head of office may at his discretion obtain a consolidated treasury receipt irrespective of the number of payments made in a month and the total amount involved therein.

NOTES

Sub-rule (4) along with the note below has been added *vide* C. S. No. 214 (Ref. Memo No. FEG-87/6] /23, dated 10-9-1962).

(5) The uncashed bills shall not be entered in the cash book, Bills to be assigned by the head of the office or the officer authorised on his behalf, should be entered in the bill register in the Assam Schedule III-I Form No. 116 and put up to the officer along with the bills for attestation of the entries in the register, while signing the bills. Such bills need not be entered in the cash book until they are cashed. The actual monetary transactions only should be entered in the cash book so that the balance of the cash book may represent the actual cash position.

Note 1. Separate cash book forms have been prescribed for the police department, for the political officer, Balipara Frontier Tract, for the Surma Valley Technical School, Sylhet and His Royal Highness the Prince of Wales Technical School, Jorhat, Assam Government Press and Book Depot, Shillong, and for the Pasteur Institute and Public Health Laboratory Shillong.

Note 2. The cash book should be bound in convenient volumes and the pages machine numbered. Before bringing a cash book into use the head of the office or the officer nominated by him, should count the number of pages and record a certificate of count on the first page of the cash book.

NOTES

Paras (4) and (5) are intended to tighten financial control over money in their

hands of the Government servants. The original clause as it stood earlier is reproduced below:

"4. The following procedure should be observed to ensure a proper check of all transactions to be brought to account in the cash book. The head of office or the officer authorised on his behalf should require that a bill be entered in the receipt side of the cash book as soon it is signed by him, the entry being at the same time initialed in token of his having satisfied himself as the necessary 'entry has been made. The date of encashment of a bill should, be noted in red ink below the date of its entry in the cash book. This will enable the drawing officer ,to see that for all such entries in the receipt side there are corresponding entries on the disbursement side supported by the payees' receipts and that there is no undue delay in the encashment of a bill and the disposal of its records. The uncashed bills, if any, in hand at the close of the day should be taken into account in verifying the; closing balance, which may be analysed in a footnote or in remarks column of the cash book to show the details (including dates) of uncashed bills as well as the cash in hand. In the case of bills sent for pre-audit the entry in the cash book should be deferred till the bills are received back after pre-audit from the comptroller's office.

Note. Separate cash book forms have been prescribed for the police department for the Political Officer, Balipara Frontier Tract. for the Surma Valley Technical School, Sylhet and His Royal Highness the Prince of Wales Technical School, Jorhat, Assam Government Press and Book Depot, Shillong and for the Institute and Health Laboratory, Shillong."

(6) In cases where cash or cheques. for payment to third parties is obtained by a drawing officer by presentation of bills in the treasury and when it is again remitted to treasury/bank for obtaining any demand draft in favour of the third party, the

entries in the cash book should relate to the cash or cheque received by the drawing officer on presentation of the bill at the treasury. On the receipt side at the cash book and the remittance made into the treasury bank for obtaining demand draft to the payment side of the cash book. The demand draft when received should be entered in a register of valuables to be maintained in F. R. No. 55 and its disposal watch through the cheque register. The receipt of the demand draft and payment to the third party through the demand draft need not be entered in the cash book as the transaction already appeared in the cash book in the manner indicated above.

NOTES

The above sub-R. (6) has been added *vide* C. S. No. 250 (Memo No. FEG. (1)-38/67-51, dated 28-4-1969.

Cash book of the forest department

96. Every officer who is authorised to receive and disburse Government money should maintain a cash book in the form prescribed by the Auditor General of India, in which he should enter all money transactions as they occur.

When a cheque is drawn in favour of self or order to replenish the cash chest, the amount of it should at once be entered as a receipt. The entry must not be delayed until the money has been received after the encashment of the cheque at the treasury.

97. All receipts, disbursements and charges of whatever sort connected with the public service must be, and no other may be, shown in the cash book. Sufficient

details should be given in the column "Particulars" to admit of the main points of each transaction being readily ascertained without reference to the detailed vouchers. All items of revenue must be fully detailed; the forest from which the revenue is realised; the person who pays it, and the articles and quantities removed should be stated whenever the information is available.

(I) A cheque drawn to be paid away, should be entered simultaneously on both sides of the cash book, once as a receipt of money from the treasury and once as a payment to the payee concerned, the number and distinguishing letter of the cheque being specified in both the entries. [See also R 76]

2) Similarly all book transfers, *i. e.*, transactions in which no actual payment or receipt of cash is involved, should be entered simultaneously on both sides of the cash book, the credit or debit to book transfer appearing on one side and an equivalent debit to an expenditure head or credit to a revenue head, on the other.

(3) All entries of advances on both sides of the cash book must be made in red ink.

98. The cash book of the Divisional Officer is primarily the detailed record of his own transactions written up day by day, but the transaction of his Sub-divisional Officer and subordinates, whether rendered through cash books or otherwise, should also be incorporated therein. All items of classified revenue realised and expenditure incurred by subordinate officers should be posted in totals only; other items of receipts and charges and recoveries of service payments should be entered in detail.

99. (a) All revenue and expenditure must be recorded at once in the accounts of the division within which it is collected or incurred, without reference to its origin or object and no inter-divisional adjustments are ordinarily allowed. When revenue is collected and expenditure incurred in one division on account of another, a note

should be made outside the accounts if the information is required for department purposes.

Note 1. Inter-divisional adjustments are allowed in the case of advance of pay, traveling allowance, etc., made to Government servants on transfer from one division to another and in the case of advances for expenses drawn by Conservators from any division within their respective circles including the expenses of their camp establishment and elephant attendants and also in the case of advances taken from any division by the Forest Veterinary Assistant Surgeon for his current expenses.

Note 2. When adjustments between different Governments are involved the rule regarding inter-Provincial adjustments will apply.

(b) This rule applies only to transactions between division in the same circle of the Province: In the case of transactions between divisions in different circles of the province, inter-divisional adjustment should be made monthly or annually, as may be found convenient, to enable the results of the working of forests in each circle to be accurately ascertained.

100. The bills on which the pay and traveling allowance charges of the Forest Department are paid by the Divisional Officer and not at the treasury are entered in the cash book.

101. In the case of Divisional Officers, the cash balance on hand should be counted on the last day of each month and a certificate to the effect that it agrees with the computed balance should be recorded in the cash book. They must, when at headquarters, always verify the cash balance in person and sign the accounts to be rendered to the Comptroller. When the Divisional Officer is absent on tour, the duties may be entrusted to the senior gazetted subordinate of the divisional staff present at headquarters, but without the special sanction of Government not more than two months may be allowed to elapse without a personal verification of the balance by the

Divisional Officer.

102. A consolidated receipt for the money remitted to the treasury by all officers of the division, and credited in the treasury accounts during the month, should be obtained by the Divisional Officer from the Treasury Officer on the 1st of the ensuing month.

103. 1. *Report of losses.* With the exceptions noted below, any defalcation or loss of public money, departmental revenue or receipts, stamps, opium, stores, or other property, discovered in a Government treasury or office or department, which is under the audit of the Comptroller, should be immediately reported to the Comptroller, even when such loss has been made good by the person responsible for it. It will usually be sufficient if the officer reporting the defalcation or loss to higher authority sends to the Comptroller either a copy of his report or such relevant extracts from it as are sufficient to explain the exact nature of the defalcation or loss and the circumstances which made it possible. When the matter has been fully investigated, a further and complete report should be submitted of the nature and extent of the loss, showing the errors or neglect or rules by which such loss was rendered possible and the prospects of effecting a recovery. The submission of such report does not debar the local authorities from taking any further action which may be deemed necessary.

Exception. Petty cases, that are cases involving losses not exceeding Rs. 300 each, need not be reported to the Comptroller unless there are, in any case, important features which merit detailed investigation and consideration.

Note 1. Losses or deficiencies concerning buildings, lands, stores and equipment should be written off of any where or commercial account that may be maintained.

Note 2. The general rule regulating the enforcement or responsibility for losses sustained by Government through frauds or negligence of Individuals, departmental

enquiry in such cases when Government servants are involved and the procedure to be adopted in prosecutions for the embezzlement of Government money are laid down in Chapter XVIII for the guidance of heads of offices and other.

II. A statement showing the total amount of extra statutory remission of revenue and abandonment's of claims to revenue (other than those relating to land revenue proper) sanctioned during the preceding year should be submitted annually in Financial Rules Form No.3 to the Comptroller, Assam. on or before the 15th July in respect of the provincial heads of revenue Land revenue, Provincial Excise, Stamps, Forests, Registration and receipt under the Motor Vehicles Act, classified broadly under different categories descriptive of the main reason for the remission. The statement, which should be for the financial year, should be submitted on the 1st May of the year following that to which it relates. The statement should detail in Part (a) of the form, individual remission and abandonment of Rs. 500 and above, while items below Rs 500 be lumped together in Part (b). It should not include 'write off' of public money or stores and refunds of revenue which appear in the final accounts, *i.e.* for which provision has to be made in the budget.

(a) The following statement allows the items which are considered to be extra statutory remission *viz*, remissions granted by competent authorities in exercise of the discretionary powers vested in them otherwise than by law or rule having the force of law:

Revenue Department	...	All remissions other than those relating to land revenue proper are extra statutory
Excise Department	...	All Remissions except those under S.30 of the Eastern Bengal and Assam Excise Act, 1910, are extra statutory
Stamp Department	...	Not concerned
Forest Department	...	All remissions are extra statutory
Registration Department	...	Ditto
Receipts under the Motor Vehicles Act	....	Ditto

The lists of remissions and abandonment's or Revenue enumerated in the Book of Financial Powers are not exhaustive and do not include items for which sanction of Government in the Financial Department is necessary. Such items should also be included in the annual statement to be submitted to the Comptroller.

(b) *Remission of revenue* means the writing off of revenue which in the opinion of the competent revenue authority cannot be recovered by reason of the failure of crops, flood.; famine. fire or other adverse circumstances affecting the ability of the debtor to pay ; whereas *abandonment of revenues* means that the competent revenue authority withdraws a source from which revenue is derived and therefore makes DO claim to the payment of such revenue.

III. In the cases mentioned below where the audit of receipts has been entrusted to the Audit Department under paragraph 13 (2) of the Government of India (Audit and Accounts) Order, 1936 (Appendix I, individual cases of remissions or abandonment's of revenue should be communicated to that Department for scrutiny irrespective of any money limit.

- (a) Receipts of Government Press;
- (b) Revenue realized by officers of Public Works Department including rents of Public Works Department building and ferry receipts ;
- (c) Jail Department receipts;
- (d) Receipts of the Industrial and Technical Schools;
- (e) Police Department receipts;
- (f) Forest Department revenue including the Goalpara Forest Tram way;
- (g) Receipts of the Agriculture Department, and
- (h) Receipts of the Principal' State hospitals including the Mental Hospital.

IV. Where money due to Government has actually reached a Government servant and is then embezzled, stolen or lost, even though it' may not have reached the treasury and thus have passed into Government account, it should be brought into the Government account as a receipt and' then shown on the expenditure side by record under a separate head as a 10ls irrespective of any money limit.

After orders have been passed by the competent authority on such a case, a bill for the amount of the loss written off should be prepared and presented at the treasury where the bill should be paid by transfer credit to the revenue or receipt head concerned. In the Public Works and Forest Departments the adjustment should be made by book transfer in the complied accounts.

Note. The term 'Government -servant' used in this rule includes persons who though not technically borne on a regular Government establishment, are duly authorised to receive money on behalf of Government.

Financial control over department accounts

104. (a): The Conservator of Forest exercises a strict control over the whole

outlay of the Forest Department for conservancy and works, and examines the charges on account of traveling allowance and contingencies. To facilitate the exercise of this control, the Conservator is furnished monthly by the Divisional Officer with duplicate copies of the Abstracts of Receipts and Expenditure submitted to audit [see also paragraph 147 of the Assam Budget Manual].

(b) He is further required specially to control the adjustments of advances for which purpose the monthly abstracts of the contractors' and disbursers' ledger submitted to Audit by the Divisional Officer are required to pass through the Conservator.

(c) He is responsible for seeing that the accounts returns are punctually submitted to the Controller by Divisional Officers.

(d) He should sign all letters issued from his office sanctioning expenditure, appointment, etc., and may delegate the power to a gazetted Government servant in charge of his office but not to the Head Clerk or other office employee.

(e) The responsibility for effective check and control of the accounts of the entire division, both in respect of revenue and expenditure, rests on the Divisional Officer.

105. The detailed procedure of controlling expenditure in other departments is laid down in Chapter XVI of the Assam Budget Manual.

Security Deposits

106. Subject to any general or special instructions prescribed by Government in this behalf, every Government servant, whether gazetted or non-gazetted, who is entrusted with the custody of cash or stores shall be required to furnish security for such amount as a department of State Government may prescribe according to circumstances and local conditions in each case, and to execute a security bond setting forth the conditions under which Government will hold the security and may ultimately refund or appropriate it.

Note. (i) The procedure in taking security is laid down in the Executive Manual.

(ii) No security deposit need be taken from the custody of office furniture, stationery and other articles required for office management as such; provided that the head of office is satisfied about the safeguards against loss through pilferage.

(iii) No security deposit need be taken from Librarian or Library staff.

NOTES

Rule 106 has been substituted vide C. S. No 239, Reference Memo No.FEG/66/18 dated 5- 8-67 and the amendment will take effect from the date of notification.

The security provisions had been further tightened. The original rule prior to amendment stood as under:

"Cashiers, store-keepers, sub-store-keepers and subordinates entrusted with the custody of cash, or stores in the Public Works Departments must furnish security, the amount being regulated according to circumstances and to local custom in each case under the sanction of the Chief Engineer. In the case of treasure chest key being placed in the custody of a clerk, lower subordinate or work charged person an adequate security must be furnished. The security to be taken from officers in other departments is determined by the orders of Government in each case.

Note. The procedure in taking security is laid down in the Executive Manual".

Special Rules for the Public Works Department

107. Security deposits of subordinates and contractors whether made in cash or in one of the forms of security referred to in R. 108 are covered by a bond or agreement setting forth the conditions under which the security is held and must be ultimately refunded or appropriated. Reference to such bond or agreement should be recorded in the Deposit Register or the Register of Securities, as the case may be.

108. The recognised forms of interest-bearing securities, and the rules to which they are subject, are indicated below:

Under the rules in the Government Securities Manual.

- | | |
|---|---|
| a) Government Securities other than the Post Office 5 Year Cash certificate | Under the Rules in the Government Securities Manual |
| b) Municipal Debentures and Port Trust Bonds | Under the rules for cash Certificates and Savings Bank accounts issued by the Post Office |
| c) Post Office 5 year Cash Certificates | The depositor should be required to get the receipts made out in the name of pledgee. The deposit receipt will be held in custody by such officer as Government may prescribe. The depositor should receive the interest when due, direct from the bank, on a letter from the pledgee authorizing the bank to pay it. |
| d) Post Office Saving Bank Pass Books | |
| e) deposit Receipts of Imperial Bank of India | |
| f) National Defence Certificate | |
| g) Defence Deposit Certificate | |

h) Deposit Receipts and Guarantee
Bonds executed by the Industrial Co-
Operative Bank Ltd, Gauhati

NOTES

Clause (c) has since been amended. The original clause stood as under:

"(c) Post Office 5-year Cash Certificate".

Interest bearing Securities now cover National Defence Certificates, Defence Deposit Certificates.

Clause (h) has been inserted by C. S. No. 259 dated 25-3-1980.

109. (1) Security deposits lodged in the post-office Savings bank should be hypothecated to the Divisional Officer, or to the Sub-divisional Officer if this has been specially authorised by Government. The Bank Pass Books should remain in the custody of the officer to whom the deposits are pledged.

(2) All the Pass Books should be sent to the Post Office as soon as possible' after the 15th June each year in order that the necessary entries on account of interest may be made in them.

110. (1) Cash deposits of subordinates and contractors may be converted, at the cost of the' depositor, into one or more of the forms of interest bearing securities, provided -----

(i) that the depositor has expressly desired this in writing, and

(ii) that the acceptance of the new form of security is permissible under the rules as well as under the terms of the agreement or bond.

(2) Cash which has actually been received or recovered may be converted even

though the full amount of the deposit, which is being paid in installments, has not yet been realised.

111. (I) Without the special orders of competent authority, no security deposit should be repaid or retransferred to the depositor, or otherwise disposed of, except in accordance with the terms of his agreement or bond.

(2) The depositor's acknowledgment should be obtained in all cases of security returned. When an interest-bearing security is returned or transferred, the acknowledgment should set forth the full particulars of the security.

Contractors' closed accounts

112. When a sum due to a contractor on closed account is held in deposit and is ultimately paid to the contractor concerned, his acknowledgment should set forth such particulars as would establish the settlement of his account in connection with the work concerned.

Lapsed and confiscated deposits

113. (I) In the accounts for March each year, the following classes of items in the Public Works Deposit account should be credited to Government as lapsed deposits:

- (i) Original deposits not exceeding three rupees remaining outstanding for one whole account year;
- (ii) Balances not exceeding rupees three of items partly cleared during the, year then closing;
- (iii) Balances unclaimed for more than three complete account years.

(2) For the purpose of this rule the age of a repayable item, or of a balance of it, is to be reckoned as dating from the time when the item or the balance, as the case may be, became first repayable. [See also S. O. 101 under T. R. 16].

114. Deposits credited to Government under R. 113 or confiscated under the

provisions of an agreement or bond, cannot be repaid without pre-audit by the Comptroller who will authorise payment on ascertaining (1) that the item was really received. (2) that it was credited, to Government as lapsed or confiscated, (3) that the claimant's identity and title to the money are certified by the Divisional Officer.

Accounts of Interest-bearing Securities

115. Transactions connected with interest-bearing securities do not pass through the cash book and consequently the regular accounts of the division, unless any cash actually passes through the hands of officers of the department, which should be avoided as far as possible.

Destruction of Records

116. The rules regarding the destruction of account records appertaining to the accounts audited by the Indian Audit Department are contained in Appendix 3. [See also paragraphs 59 and 60 of the Assam Public Works Department Code.]

Calling for an acceptance of Tenders

116-A. The provisions of Rr. 254, 256 and 258 shall be applicable *mutatis mutandis* to all civil departments.

NOTES

Rule 116-A has been inserted by C. S. No. 224. (Reference Memo No. FM-1JO/60/54, dated 23-1-64.)

All Civil Departments are now covered by Rr. 254, 256 and 258.

ANNEXURE A

{Referred to in Rule 86J}

1. Assam-Bengal Railway.

2. Madras and Southern Mahratta Railway.
3. East Indian Railway.
4. Morvi Railway.
5. Bombay, Baroda, and Central Indian Railway.
6. Udaipur-Chittore Railway.
7. Dholpur-Bari Railway.
8. Rohilkhand and Kumaon Railway
9. South Indian Railway.
10. Howrah-Amta Light Railway.
11. Cutch State Railway.
12. Jorhat Provincial Railway.
13. Dibru-Sadiya Railway.
14. Tezpur Balipara Railway.
15. Bengal Provincial Railway.
16. Bengal and North-Western Railway.
17. Darjeeling-Himalayan Railway.
18. Barsi Light Railway.
19. Bengal Dooars Railway.
20. North Western Railway.
21. Eastern Bengal Railway.
22. Bengal Nagpur Railway.
23. Great Indian Peninsula Railway.
24. Barasat Basirhat Light Railway.
25. Bukhtiarpur-Bihar Light Railway.
26. Shahdara (Delhi-Saharanpur) Light Railway.
27. Howrah-Sheakhala Light Railway.

28. Mysore Railway.
29. Jodhpur Railway.
30. Bikaner Railway.
31. Bhavnagar State Railway
32. Gondal Railway.
33. Junagadh State Railway.
34. Porbandar State Railway.
35. His Exalted Highness the Nizam's State Railway.
36. Rivers Steam Navigation Company, Limited and the India-General
Navigation and Railway Company Limited.

CHAPTER IV

Revenue receipts and their check

Controlling Officer's responsibility

117. The departmental controlling officers should see that all sums due to Government are regularly received and checked against demands and that they are paid into the treasury. They should accordingly arrange to receive from their subordinates accounts and returns claiming credit for so much paid into the treasury, and compare with those, the figures recorded in the books of the Comptroller in charge of the accounts, if these are supplied to them under an arrangement between the Auditor-General and the Government.

The detailed rules regarding the demands and collection of revenue of the different departments are contained in the Manuals of the departments concerned. .

Note. It is essential that the Departmental Controlling Officer's account should not be compiled from the returns prepared by the treasury. But the Treasury Officer is in some cases required to verify returns prepared for submission to Departmental Controlling Officers.

Revenue Receipts of the Public Works Department

118. Public Works revenue is assessed and realised in accordance with the following rules:

- (a) Divisional Officers of the Public Works Department are responsible that demands are made as revenue falls due, that steps are taken with a view to effect prompt realisation of all revenue, regular or occasional, and that proper records are kept to show, in respect of all items of revenue, recurring or non-recurring, the assessments made, the progress of recovery and the outstanding debts due to Government.

Note. The object of this rule is that all classes of revenue whether accruing from property of any kind, from leases of rights and concessions or from any other source are properly watched.

- (b) The recovery of all debts due to Government should receive the special attention of the Divisional Officer, and the debt should be remitted or written off except under the order of competent authority.

Revenue Receipts of the Forest Department

119. (i) The Divisional Officers of the Forest Department are responsible that demands are made as revenue falls due, that steps are taken with a view to effect prompt realisation of all revenue, regular or occasional, and that proper records are kept to show, in respect of all items of revenue, recurring or non-recurring, the assessment made, the progress of recovery and the outstanding debts due to Government.

Note. The object of this rule is that all classes of revenue according from different

sources are properly watched.

(ii) The recovery of all debts due to Government should receive the special attention of the Divisional Officer, and no debt should be remitted or written off except under the orders of competent authority.

120. Claims of the Forest Department against other departments of the public service should be dealt with in accordance with the directions of the Auditor-General of India under S. 168 of the Government of India Act, 1935 (Appendix 4). Recoveries made in cash under those rules should be treated like other revenue receipts realised in cash, but when a book adjustment has to be made, a bill, setting forth full particulars of the claim, should first be sent to the officer concerned in Financial Rule form No.4 and, on its return duly accepted, the necessary adjustment entries should be made in the cash book in the manner indicated in R. 2 under Financial R. 97, the accepted bill being treated as the supporting.

Recoveries of rents on buildings and lands

121. (a) When a public building, land or other property is let to a person not in the service of Government, the full assessed rent must be recovered in advance.

(b) The recovery of rents from Government servants occupying rentable buildings in charge of the Department may be realised either in cash or by deduction from their pay bills through the Treasury Officer or the Disbursing Officer concerned.

Note. Amounts due on account of the hire of Government furniture and on account of the value of articles of furniture and other Government property lost or damaged by a Government servant as well as any other dues for which Government servant may be liable to Government in respect of the residence allotted to him may also be recovered either in cash or by deduction from pay bills in accordance with this rule.

Rules 121, 131-A and 510-Buildings. Meaning of the term "building" should be read in the sense in which it is understood in common parlance {See *Sardarni Sampram Kaur and another v. Sant Singh and another*, AIR 1982 Punj and Har 245 ; see also *S. Siva Subramaniya Iyer v. S. H.Krishnaswamy*, AIR 1981 Ker 57}.

122. Where rent is recoverable in cash, a bill in a suitable form should be sent by the Divisional Officer to the tenant on or before the last day of each month. The tenant should be required to pay in the rent before the expiry of the following month.

123. A tenant who is in receipt of a pension from Government should be treated as a private individual for the purpose of these rules. But if he desires to make payments by deductions from his pension, recoveries may be made from him through the Treasury Officer or other disbursing officer concerned, on the pensioner furnishing the Divisional Officer with a written request authorising such deduction. This authority should be transmitted to the Treasury or disbursing officer with the first demand.

124. When rents are recovered through Treasury Officer from officers in civil employ occupying Public Works buildings the Divisional Officer will fill in the rent roll in Financial Rule Form No.5 at the close of each month and forward it in triplicate to the Treasury Officer concerned for recovery of the rent due. The Treasury Officer will see that the rent payable in each case is recovered by deduction from the pay bill. The Treasury Officer will complete the entries in Form 5, retain one copy in his office, attach one copy to the treasury accounts submitted by him, and return the third copy to the Divisional Officer not later than the 5th of the month following that to which Form 5 relates.

125. The following precautions are taken to guard against omissions in the recovery of rent due owing to the increase of the emoluments of Government servants

occupying Government residences:

(a) In the case of Gazetted Officers who are occupying or who generally occupy Government residences, the pay slips will be made out in triplicate and one copy sent to the Divisional Officer concerned to enable him to revise the assessment of rent whenever necessary.

(b) The Treasury Officer will record a certificate in the statement of rents in Financial Rule Form No.5 that the emoluments of the tenants named in the statements remained unchanged during the month and that no arrears of emoluments were paid to them during the previous month except as indicated in column 6 of the statement. A percentage of the duplicate statements received in the audit office will be checked with bills and such statements will be forwarded to the divisional office. The Divisional Accountant will see that all statements of a month relating to the same treasury are received in his office, and take steps to revise the assessment of rent in accordance with the rate of emoluments as corrected in the audit office.

Note. In the case of rents recoverable from non-gazetted Government servants whose pay is drawn by the heads of their offices, the rent demand should be sent to the drawing officer and not to the Treasury Officer. The drawing officer will record the necessary certificate as to the emoluments of the tenants.

(c) If a Divisional Accountant becomes aware either through the pay slips or entries in Financial Rule Form No.6 or through other sources that the emoluments of a Government servant have been changed in respect of a period during which he occupied a Government residence at some other station or stations, he should see that the intimation of the changes is given to the Divisional Officers of the stations concerned to enable them to recover the arrears of rents, where necessary.

126. Whenever a building so occupied is likely to be vacated after the first day of any month owing to the officer concerned proceeding on leave or being transferred to another district, the Treasury Officer who has opportunities of knowing beforehand the movements of the civil officers in the district should intimate to the Divisional Officer the probable date on which it will be vacated, so that the latter may send a separate rent list for the broken period before the occupant vacates. If the amount due cannot be recovered from the occupant before he leaves the district, it will be noted by the Treasury Officer on the last pay certificate for recovery in the district to which he is transferred.

Note. The recovery of rents of all public buildings if watched by the Public Works Department except in those cases in which under standing orders of the Forest or other Departments the rents are recovered by those Departments.

NOTES

"Due" and draw statement. When a Government servant is transferred to another place under a different head of office under whom he has been transferred, the Head of office may prepare a due and draw statement showing what is due and what had since been paid to a Government servant and send it to the Head of office from where he was transferred for security and report. On receipt of his report final adjustment of advances, if any, is made in accordance with the rules.

127. Pending orders on a representation against the Divisional Officer's assessment, the amount assessed must be paid by tenants on demand. Should the representation prove successful, the excess amount charged should be adjusted as soon as orders issued, by a reduction in the assessment of a subsequent month,

or, if this is not practicable or convenient by an actual repayment.

to pay the same to the 128. [Cancelled]

129. The quarter of the European Armed Police Inspector and Sergeants are supplied with furniture in respect of which rent at Rs. 5 per Mensem should be recovered by deduction from the pay bills of the officers occupying the quarters.

130. With a view to facilitating the recovery of rent for the occupation of inspection bungalows from Government servants, in case where they fail

131. Treasury Officers are required to advise each Divisional Officers monthly of the receipts from Civil Officers credited in their accounts.

131-A. Recoveries of tax under Assam Professional, Trades, Calling and Employment Tax Act, 1947 are to be deducted by Treasury Officers from pay-bills for April by Transfer credit to the Revenue head on the basis of total gross income during previous year.

NOTES

Taxes due by the employer are deducted in the hands of their Controlling Drawing and Disbursing Officers. The provisions has been made to enforce the rule obtaining for collection of Direct Taxes what has been made applicable to State taxes also.

SALE OF QUININE, VACCINE LYMPH AND SEED DEPOT

ARTICLES

132. Payment for sale of quinine is made either (1) by value payable money-

order, or (2) by ordinary money-order here the value payable system is in force, the procedure prescribed in Appendix 5 regarding the payment of Government money orders should be followed. Where quinine is sent to an agent by registered parcel, the Civil Surgeon instead of taking delivery of the money remitted to him by ordinary money order, will stamp on the form "Quinine". "Pay to Treasury" in two places and return it to the post Master who will then deal with it as the Government money order. The receipt should be credited in the Treasury Cash Account to the following detailed heads under the Major head "XXVIII,--Public Health".

- (1) Sale of quinine by Post Offices;
- (2) Sale of quinine by vaccinators and others.

Purchasers of quinine may pay the price direct into the treasury. The Treasury Officer before accepting a chalan should refer to the list, which the Civil Surgeon will supply, showing the persons who are authorized to purchase quinine and the maximum amount which they may be permitted to Purchase at a time and the chalans should be issued in accordance with the list.

Note. The sale of quinine in the Naga Hills and Lushai Hills is carried out from offices of the Deputy Commissioner, Naga Hills, and the Superintendent, Lushai Hill, respectively.

Vaccine, Lymph

133. Vaccine lymph is supplied by value payable post by the Shillong Vaccine Depot to tea gardens, Railway Medical Officers and the Manipur States. The procedure-prescribed in R. 132 applies *mutatis mutandis* to the payment of the money into the treasury.

For supplies to Military Medical Officers the cost of actual supplies made during a year including packing and postal charges should be debited in the accounts of the following year after obtaining the acceptance of the Military Medical Officer concerned.

Vaccines are supplied by the Pasteur Institute, Shillong, to local and private bodies only on the value-payable system. The cost of supplies to Government Departments is adjusted by book transfer.

The receipts should be credited to "XXVIII-Public proceeds of Vaccines" Health-Sale

Seed Depot Articles

134. The procedure laid down in R. 132 should be applied to the sale of seed depot articles by value-payable post. The receipts should be credited in the Treasury account under the detailed head "Sale of seeds, manure and other receipts of seed depots" subordinate to the major head "XXIX-Agriculture".

CHAPTER V

Pay and allowances-General Rules

135. Subject to such special orders as may be issued by Government from time to time the relation to specified Departments and/or places, bills for 'monthly pay and fixed allowances for Government servants may be signed at any time not earlier than 6 (six) days before the last working day of the months by the labour of which such pay and allowances are earned and shall be due for payment on the first working day of the following month. In the following cases separate bills must be presented in India for pay due for part of a month, and these bills may be paid before the end of the month, *viz.*

(a) When a Government servant proceeds on transfer, deputation leave and/or vacation

(i) to and from a place outside India from or to a place in India; or

(ii) from any place outside India to another place outside India.

Pay and allowances--General Rules

Note. If a Government servant wishes, under the provision of Fundamental Rule 91 to draw his leave salary hi India, he will not be paid up to the date of relief but will be allowed to draw his pay and allowances for the broken period of the month at the commencement of the next month along with the leave salary for the rest of the month.

(b) When a Government servant is transferred to another Audit Circle, or within the same Audit Circle (i) from one department to another or (ii) from one Public Works Division to another.

(c) When a Government servant finally quits the service of Government or is transferred to Foreign service.

Note 1. If the first six days of a month are' public holidays on which pay and pensions are not disbursed at the treasury, payment *on* the last open day before the holiday's may be made under orders of the Government:

(a) of pay bills except those of gazetted Government servants; and

(b) of pension bills of pensioners drawing pensions of Rs. 100 or less.

Note 2. The last pay of a Government servant whether under suspension or not, on his retirement, death or finally quitting service can be paid by 'the head of office in the case of non-gazetted' Government servant or such gazetted Government servant whose pay is drawn in' establishment pay bill form and in the case of self-drawing Officer on the countersignature by the head of the department or in case the self-drawing office himself is the head of the department,

on countersignature, by the administrative department. Such payment of last pay bill may generally be allowed by the head of office, or head of department or administrative department, as the case may be if there is no dues outstanding against the officer or if (the death-cum-retirement gratuity to the officer/family is likely to be sufficient for adjustment of Government dues in which case the said authority- will send intimation about outstanding Government dues and fact of authorization of last pay to the pension sanctioning authority.

NOTES

Note 2 substituted by Notification No. FMP 84/83/Pt.j37, dated 13-5 1985.

Explanation. For the purpose of this rule working day shall be deemed to be a day on which the offices in which disbursement is to be made and Treasury or in case of a bank Treasury, the bank or both open for transacting the irrespective ordinary business so that withdrawal of moneys and disbursement thereof become practicable on the same day.

NOTES

[Ref.Memo No. FES-69{72f5. dated 24-9-1977].

. The rule is one of administrative convenience to enable prompt payment of dues of Government employees immediately they fall due. The earlier rule stood as under.

135. Pay bills may be signed at any time on the last working day of the month by the labour of which the pay is earned and due for payment on the next working day. But pay bills payable at provincial headquarters and those payable at district treasuries be signed and presented for payment within three and four respectively before the last working day of the month to which they relate payment of such bills however should not be made before the first working day of the next month. In the

following cases separate bills must be presented in India for pay due for part of a month, and these bills may be paid before the end of the month, viz, :

(a) when a Government servant proceeds out of India on Deputation or leave .

Note. If a government servant wishes, under the provision of Fundamental Rule 91 to draw his leave salary in India, he will not be paid upto the date of relief but will be allowed to his pay and allowances for the broken period of the month at the commencement of the next month along with the leave-salary for the rest of the month.

(b) When a Government servant is transferred to another Audit Circle, or within the same Audit Circle (i) from one department to another, or (ii) from the Public Works Department to another.

(c) When a Government servant finally quits the service of Government or is transferred to foreign service.

Note 1. If the first six days of a month are public holidays on which pay and pensions are not disbursed at the treasury, payment on the last open day before the holidays may be made under orders of the Government,

(a) of pay bills except those of gazetted Government servant; and

(b) of pension bills of pensioners drawing pensions of Rs. 10 or

Note 2. The last payment of pay should not be made to a gazetted Government servant or to a Government servant whose pay is drawn on pay bill forms of gazetted Government servants, finally quitting a servant of Government or placed under suspension, until the treasury Officer has satisfied himself by reference both to the Comptroller and his own records, that there are no demands outstanding against him. In other cases payment may be made without reference to the Comptroller on the responsibility of the head office concerned.”

DEATH OF PAYEE

136. (a), Pay, allowances or pension can be drawn for the day of a man's death; the hour at which death takes place has no effect on the claim.

(b) Pay and allowance of all kinds claim claimed on behalf of a deceased Government servant may be paid without the production of the usual legal authority:

(a) If the gross amount of the claim does not exceed Rs. 2500, under order of the Head of the Offices, in which the Government servant was employed at the time of his death; provided that the Head of the Offices is otherwise satisfied about the right and title of the claimant; and

(b) If the gross amount of the claim exceeds Rs. 2,500 under orders of the Administrative Department of the Government on execution of an indemnity bond duly stamped for double the gross amount due for payment, with such sureties as may be deemed necessary:

Provided that the authority mentioned in a. (a) above may, subject to the condition prescribed in that sub-clause, make anticipatory payment of an amount not exceeding Rs. 2,500. .

In any case of doubt payment shall be made only to the person producing the legal authority. This will take effect from the date of issue of the orders

NOTES

Relief to the family of the deceased has been provided. The unamended rule stood as under:

“(b) Pay and other allowances claimed on behalf of a deceased Government servant may be paid without the production of the usual legal authority (I) for the extent of Rs. 2,500 under order of the Deputy Commissioner or other officer responsible to the payment after such enquiry into the rights and title of the claimants as may be deemed sufficient: (2) for the excess over Rs. 500 under the orders of the Government on execution of an indemnity bond with such sureties as it may require. If it is satisfied of the right and title of the claimant and considers that undue delay and hardship would be caused by insisting, on the production of letters of administration.

Note 1. Note 2 under R. 135, regarding last payment of pay applies here also.

Note 2. The form of indemnity bond mentioned in this clause and in R. 87 of the Assam Pension Manual is prescribed in Financial Rule Form No.6. The sureties accepted as joining in such bonds should be of proved financial ability to meet the obligations undertaken. "

131. (a) The death of every European officer of Government other than an officer of the Army or Navy, must be immediately reported in financial Rule Form No.7 by the head of his office to the Government under, which he was serving, which will announce the circumstance direct to the High Commissioner for India and send a copy of the report to the department of the Government of India concerned as well as to the Public Health Commissioner with the Government of India for information. The death of such pensioners should similarly be "reported, but the report to Government in their case will be submitted by the Account Office which should be furnished with the necessary particulars by the officer who has been disbursing the pension.

(b) Treasury Officers will also furnish the Account Office concerned, manually on the 1st September, with a list of all retired officers of gazetted rank, drawing pension from the treasury whose deaths within the preceding twelve months have come to their notice.

The list should give the following information:

1. Name
2. Service or appointment
3. Date (of death)

N. B. Any honours and distinctions (including the Kaisar-i-Hind Medal). which had been awarded to the deceased officer should be specified in the list.

(c) In addition to the immediate report to the High Commissioner required by CI. (a) Above, a telegraphic report to the Secretary of State should be sent by the Government concerned whenever any European Officer of the Superior Civil Services, while on service in India, is killed or severely wounded by fanatics or others or meets with sudden or violent death in any very special circumstances.

Disbursement of pay, pension, etc., to a lunatic

138. Pay, pension, gratuity, etc., payable to a lunatic may be disbursed in accordance with the procedure laid down in S. 95 of the Indian Lunacy Act, 1912 which is reproduced below:

“95. (I) When any sum is payable in respect of pay, pension, gratuity or other similar allowance to any person by the Secretary of State or any Government in British India and the person to whom the sum is payable is certified by a Magistrate to be lunatic, the Government officer under whose authority such sum would be payable if the payee were not a lunatic may pay so much of the said sum as he thinks fit to the person having charge of the lunatic, may pay the surplus, if any, or such part thereof

as he thinks fit for the maintenance of such members of the lunatic's family as are dependent on him for maintenance.

(2) The Secretary of State or, as the case may be, the Government concerned shall be discharged of all liability in respect of any amounts paid in accordance with this section."

Bond of Indemnity for drawing leave-salaries, etc.

139. (a) Government servants often make arrangements with their agents to draw their leave salaries or vacation pay, pensions, etc., either granting them powers of attorney to enable them to do so, or leaving their bills ready signed in the agent's custody for presentation, the agents in their turn giving Government a bond of indemnity as security against any loss in case of over-payment.

Note. A Register of powers of Attorney will be kept by the Treasury Officer in the form prescribed in paragraph 57 of the Government Securities Manual.

(b) The bond of indemnity, which must be stamped, may be of the following form in the case of a firm bank:

"In consideration of our/their being permitted to draw the pay/leave salary/pension ofduring his absence from the Province, we do hereby engage to refund to Government the..... [here insert the name of the Bank) on demand any over-payment that may be made to us/them as his agents/agent.

(c) It must of course be seen that the person signing the bond of indemnity has authority to bind the firm or bank.

(d) It is not necessary, however, for a separate bond to be entered into in the case of each individual Government servant. Agent of standing and respectability may, for the purpose, be allowed to enter into a general agreement Financial Rule Form No.8.

Note. The form of the bond requires advice to be sent to the Audit Officer of any change in the constitution of a firm to which the bond refers. When such advice is

received a recognition of the existing agreements that have been entered into previous to the change in the partnership should be obtained either by calling for fresh agreements to be executed by the new partnership or by obtaining an acknowledgment from the new partnership that they are bound by the existing agreements of the partnership or otherwise.

(e) Agents of standing and respectability are also allowed to execute a single bond to cover the leave salaries, pensions, etc., of their constituents. Arrangements for the execution of such a bond must be made with the Finance Department. For the purpose of this rule such banks as are included in the Second Schedule to the Reserve Bank of India Act, 1934, will only be allowed to execute a general bond of indemnity regarding payments chargeable to provincial revenues.

NOTES

The Finance Department had now assumed authority for arranging execution of a single bond of indemnity by agents of standing and respect ability.

A list of the Banks who have executed such bond of Indemnity is given below:

- (1) The United Commercial Bank Ltd.
- (2) The State Bank of India.

NOTES

“The State Bank of India” below “The United Commercial Bank Ltd.” has been added vide C. S. No. 211 (Ref. Memo No. FTC 4/59/12, dated 10-8-1961.)

PART II

CLAIMS ON THE TRBASURY

CHAPTER VI

Gazetted Government servants

Pay Bills

140. Pay may be paid only upon the personal claim of the Government servant concerned, and to his personal receipt, and not otherwise, except under the special authority in each case of the Government. At the written request or order of the Government servant a pay bill may be made payable to some well-known banker or agent but not to any person whom he chooses to name by endorsement on the bill, as this facilitates fraud. This does not debar him from sending at his own risk, a clerk, a peon or other messenger to draw his pay, in which case the procedure laid down in R. 2 under Subsidiary Order 53 should be followed, viz., there should be an endorsement on the bill to pay the specified person.

In the case, however, of claims payable at the Bank a separate letter of authority to pay the messenger should be given and the bill must not be endorsed payable to the messenger. This, however, does not dispense with the necessity of furnishing a second discharge on the body of the bill for the satisfaction of the Bank.

Note 1. A bank, which is included in the Second Schedule to the Reserve Bank of India Act, 1934 and any other bank treated as "recognised" for the purpose of R. 426 are "well-known bankers" for the purpose of this rule.

Note 2. This ruling applies to all payments, whether on account of pay, traveling or other allowances, which under the rules are made to Government servants on their personal account. A Government servant or any other single person cannot be

constituted an "Agent" for the purposes of above rule. The term "Agent" must be taken to mean a firm or bank which carries on banking or agency business vide R. 426.

Note 3. Cheques on the pay bills of gazetted Government servants win be issued in favour of a Bank or an Agent, if the bill has been distinctly endorsed as payable to either of them or their order, otherwise cheques will be made payable to the drawers of the bills. When the endorsement on a bill is incomplete or irregular, the Treasury Officer should .refuse .payment of the bill and return it to the person who presents it with a memorandum explaining why the payment is refused.

NOTES

“Payable” --Meaning of It does not necessarily imply that it should be payable only in future and not in present. [In re, Harahadrai, 1979 Mah LJ 332].

141. The leave salaries of a gazetted Government servant of the Forest Department on leave in India, at a place where there is no Disbursing Officer of his Department, may be paid under the same rules as those of any other gazetted Government servants. No charge on account of such payments will appear in the cash book or accounts of the division.

Sterling overseas pay bills

142. For Sterling overseas pay a separate monthly bill in Financial Rule Form No.9 should be submitted by the officer to the Comptroller.

Note 1. As bills for Sterling overseas pay are merely claims, no receipt stamps need be affixed to them.

Note 2. Payment of Sterling overseas pay on behalf of a Government servant to more than one nominee simultaneously is not permissible.

Engagement of Passages

143. Officers, who are eligible to Leave Concession Passage when desiring to obtain one should apply to the Comptroller on Financial Rule Form No. 10 for the necessary certificate.

Pay of Government servants in England

144. If pay be due in India to a Government servant absent in England, he must make his own arrangement to receive in India.

Transfer of office

145. Every transfer of charge of a gazetted Government servant should be reported by post on the same day to the Comptroller. For transfers of charge the following points should be observed:

(1) The cash book or imprest account should be closed on the date of transfer and a note recorded in it over the signature of both the relieved and relieving officers, showing the cash and imprest balances, and the number of unused cheques, if any, made over and received in transfer by them respectively.

(2) The relieving officer in reporting that the transfer has been completed should bring to notice anything irregular or objectionable in the conduct of business that may have come officially to his notice. He should examine the accounts, count the cash, inspect the stores, count, and weight and measure certain selected articles in order to treat the accuracy of the returns. He should also describe the state of the records.

(3) In the case of any sudden casualty occurring or any emergent necessity arising for an officer to quit his charge the next senior officer of the department present will take charge. When the person who takes charge is not a gazetted officer, he must at once report the circumstances to his nearest departmental superior, and obtain orders as to the cash in hand, if any.

(4) A note should be recorded in the charge certificate showing the number of copies of the "Cypher Code of the Currency Department" handed over to the relieving' officer on all occasions of transfer of charge by Treasury or Sub-Treasury Officers.

Transfers of Public Works Officer

146. An officer must not delay making over charge after the arrival of the relieving officer, nor must he, without a medical certificate or the permission of his immediate superior officer, leave the station before the arrival of his successor. The relieving officer will take up the expenditure of cash and stores from, and for the first day of the month during which the relief took place, and submit the next monthly accounts as if he had been in charge during the whole month, but the relieved officer remains responsible that proper explanation is forthcoming for transactions during his incumbency.

147. A register of incumbents of charges should be kept in every divisional office, showing the period of incumbency of each officer who has held charge of the division and of the several sub-divisions, and of each Divisional Accountant. In each sub-divisional office a similar register should be maintained of the incumbents of that sub-division only.

148. Where the charge to be transferred consists of several scattered works which the relieving and relieved officers are required, by the orders of a superior officer, to inspect together before the transfer can be completed, the relieving officer will be considered as "on duty," if the period taken in carrying out these inspections

is not considered by the Superintending Engineer to be excessive. An officer returning from leave will, therefore, in such cases, draw full pay, and an officer transferred while on duty or on leave on average pay will, for the same period, be considered "on duty" and not on joining time.

NOTES

The delegation had now been extended to the Superintending Engineer.

This power was previously vested with the Chief Engineer.

149. The relieved officer should give the relieving officer a memorandum showing all the works in hand, the orders remaining to be complied with and all matters particularly requiring attention, with a full explanation of any peculiar circumstances or difficulties. He should also furnish the relieving officer with a complete statement with reasons of all unadjusted claims, and a report as to any complication likely to arise owing to their non-adjustment.

150. The cash book or imprest account should be closed on the date of transfer, and a note recorded in it, over the signature of both the relieved and relieving officers, showing the cash and imprest balances and the number of unused cheques, made over and received in transfer. A copy of this note, together with the following documents, should be forwarded the same day for final orders to the Chief Engineer in respect of divisional or to the Executive Engineer in respect of sub-divisional charges: .

(1) Transfer report (for sub-divisional charges);

(2) Receipt of stock, tools and plant and other stores under the immediate charge of the relieved officer, Forms A and B being used for divisional and sub-divisional charges respectively.

(3) A detailed report on the state of surveying and mathematical instruments. In the case of transfer of divisional charges, this report should be in respect of instruments at headquarters only.

(4) Any other report or statements required from time to time by competent authority.

FORM A

Received in transfer from A B, late Executive Engineer

Division, the stores in his personal charge as detailed in the annexed list.

The balance returns of stock and tools and plant in charge of all sub divisional officers for the half year and year ending respectively are on record, and the divisional stock returns have been prepared to end of.....

Station and date

C.D.

Executive Engineer

.....Division

FORM B

For Sub-divisional Charges

Received in transfer from A B, late officer-in-charge..... sub-division, the stock and tools and plant which have been in his personal custody, as detailed in the last balance return and accounts of receipts and issues to date. The returns for the year ended and for the month of ; for the whole sub-division, have been submitted to the Divisional Officer; and the account of daily receipts and issues for the current month has been written up to date.

Station and date

C. D.

Sub-divisional Officer

151. The receipts of cash and stores balances should be prepared by the relieved officer, but the relieving officer should note any inaccuracies therein so that the Chief Engineer or the Executive Engineer, as the case may be, may pass such orders in respect of any deficiencies as may be necessary. A copy of the receipt may be given to the relieved officer, if he so desires.

152. On assuming charge, the Executive Engineer will make it his business to acquaint himself with the works in progress in the division; he will examine the state of the accounts and inspect the stores. A Sub-divisional Officer should in addition count; weigh or measure selected stores in charge of subordinates, in order to test the accuracy of the returns, and should minutely examine the works in progress as to their quality and in accordance with the sanctioned plans and estimates. He will report to his superior anything irregular or objectionable that may come officially to his notice. If the relieving officer fails to bring to notice within three months any deficiency or defect in work taken over from his predecessor, he will be held responsible both as to quality, so far as he was in a position to ascertain it.

153. The report of completion of transfer of a division should, except in special circumstances, be submitted within a fortnight of such transfer. Any disagreement between the relieved and relieving officers should be referred to the Superintending Engineer.

154. In the event of a divisional or sub-divisional charge becoming vacant by the death or sudden departure of the officer-in-charge the next senior officer should take action as above prescribed and assume charge forwarding to the Chief Engineer or Executive Engineer, as the case may be, the receipts ordinarily given to a relieved officer.

155. In the case of transfer of charges other than divisions and sub-divisions, the Sub-Divisional Officer should issue instructions as to the works to be jointly inspected by the relieved and relieving officers. Further, the relieving officer must check an stores, inspection bungalow furniture, and tools

and plants under the custody of the officer being relieved and satisfy himself as to the correctness of the balances as shown in the last returns. Any discrepancies must be brought to the notice of the Sub-divisional Officer immediately they are discovered and reported by the Sub-divisional Officer to the Executive Engineer who will investigate them and report if necessary to Chief Engineer.

A certificate by both officers in Form 'C' prescribed below should be submitted through the Sub-divisional Officer to the Executive Engineer.

NOTES

The delegation as such has been made to the Sub-Divisional Officer to issue instruction to the relieved and relieving officer in respect of the works meant for joint inspection.

FORM C

Subject to the discrepancies noted below

Received in transfer from A B, .late officer-in-charge, Section, all stock, inspection bungalow furniture and tools and plants and site materials in the section as detailed in the balance return and accounts of receipts and issues to date. The returns for the year ended and for the month of for the whole section have been submitted to the Sub-divisional Officer, and the account of the daily receipts and issues for the current month has been written up to date.

Station and date

C.D.

Sectional Officer

Statement of description

Article	Quantities shown in the last return	Receipt Issued since last Balance			Quantity receipt in transfer	Difference
1	2	3	4	5	6	

156. On the occasion of a transfer of charge, the relieving officer must be placed in such a position as will enable him to carry on the duties of which he has taken charge in an efficient manner, and with as complete a knowledge of the property entrusted to his charge, the works in progress, and all arrangements made in connection with them, as the circumstances of the case admit.

A transfer report, signed by the retrieved and relieving officers, will on the day of transfer, be submitted to the Conservator in the case of a transfer between two Divisional Officers. The retrieved officer will report the transfer of divisional charge to the officers-in-charge- of the treasuries on which he draws cheques

157. The relieving officer must see that an office books are posted up to date, that the needful vouchers of receipts and issues belonging to the accounts of the current month are made over to him and make himself acquainted with all outstandings and liabilities on account of the Department:

(i) The cashbook will be closed and the cash balance counted in the presence of both officers who will then sign the book.

(ii) A certificate in the following form will be made out in duplicate and signed by both officers, one of which will be forwarded to the Conservator and one submitted to the Comptroller.

(iii) Live-stock and such stock as may be at headquarters, as well as books and maps, office records and office furniture, should be personally inspected by the relieving officer at the time of transfer. In the case of property at a distance from headquarters, the registers and other documents in which they are described should be examined.

FOREST DEPARTMENT, ASSAM

Certificate of the transfer of charge of the Office of.....Con-
servator of Forests.

.....Division.

Date.....the.....20

I certify that I received charge of theDivision from on
Thenoon of thisday of 20.....

I received the sum of Rs the cash balance, as shown by the Cash Book on
this date. I have examined all the officer books and found them posted to date.

I have received the needful vouchers belonging to the accounts of the current month,
and have made myself acquainted with all outstandings and liabilities on account of
the Department.

I have examined the live and dead-stock, as well as the books, maps, officer records and office furniture at head-quarters; and have examined the depot registers which I have found posted up to date.

I have received Cheque Book No..... unused, as well as Cheque Book No containing cheques Nos to..... The counterfoils of the previous cheques have been written up.

Conservator of Forests

Relieving Officer

Conservator of Forests

Relieving Officer

NOTES

Rule 158 has been deleted vide C. S. No. 212 [Ref. Memo No. FEG-69/66/6 dated 28-8-1962 and the amendment took effect from 1-3-1963]. However, the rule runs as under:

CHAPTER VII

Establishment

Annual return of establishments

158. (I) Early in April in each year, a detailed statement of the permanent establishment existing on the 1st April will be prepared in such form and in such manner as may be prescribed by Auditor General and transmitted to the Accountant-General as soon as possible, and in any case, not later than the 15th May.

The directions given by the Auditor-General with regard to the form, preparation and submission of these returns are contained in Appendix 17 to this compilation.

An up-to-date file of the special instructions, if any, issued by the Accountant General in regard to the preparations of these returns should be maintained for reference in each office.

(a) The name, designation and pay of all members of the establishment holding permanent posts whether on duty or absent on foreign service, leave or deputation or in temporary posts elsewhere; or under suspension, should be distinctly shown with the exception of the following classes of Government servants:

(1) Gazetted officers;

(2) non-gazetted officers for whom records of service are maintained in the audit office;

(3) officers who, are exempted from keeping service books by rules issued under Fundamental Rule 74 (a) ;

(4) officer on non-pensionable establishments; provided that where in view of the strength of the section, a detailed audit against the total permissible outlay is considered necessary, the Comptroller may call for a separate return for a non-pensionable ,establishment.

(b) The date of birth, of appointment to present post, and of promotion to present pay of each person, as well as the number and date of the orders creating the post as it now stands, should be clearly' entered in the appropriate columns of the statement; the date of birth by Christian era should be given and if the exact date is not known; the procedure laid down in Subsidiary Rule 8 framed under Fundamental Rule 10 should be followed. This date can be altered, except in the case of a clerical error, only under the orders of the Government.

Note. Government may delegate this power, in the case of non-gazetted Government servants, to the Commissioner and Heads of Departments.

(c) The return should show accurately the sanctioned scale of permanent establishment and so will include every post, whether filled up or not; and if a post be vacant the word "vacant" should be set against it in the column of name of incumbent.

(d) The names should be entered in order of sections of the establishment; there should be a separate total for each section, the grand total being taken at the foot.

(e) The columns of minimum and maximum pay of post should be filled up only when the pay is progressive, i. e., rises from a minimum to maximum by annual increments; and if any annual increment is given with effect from 1st April, it should

be included in the return, and compared with the increments certificate (Treasury Rule Form No. 14), which would accompany the April bill.

(f) The name of any person officiating in an appointment and the amount of additional pay for officiating drawn by him need not be shown, unless the additional pay for officiating counts for pension under Art. 115 (I) (h) of the Assam Pension Manual. In the case of an establishment on a time-scale of pay the names of all Government servants not belonging permanently to the cadre but officiating in permanent posts or holding temporary posts on the date to which the return relates should be included, indicating the nature of vacancies they fill up.

(g) If the officiating incumbent holds a permanent appointment upon another establishment the fact should be stated, and the entry should be supported by a certificate from the head of that other establishment.

(h) If any superior servant on the establishment has attained the age of 55 years, the number and date of the orders of Government or other competent authority permitting his retention in the service should be quoted in a note at the foot of the statement. The period of which retention has been authorised, or for which leave beyond the age of compulsory retirement has been granted under Fundamental Rule 86, should also be mentioned. If no orders for his retention have been received the number and date of the application for sanction to his retention should be noted.

(i) A detailed statement in Financial Rule Form No. 12 should be given at foot of the original return, Financial Rule Form No. II, showing new names of non-gazetted Government servants which are not found in the return of the previous year; and when these new names include those of persons who have entered Government service for the first time a reference should be given to the bill with which their age and health certificates were furnished; and if they include the names of persons transferred from other Government appointments, those appointments should be

specified as well as the dates from which the transfers have effect. Columns are also provided in Financial Rule Form No. 12 for information required in regard to the names of non-Gazetted Government servants which appeared in Financial Rule Form No. 11 of the previous year, but are now omitted; as also regarding non-gazetted Government servants who have been on leave or under suspension during the previous year. .In the case of any persons who have been under suspension a note is required stating whether it has been expressly declared that the period of suspension shall count as service qualifying pension. The name of a government servant, who is in transit to another office on the 1st April, should be shown in the return of the office from which he has been transferred, with a note that he is in transit.

(j) A separate detailed statement should be prepared for each permanent establishment exhibited on 1st April, and not more than one establishment should be exhibited on a single page. When the pay of any establishment or of any individual officer is met partly from the revenues of the province and partly from local or other funds, the whole pay should be shown in one statement, and the portion payable from each source specified in a footnote.

(k) In the case of that portion of an establishment which is borne on a Provincial or amalgamated cadre, a separate annual establishment return showing details of all such establishments should be furnished to the controlling officer, who should consolidate them into one statement.

(2) When completed in accordance with the above instructions the detailed statement should be carefully checked with the service books, as it will be the chief authority which pension claims will be tested hereafter. A certificate of this comparison should be endorsed on the return thus: "Compared with Service Books and found to agree". In the case of Provincial or amalgamated establishments, whose service books are maintained by head of office, the certificates should run as follows:

"Certified by head of offices to have been verified with service books".

(3) In the case of establishments on time scale rates of pay, the Comptroller may also require the submission of a duplicate return in a form specially prescribed for the purpose".

Revision of establishment

159. When the entertainment of a new establishment or a change, temporary or permanent is proposed in an office, a letter fully explaining the proposals and the conditions which have given rise to them should be submitted to the authority concerned. In this letter should be set out----

- (i) the present cost, either of the section or sections affected or of the total establishment as the circumstances of the case may indicate to be necessary;
- (ii) the cost after revision; and
- (iii) details of the number and pay of the posts which it is proposed to add or modify.

Explanation (a). When a scheme requires the sanction of higher authority only because particular items are beyond the powers of sanction of the subordinate authority, in the letter submitted to the higher authority full details should be given of the items and of any other part of the scheme so connected with them that, unless it is explained, it must be difficult for the higher authority to determine whether sanction should be give'11 to these items or not. Details of other parts of the scheme are not required and should not be given lump sum figures showing the total cost of each part of the scheme being sufficient.

Explanation (h). When the revision of a number of establishment is undertaken in pursuance of one definite central idea, which constitute a single scheme for purposes of sanction, and when the scheme requires the sanction of higher authority, in the letter submitting the proposals for sanction, full details of the several establishments need not be given but only such details as will indicate the financial effect of each portion of the proposals.

Thus' if the, scheme is for the increase of pay of a' number of establishments it will suffice to set out- ---

- (i) the present cost of all establishment concerned;

(ii) the various increases of pay or the various percentages of increases proposed and the reasons justifying the proposals;

(iii) In respect of each separate rate of increase proposed as set out in (ii) ----

(a) a list of the establishments or classes of Government servants to which it is to be applied and the reasons for such differentiation;

b) As accurate an estimate as possible of the probable cost, with a statement that this has been worked out in consultation with the Comptroller and that it is accepted by him as correct.

Note. In determining the extra cost, allowances, whether fixed or variable, should be included. The estimate for toe extra cost due to variable allowances such as those granted under house allowance scheme, cannot be exact but it should be as accurate as possible. The Government may issue such instruction as may be necessary as to the manner in which such estimates should be prepared.

160. (a) In the fallowing cases a proposition statement in Financial Rule Form No. 13 should also be submitted:

(i) Cases of general revision of establishment; or

(ii) Proposals which cannot be set out clearly without it.

Note. A simple financial Rule Form No. 14 may be used in this case when the full details of Form No. 14 are not necessary.

(b) The details to be shown in proposition statements will be determined by the following rules:

(i) The proposition statement, where this is necessary, should relate strictly to the section or part of the office affected by the proposals. As regards the other parts or section of the office neither details nor figures of total cost need be included.

(ii) Where a section consists of both inferior and superior servants details need be given only of the class affected, if a saving of labour will result from the adoption of this procedure.

(iii) The rules as to details set out in R. 159 above.

(iv) The following formulae should be used for the calculation of the average cost of time-scales of pay. Formula (1) is to be used in the case of gazetted appointments while formula (2) in the case of non-gazetted posts. In cases where one grade is the channel of promotion to another grade, that is to say, where every body in the first grade is ultimately promoted to the second grade, formula (3) may be adopted to find the average cost of appointments in the first grade. These formulae should also be used to find the average cost of appointment in the first grade. This formulae should be added to the minimum basic pay as well as to the basic pay just before promotion to the senior scale, as the number of persons drawing overseas pay in the junior scale, bears to the total number of persons in that scale. The use of formula (4) should be restricted to cases involving an elaborate scale, consisting of two or more sections with efficiency bars at one or more stages.

[Note : page 62, R 160 left out]

Note. The fixed allowances referred to in the Note to R. 159 above should be entered in proposition statements when such statements are prepared but the variable allowances should not be included therein.

(c) The proposition statement should be forwarded through the Comptroller.

161. A reappropriation statement should also be submitted when necessary.

Service Books

162. (1) The service books in Financial Rule Form No. 15 should be taken up annually, say in April or May, for verification by the head of the office who, after satisfying himself that the services of the Government servant concerned are correctly recorded in each service book, should record in it a certificate in the following form over his signature:

"Service verified up to..... (date) from..... (the record from which the verification is made)".

(2) The head of the office in recording the annual certificate of verification should, in the case of any portion of service that cannot be verified from records, distinctly state that for the excepted periods (naming them) a statement in writing by the Government servant, as well as a record of the evidence of his contemporaries, is attached to the book.

(3) The head of the office should also invariably record necessary particulars with reference to Arts. 30 and 31 of the Assam Pension Manual so as to enable the Audit Office to decide later on by reference merely to such particulars whether the temporary or officiating service will qualify for pension or not for example, in the case of officiating service the nature of the vacancy in which the Government servant officiated and in the case of temporary service, whether the temporary post was subsequently made permanent, should be distinctly noted in the service book.

(4) When a non-gazetted officer is transferred from one office to another, the head of the office under whom he was originally employed shall record in the service book under his signature the result of the verification of service with reference to pay bills and acquaintance rolls; in respect of the whole period during which the officer was employed under him, before forwarding the service book to the, office where his services are transferred.

(5) In the case of police constables the verification should be done once in every five years.

(6) The term "service book" includes "service roll", which is maintained in Financial Rule Form No. 16 and 16A.

Acquaintance Roll

163. The Acquaintance Roll in Financial Rule Form No.. 17 is an important document in as much as it purports to be a copy of the pay bill and shows the disbursement of money drawn through pay bills, for which the head of the office is primarily responsible. It should, therefore, invariably be signed when the pay bill is passed by the head of the office or by a gazetted officer authorised by him on his behalf.

PAYMENT OF BILLS

Special Rules for the Public Works Department

164. If the encashment of a bill for an advance on transfer is likely to delay a transfer, which is urgently necessary in the public interest; the advance may be made permanent advance (if any), works imprest or other available cash in the hands of the disbursing officer concerned pending recoupment, when the bill is subsequently encashed.

Special Rules for the Forest Department

165. The general rules regarding the preparation of pay, traveling allowance and contingent bills of the Civil Department with the difference that Divisional Officers discharge the functions of the 'treasury Officers, and pay the charges by cheques, or out of cash obtained from the treasury by cheques. The difference applies also to drawl of advances in the Department.

166. Pay and traveling allowance due to a Government servant 'on his transfer to another circle or division, and not paid on his departure, should be paid from and charged against the appropriation of the Division to which he has been transferred.

NOTES

For general rules for other department see the Subsidiary Orders under Treasury Rule 16

RECOVERIES FROM ESTABLISHMENT BILLS

Fund Subscriptions

167. Rules relating to recoveries of fund subscriptions are cotlained in

Subsidiary Orders 73 to 76 under Treasury Rule 16.

Security Deposits of Employees

168. Recoveries on account of security' deposits of the employees of different departments should be made in cash at the time of disbursement of pay, and when such deposits are to be paid into the Post Office Savings Bank, the amounts recovered should be forthwith remitted to the Post Office.

Payments into a Court of Law

169. For payments made into, the court of law, on account of attachment or otherwise, the recoveries should also be made in cash and the remitted to the court concerned. The receipts of the court should be obtained and filed with the attachment register.

170. Notice of orders attaching the salary or allowance of Government servants serving under the Government of Assam are sent to the officer specified below:

(i) Gazetted Government servantComptroller, Assam

and others who draw their

own pay bills either in

Gazetted Officer's bill form

or in Establishment pay bill

form.

(ii) Non-gazetted Government ... Head of the office in which
servants who do not draw the judgment-debtor is employed.
own pay bills

NOTES

The unnamed rule stood as under:

Notice of orders attaching the salary servants serving under the Government of specified below:

- (i)Gazetted Government servants andComptroller, Assam
others who draw their pay
in the gazetted officers bill form
- (ii) Non-gazetted Government servantsHead of the office in
which the judgement
debtor is employed

171. The Comptroller will forward the order of attachment received by him to the Treasury Officer concerned. The Treasury Officer will open a register in the Form noted below, in which he should note all orders of attachment. In the case of non-gazetted Government servants who do not draw their own pay bills the register is maintained by the head of the office. The Treasury Officer or the head of the office will withhold the attached portion of the salary and disburse the net amount.

The bead of the office will remit the amount withheld to the civil court and obtain from the court a receipt which should be filed with the attachment'

register. The Treasury Officer will deduct the amount to be withheld from the Government servant's bills and the pay order should be for the net amount. He will

then draw the amount so deducted in a simple receipt, giving therein a reference to the bill from which the deduction was made, and then remit the amount to the civil court. A receipt should be obtained from the court concerned and sent to the Comptroller in support of the amount drawn in simple receipt form,

REGISTER OF ATTACHMENT ORDERS

Name and designation of defendant

<u>Court's orders</u>			<u>Recovery</u>			<u>Paid to Court</u>	
Name	Date	No of Suit	Amount	No. and date of bill	No and date of advice	Date	Remarks
Name of Plaintiff	Amount to be recovered	Initials of head of office or the Treasury Officer		Initials of Head of office or Treasury Officer		Initials of head of Office or Treasury Officer	

172. If the Civil Court decline to receive the amount for any reason, the Treasury Officer will refund the amount into the Treasury; and the head of office will refund it by short drawal in next establishment bill and draw it when required by the Civil Court.

The Treasury Officer or the head or office should initial the register when the attachment order is first received and noted and again when the recovery is made and when the receipt from the Civil Court for the amount "paid" is received.

173. The extent to which the emoluments of a Government servant are exempt from attachment for debt is laid down in S. 60 (1) of the Code of Civil Procedure, 1908, as amended by the Code of Civil Procedure. (Second Amendment) Act, 1937 and further modified by the Government of India (Adaptation of India Laws) Order.)1937 and the Government of India (Adaptation of Indian Laws) Supplementary Order, 1937. The following is an extract of the relevant provisions of the section:

"60. the following property is liable to attachment in execution of a decree.. ...

Provided that the following particulars shall not be liable to such attachment

...namely :

(i) The salary to the extent of the first two hundred rupees and one half of the remainder in execution of any decree other than a decree for maintenance;

(ii) one third of the salary in execution of any decree for main tenance.

NOTES

Clause (i) below sub-S. (1) of S. 60 of the Code of Civil Procedure has been substituted and clause (i-a) has been inserted. Vide C. S, ~o. 247 (Ref. Memo No. FEG-44/66/34, dated 13-12-1968.

Provided that where the whole, or any part of the portion of such salary liable to attachment has been under attachment whether continuously or intermittently for a total period of twenty-four months, such portion shall be exempt from attachment until the expiry of a further period of twelve months and, where such attachment has been made in execution of one and the same decree, shall be finally exempt' from attachment in execution of that decree. .

(ii) Any allowance forming part of the emoluments of any public officer which the appropriate Government may by notification in the official Gazette declare to be exempt from' attachment and any subsistence grant or allowance made to any such officer while under suspension."

Note 1. The Central Government have declared that the allowance payable to officers in India subject to the (British) Army and Air Force Acts, shall be exempt from attachment by order of a Court in satisfaction of a liability incurred after the 31M December, 1938.

[Government of India, Home Department, Notification No. 191-38/Judicial, dated the 3rd November, 1938.] . ,

.....

N. B. This rule shall have effect only in respect of proceedings arising out of suits instituted on or after the 1st June, 1937.

Note 2. The Government of Assam have declared that compensatory and sterling overseas pay, or that portion of leave-salary which is based on sterling overseas pay not payable in British India, shall be exempt from attachments.

Note 3. The Governor of Assam has declared that the following allowances payable to any public officer in service of Government of Assam shall be exempted from attachment by orders of a court, namely ~

(i) All kinds of traveling allowance.

(ii) All kinds of conveyance allowance.

(iii) AU allowances granted for meeting the cost of~

(a) Uniform;

(b) Ration.

(iv) All allowances granted as compensation for higher (Cost of living in localities considered Government to be expensive localities including Hill Stations or for loss of private practice in case of a ' medical or veterinary practitioners or both.

(v) All house rent allowances. ,

(vi) All allowances granted to provide relief against the increased cost of living.

.

(vii) All amounts reimbursed by Government but increased initially by

Government servant towards medical treatment of self and family members.

Note 4. Dearness pay, which is really a part of dearness allowances and is treated as pay for certain specific purposes only, is; also exempt from attachment by order of a Court.

NOTES

Clauses (vi) and (vii) below Note 3 has been added and a new Note 4 has. also been added by C. S. No. 247 [Ref. Memo No. FEG.44/66/34, dated 13-12.68.

Explanation 1. [Deleted].

Explanation 2. In clause (i), 'salary' means the total month emoluments, excluding any allowance declared exempt from attachment under provision of Cl. (I), derived by a person from his employment whether on duty or leave. .

Explanation, 2. In Cl. (ii)" appropriate Government means

(i) as respect any public officer in the service of the Central Government-the Central Government;

(ii) as respects any public officer employed in connection with the exercise of the functions of the Crown in its relations with Indian States-the Crown-Representative; and

(iii) as respects any other public officer-the "Provincial Government".

(1) The maximum amount attachable by a Civil Court is calculated in the amount earned not on what remains after satisfying any debts due to Government on account of advance taken under rule.

(2) Subscriptions to funds recognised by Government, installment in repayment of advances from the General Provident Fund and recoveries of Income-tax deductions for which appear in the pay bills should not be excluded from the aggregate amount for the purpose of attachment by Civil Court.

N. B. The Government of India have ruled that payment towards Postal Life Assurance policies as also other life insurance policies, pension scheme annuity funds, etc., which do not fall within the protection afforded by the Provident Funds Act, 1925 but are allowed to be deducted from the pay bills of Government servants for the sake of convenience in payment do not come within the purview of the term

"funds recognised by Government" The Government of Assam have adopted the ruling so far as their officers are concerned.

Note 1. The cost, if any, of remittance to a Court of money realised under its attachment order should be deducted from the amount realised and the net amount remitted to the Court.

Note 2. Cases may occur in which the judgment-debtor does not sign the acquittance roll and intentionally allows his pay to remain undisbursed, or the judgment-debtor, being a gazetted officer, or not being a gazetted officer but being permitted to draw his pay on a separate pay bill, may refrain from preparing his pay bill and drawing his pay regularly in order to evade payment on account of an attachment order issued by a Court of law. In such circumstances the Head of the Office or, in the case of a gazetted officer or of an officer treated in this respect like the gazetted officer, the Administrative Officer of the Department concerned may draw the pay of the judgment" debtor in satisfaction of the attachment order subject to the prescribed restrictions and remit the amount to the Court concerned. The amount drawn should be charged in the accounts, the particulars of the attachment order being cited in the acquittance roll or the pay bill, as the case may be, as an authority for the charge and the Court's receipts for the amount should be filled with the attachment register.

NOTES

The unamended rule stood as under:

"The extent to which the emoluments of a Government servant are exempted from attachment for debt is laid down in S. 60 (I) of the Code of Civil Procedure, 190 ,as amended by the Code of Civil Procedure (Second Amendment) Act, 1937 and further modified by the Government of India (Adaptation of Indian

Laws) Order, 1937 and the Government of India (Adaptation of Indian Laws) Supplementary Order, 1937".

Provisions of exemptions had been extended to certain classified allowances.

Undisbursed pay

174. If at the time of distribution of pay, the payee does not present himself before the end of the month, the amount drawn for him should ordinarily be refunded by short drawal in the next bill, it being drawn anew when he presents himself to receive it. In case, however, where the restriction will operate inconveniently, the amount of the undisbursed pay, at the option of the Disbursing Officer, may be retained for a period not exceeding three months provided proper arrangement can be made for the safe custody of the sums retained. Pay must not under any circumstances be placed in deposit. So long as the drawing officer finds himself in a position to keep a proper watch over undisbursed amounts, by a periodical examination of acquittance rolls and office copies of bills, it is necessary for him to keep a detailed account showing the amounts drawn from the treasury from time to time and their subsequent disposal. There is no objection, however, to such an amount being maintained in a subsidiary register, if found convenient [vide R. 59].
Note. This rule applies also to cash received by a subordinate officer for payment of pay and allowances of Government servants serving under him.

175. Undisbursed balance of cash obtained by Public Works Disbursing Officers from treasuries on bills for pay and allowances of establishment, not charged directly to works, may be kept in departmental cash chests, but they should not be mixed up with regular cash balances of the department accruing from many obtained on cheques.

176. The following procedure should be followed in keeping watch over undisbursed balance of cash for pay and allowance of establishment under the control of a Public Works Department, Sub-divisional Officer: :

(i) The acquittance rolls should be returned to the divisional office, as soon as disbursements are completed put, in cases where disbursement cannot be made within three months they must be returned to the divisional office in time to enable the divisional officer to refund the amount and furnish the certificate prescribed on the bill forms.

(ii) Passed bills or acquittance rolls with cash order~ Government draft or cash to pay traveling allowance should be sent by name to the Sub-divisional Officer, so that they may not get into the hands of the sub: divisional clerk who often opens letters during the Sub-divisional Officer's absence on tour.

CHAPTER VIII

Pension

Verification of Service

177. Article 181 of the Assam Pension Manual and the rules and orders. issued there under provide for a preliminary verification within six months before an applicant retires if he is non-gazetted Government Servant. Before applications. for pensions or gratuities on behalf of superior servants are drawn up, statements of their services should first be prepared and submitted to the Comptroller for preliminary verification.

Prompt disposal of pension cases

178. All applications for pension should be promptly disposed of and all objections raised by the Comptroller in connection therewith should be promptly answered.

Anticipatory pensions

179. The following documents are required to be furnished to the Comptroller to enable him to issue orders for payment of an anticipatory pension under Art. 194 of the Assam Pension Manual, where necessary:

- (1) A copy of the first page of the application for pensions;
- (2) The service book and a statement showing the period of service verified from local records;
- (3) The verified statement where the service has been verified by the Audit Office;
- (4) Last-pay certificate;
- (5) A certified copy of the pensioner's photograph in passport size as prescribed in R. 83 of the Assam Pension Manual;
- (6) Two thumb and finger impression slips, where necessary;
- (7) Medical certificate, when the application is for an invalid pensions ; and
- (8) A declaration signed by the applicant as prescribed in Art. 194 of the Assam Pension Manual.

~

Formal applications

180. Before despatching an application for pension or gratuity to the Comptroller the head of an office should satisfy himself that the application has been prepared in conformity with the instructions noted below:

- (1) Affidavits and evidence of contemporary employees should be

submitted for such periods of service as are not verifiable from records.

(2) Affidavits and evidence of contemporary employees should state in full detail (1) whether the applicant was in permanent employ, and (2) whether there were any breaks in the service or any leave was granted.

(3) Age. When the precise date of birth is not known, the procedure laid down in Subsidiary Rule 8 framed under Fundamental Rule 10 should be followed.

(4) Age as given in the service book, if subsequently amended, should be supported by order of the competent authority approving the alteration.

(5) Alterations. Make in red ink and initial.

(6) Average emoluments. Append a memorandum of calculation with reference to S. 111 of Chapter VI of the Assam pension Manual.

(7) Average emoluments. When pension is partly debitable to Local Funds the memorandum should take the form of a history of services entering local or provincial, as the case may be, under column "Establishment".

(8) *Character and conduct.* State merely good, bad, fair and indifferent without remarks, which should be made only when absolutely necessary to a right understanding of the case.

(9) Compensatory pension owing to reduction of establishment. State why employment could not be found elsewhere, and what the Amount of savings effected is.

(10) Delay. Explain delay in submission of application beyond three months.

(11) Gratuity. Inferior servants are entitled to separate gratuity for superior service, in addition to gratuity for inferior service.

(12) Gratuity. Inferior servants adding superior service to inferior for combined pension, are not entitled to gratuity for the former.

(13) History of services. Give date, month and year of the various appointments, promotions and cessations. For the purpose of adding together broken periods, a month is reckoned as 30 days.

(14) History of services. When the applicant is acting, state his substantive appointment.

(15) History of services. All periods not reckoned as service should be distinguished and reasons for their exclusion given in the remarks column..

(16) Identification marks. Specify a few conspicuous marks, not less than four, if possible.

(17) Leave irregularly granted. State officer responsible and amount of allowances overdrawn.

(18) Leave to inferior servants. All periods of duly sanctioned leave count, subject to the condition laid down in sub-R: (8-A) of R. 33 of Assam Pension Manual.

(19) Leave of all kinds (save casual) to be entered in detail in service book.

(20) Leave to inferior servants without allowances. When treated as qualifying, specify in a separate memorandum with particulars (1) extent to which it could have been granted with allowance; (2) how much of it actually availed of; and (3) the leave taken without allowances.

(21) Medical certificate. If granted after applicant has ceased to do duty; state cause of delay.

(22) Medical certificate. Give reasons in case of retention in service after the grant of the certificate.

(23) Medical certificate should invariably accompany the application.

(24) Medical certificate should state particulars required under Art. 86 (b) of Assam pension Manual in respect of applicants under 55 years and the explanation of the head of the office should be given under head 5 on the 3rd page of the application.

(25) Medical certificate should be granted only by Commissioned Medical Officers and Civil Surgeons, and not by an Assistant Surgeon, or Sub-Assistant Surgeon, except when in medical charge of a district.

(26) Medical certificate. The certifying officer should be one belonging to the same district. Otherwise explanation should be given.

(27) Name. Specify in full, house or country name of applicant and
that of his father.

(28) Name. When initials or name of applicant are incorrectly given in the various records consulted, mention fact in forwarding the application to avoid unnecessary references from the Comptroller.

(29) Resignation of service. The head of the office should state its cause when it involves a break of service.

(30) Resignation of service. The head of the office should also state (1) whether he is in favour of condonation of such break, and (2) if he is, whether with or without a reduction of the pension or gratuity, otherwise admissible.

(31) Retirement date. Service book, application and last-pay certificate should correspond.

(32) Retirement, If voluntary, state fact against head 5, in the third page of the application.

(33) Retiring pension. An officer of less than 55 year of age may be recommended for a retiring or invalid pension. The article or rule of the Assam Pension Manual under which he is entitled to it, should be quoted.

(34) Superannuation. If ordered by Government, quote its order, number and date against head 5 in the third page of the application.

- (35) Service. Cause of its termination in each appointment should be "entered in service book and attested. "
- (36) Service in an acting appointment. If counting, state (1) whether appointment was fully vacant; (2) whether another counted service during the "period; and (3) how original vacancy occurred.
- (37) Service in" temporary appointment. State always whether or not the applicant retained a right to substantive appointment furnishing a copy of the departmental order.
- (38) Service, foreign should, in every case, be supported by the Government order sanctioning the transfer and a memorandum of contributions paid.
- (39) Service book. State reason for omission of signature of the head of the office or that of the applicant in any case. .
- (40) Suspension or dismissal. When the order does not contain full particulars, a brief statement thereof should be appended. If the order itself is not forthcoming, summary or available evidence should be sent with the application.
- (41) Transfer from qualifying to non-qualifying service under Government should be supported by a copy of the authority stating whether transfer was voluntary or made under competent authority.
- (42) Verification. In column "how verified" in the history of services note the class of records against the entries, such as pay bills, acquittance rolls, etc.
- (43) Verification. When fact of service in another office is not satisfactorily attested in the service book a duly certified abstract from the head of that office should accompany the application.
- (44) Vernacular entries should be accompanied by translation in English.

(45) When the applicant owes any sum to Government on whatever account, it should be stated whether he is agreeable to recovery being made from his pension and, if so, his express consent in writing to this effect should be appended to the pension application.

Note. These directions will not in any way render a study of the Assam Pension Manual unnecessary.

Pensioner's photograph

181. A copy of the pensioner's photograph in passport size duly certified -by the head of the office as the true photograph of the pensioner in question should accompany the pension application. The cost of the photograph will be borne by the pensioner concerned. The controller will have the photograph pasted on the disbursing officer's half of the pension payment order with a view to provide the treasury officer with an easy means of identification. This procedure will not apply to European ladies, pardah ladies, ex-gazetted Government servants, Government title holders and to those pensioners who are exempted by Government nor to those who desire to draw their pensions in other Provinces which do not require a photograph as a means of identification, but will apply to those whose pensions are transferred from another Province for payment in Assam unless they fall within any of the exceptions specified above.

Rules for the identification of pensioners by means of thumb and finger impressions

182. (I) All applicants for service pensions with the exception of those hereinafter mentioned in sub-R. (10) shall, at the time of preparations of their applications for pension make, before the head of the office. in the first page of their application for pension in the space provided therein for the purpose, impressions of

the ball of the thumb and all the fingers of the left hand. If in any case attendance before the head of the office be a matter of difficulty or occasion undue expense to the applicant, he may, with the consent of the head of the office, give the impressions before a magistrate who should satisfy himself as to the identity of the applicant and record in certificate stating that he has done so and that the impressions have been taken in his presence.

Note. Thumb and finger-impressions and specimen signatures of pensioner of the Assam Rifles attached to the Lungleh Outpost, taken in connection with their applications for pension should be attested by the Sub divisional officer, Lungleh, or by the Indian Officer Commanding the Outpost when the Sub-divisional Officer is absent on tour.

(2) Impression similar to those mentioned in sub-R. (1) shall at the same time be taken on two slips of paper and shall be attached to the application for pension.

Note 1. Specimen signature & of the applicants should also be taken on the same slips in which the thumb and finger impression are taken.

Note 2. The following endorsement should be made on the slips of paper on which thumb and finger impressions are taken under sub-R. (2) or sub-R. (6).

ENDORSEMENT

(To be written below the thumb and finger-impressions Thumb and finger-impressions of.....

Date

Taken before.....

Name of Officer.....

Designation of officer..

On (date).....

(3) These impressions will be sent together with the pension papers to the Officer reporting on the claim to pension and be forwarded by him to the authority who has to sanction the pension. They will thereafter, with a copy of the first page of the application for pension, be forwarded by the sanctioning authority to the Officer who audits payments of the pension.

(4) One of the impressions will be pasted on the copy of the first page of the application for pension and will serve in the auditing office as a permanent record of the impressions. The other impression will be pasted on the Disbursing Officer's half of the Pension Payment Order.

(5) In the case of non-service pensioners, the thumb and finger impressions shall be made on the descriptive roll in the presence of the officer preparing the roll.

(6) In the case of non-service pensioners, impressions shall also be taken by the Officer preparing descriptive roll, on a separate slip of paper, and this shall be sent together with the roll to the audit Officer [see Note 2 to sub-R. (2) above.]

(7) In the case of non-service pensioners, the impressions given on the descriptive roll will form the auditing officer's permanent record, and those given on the slip will be pasted on the Disbursing Officer's half of the Pension Payment Order in the space provided therein for the purpose.

[8] On the first appearance of a pensioner on or after April 1st of each year, the Disbursing Officer should, except in the case of pensioners mentioned in sub-R. (9), take an Impression of the thumb and all the fingers of the pensioner's left hand on the pension bill. The pensioners should then be identified from the particulars given in the Disbursing Officer's half of the Pension Payment Order [see also R. 181]. Identification should also be made by an examination of the impressions given on the bill with that pasted on the Pension Payment Order if the pensioner cannot be identified by other means with absolute certainty.

Note 1. Government has exempted on pensioners in Assam, whose monthly pension exceed Rs. 50, from the operation of sub-R. (8).

Note 2. In the case of civil pensioners in Assam whose monthly pension is below Rs. 50, the left thumb impression only should be taken annually on the pension bill instead of all the fingers.

(9) Except Indian Princes, European ladies, ex-gazetted officers~ persons who hold Government titles, and persons who have been specially exempted by Government, the exceptions being made on the ground that there can be no difficulty in future (identification), all pensioners shall be liable to the operation of these rules.

(10) Purdah ladies and illiterate pensioners shall give thumb and finger impressions on their bills before the person granting the life certificate, or in the case of illiterate pensioners who personally attend the paying office before Disbursing Officer.

(11) On the renewing of a Pension Payment Order, the original impression shall be cut off from the old and attached to the new order.

(12) Impressions should be taken in the following manner:

A small quantity of printer's ink (which will be supplied by the Superintendent of Stationary, Calcutta) should be well rubbed with an India rubber roller on a tin slab until a very thin even layer is formed. The balls of the thumb and all the fingers of the left hand of the pensioners, after being wiped, should be laid on the inked slab and rolled from side to side (not rubbed) until sufficiently inked (this can be learnt from experience), and then lightly and carefully rolled on the paper on which the print is to be taken in such a way that the pattern of the whole of the ball of the thumb and fingers from side to side is clearly impressed on it. It must, be specially borne in mind that any side movement, either at the time of applying or removing the thumb, will cause a smudge and spoil the impression.

(13) Thumb and finger impressions should also be taken in the service books of persons in service in the space for "distinctive marks." In all cases when an officer is sent for medical examination, the examining medical officer or Board should be asked to obtain on the medical certificate the thumb and finger impressions of the candidate for appointment, leave or pension. These last impressions should afterwards be verified by the head of the office with that in the service book.

(14) To ensure that a pensioner attends personally at least once a year for the purpose of identification as required by Art. 216 of the Assam Pension Manual some such method as the following should be adopted:

In the cases providing for notice monthly payment on the reverse or the Pension Payment Order an entry say "Life certificate" may be made by means of a rubber stamp or otherwise each time payment is made on a life certificate. This will enable the Disbursing Officer to ascertain at a glance the period of non-attendance of the pensioner and sent out a call (or printed call) for his appearance when the period of non-attendance approaches a year through the messenger who call to receive payment of pension in the month previous to the month in which the pensioner is due to appear in person.

Recoveries from pensions

183. The claim against and the recovery from a pensioner may be one or other of the following:

(1) Recovery as a punitive measure in order to make good loss caused to Government as a result of negligence or fraud on the part of the person concerned while he was in service.

(2) Recovery of other Government dues such as over issues of-pay allowances or leave-salary, or admitted and obvious dues such as house-rent, Postal Life Insurance

premia, outstanding motor car, house-building, traveling allowances .or other advances.

(3) Recovery of non-Government dues.

None of the recoveries mentioned above may be effected by a reduction of the pension about to be sanctioned, except in the following circumstances:

(a) When an officer's service has not been thoroughly satisfactory a reduction in the amount of his pension may be made under Art- 109 of the Assam Pension Manual, to effect a recovery of the nature described in (I) above, i. e., a punitive recovery. The fact that the loss had been caused by the officer's negligence or fraud would in itself justify holding that the officer's service had not been wholly satisfactory.

(b) When the pensioner by request made or consent given has agreed that the recovery may be made. If such a request is not made or consent is not given by the pensioner, even sums admittedly due to Government such as house rent, outstanding advances, etc., may not be recovered from pension. In such cases, however, the executive authority concerned would have to consider the question of the recovery otherwise than from pension~ for example, by going to a Court of Law, if necessary.

Functions under the Pension Act

184. The Provincial Government perform the functions of the Chief Revenue Authority (or the Chief Controlling Revenue Authority) for the purpose of dealing with provincial pensions as contemplated in the Pensions Act. They have been entrusted under the provisions of S. 124 (I) of the Government of India Act, 1935 with all the functions of Government under the Pensions Act of 1871 in relation also to federal pensions as grants which have been performed by them up to the 31st August, 1938 by virtue of the Government of India (Adaptation of Indian Laws) Order, 1937 and Paragraph 8 of the India and Burma (Transitory Provisions) Order, 1937.

CHAPTER IX

Miscellaneous charges

Refunds

185. The sanction necessary for refunds of revenue is regulated by the rules in the Book of Financial Powers, Assam. This sanction may either be given on the voucher itself, or quoted on it, a certified copy being attached when such orders are not separately communicated to the audit office.

186. Remissions of revenue allowed before collection should be treated as reductions of demands and cash repayments of such Revenue after collection, adjusted under the head "Deduct-Refunds" subordinate to direct receipts. All other funds of revenue and repayments of "Receipts and Recoveries on Capital Account" should be taken in reduction of the receipts under the heads concerned through the head "Deduct-Refunds".

187. Before a remission or refund of any kind, otherwise in order, is allowed, the original demand or realisation, as the case may be, should be traced and a reference to the remission or repayment should be so recorded against the original entry in the cash book and other accounts as to make the entertainment of a double or erroneous claim impossible. Any acknowledgment previously granted should be taken back if possible and destroyed.

Rules for the grant of refund of the value of stamps are given in Appendix 6.

Compensation for land acquired

188. The procedure to be observed for the payment of compensation for land taken up for public purposes, under the Land Acquisition Act of 1894, is regulated by the rules in Appendix 1.

In the case of land acquired by private negotiations the officer who settles the price, etc., should draw up Form A prescribed in, Appendix 7 for use in the case of an a ward, and this should be made the basis of the subsequent payments.

Departmental construction of buildings

189 Rules regulating departmental construction of buildings other than in the forest and public works departments are given in Appendix. 8.

Transport in the Lushai Hills

190. Rules regarding the use of Government Transport in the Lushai Hills are contained in Appendix 9.

CHAPTER X

Stores

General rules

191. The public works, forest and certain other departments of Government viz., Jails. Agriculture, etc., obtain large quantity of stores for consumption, manufacture or otherwise.. The departmental officers entrusted with. the care, use or consumption Of these stores; are responsible for maintaining correct records and preparing correct returns in respect of the stores entrusted to them. The term "Stores" includes among other things stamps and excise, Bandaroles stored in treasuries, the detailed rules relating to which are contained in S. (I) of 'Part III of the Assam Stamp Manual issued by the Finance Department.

Receipt of stores

192. All materials received should be examined, counted, measured or weighed, as the case may be, when delivery is taken, and they should be kept in

charge of a responsible Government servant who should be required to give certificate that he actually received the materials and recorded them in his appropriate stock registers.

Issue of stores

193. When materials are issued ' from stock for departmental use, manufacture of sale. etc" the Government servant in charge of the stores should see that a requisition or indent in proper form has been made by a properly authorised person examine it carefully with reference to any orders or rules for the issue of stores and sign it after making suitable alterations under his dated initials, in the description and quantity of materials if he is unable to comply with the requisition in full. The requisition or indent should be returned at once to the requisitioning officer for signature. When materials are issued, a written acknowledgment should be obtained from the person to whom they are ordered or dispatched or from a duly authorised agent.

Stock accounts

194. The accounts are of two kinds-----

(a) Quantity 'accounts, and (b) Value accounts.

(a) All quantities received in or issued from stores should be entered in the stock account under the respective heads on the dates the transaction takes place, and balances struck every month which should correspond with the quantities in stock at the close of each month.

The detailed rules for the maintenance of stock account of different classes of materials and for submission of periodical returns are laid down by Government, and will be found in the departmental manuals;

(b) The value accounts should show the money value of the materials

received in and issued from stock. The value of all the materials obtained from different sources, either by cash payment or by book adjustment, should therefore be entered on the payment side. The receipt side should show the value of materials issued from time to time at rates which should be previously fixed by competent authorities after taking into account in addition to the original price the cost of carriage, and losses from depreciation or wastage cost of stores, godown and other similar charges [vide R. 213] but should in no case exceed the market value. A general valuation should also be made of the stock in hand at the close of each half-year at reasonably accurate prices which should be reviewed from time to time and revised when necessary and then entered on the receipt side the difference between the totals of the two columns will ordinarily show profit or loss in the operation of different classes of materials. This will enable the authorities to readjust the prices, where necessary.

Stores

Stock taking

195. The balance in stock should be half-yearly examined to see whether the balance in hand represents the quantities as well as value borne on the account books. Any discrepancy discovered in the verification should be fully explained, and the book balance set right under orders of the competent authority.

The verification of stores will be made by some higher official of the same or different department and must in no case be made by the official liable to be required to pay for deficits, if any, in the stores. If in any case an officer checks his own stores some other arrangement should be made within the department. If the stores are of a technical nature and cannot be expertly checked by a superior official of the same department, a suitable expert from another department should be borrowed if

available; if an expert from another department cannot be borrowed, the best" arrangement possible must be made within the department.

SPECIAL RULES FOR THE PUBLIC WORKS DEPARTMENT

General

196. The stores of the public works department are divided into two classes (i) Stocks, which includes materials at site or charged direct to Works; (ii) Tools and Plant. A divisional officer is responsible that proper arrangements are made throughout his division for the custody of all Government stores; and unless there are orders to the contrary sectional officers will hold charge of, and be made responsible for the stores in their charge. The nearest senior officer is bound to take charge of stores or cash which; from the death or departure of the person lately in charge, or from any other cause, may be left at or near his station without adequate protection.

Acquisition of stores

197. Stock, including road metal, and materials, required in ordinary course for the execution of sanctioned works may be procured, subject to the provisions of the stores rules, on the authority of the Executive Engineer. In order to avoid losses to Government when calling on firms for quotations for the supply of materials, the firms should invariably be asked to state the time from receipt of the - order within which dispatch can be made, and when the order is placed the attention of the firm should be drawn to his period. If the stores are to be manufactured, a separate estimate for their preparation may be required, as laid down in R. 201. "Tools and Plant" can only be purchased or manufactured, on estimates sanctioned by competent authority, unless the amount does not exceed Rest 500

NOTES

Rule 197-Stores-In the ordinary parlance it may bring within its scope an element of possession of the stock with the idea of keeping it at a particular place for sometime.

Using the word "stores" or its derivatives in that context would amount to outstretching the scope, meaning and the ambit of that word beyond their limits.

The word and its derivatives have to be given the meaning which they imply in the ordinary parlance.

[Panu Saboto v. State of Orissa, 1979 Cr LJ 512 at p. 513 (Orissa)].

198. The general rule for the supply of articles required for the public service, whether of indigenous origin or otherwise, will be found in the store~ rules (Appendix 10). The restrictions ill1Posed by these rules do not apply to purchases made by, or Of] behalf of, Indian States, M4nicjpalities, or Local Funds, excepting when the stores purchased are paid for from Government revenues on behalf of Government, or from funds advanced by Government. In the later circumstances Government may, however, direct that the provision of these rules need not apply. When a Public Works Department Officer carries out a work for any of the bodies referred to above, the rules shall apply, except when they specially desire to have the stores purchased otherwise, and the Government as accorded its approval.

199 Indents on other departments in India, when not required to be prepared on special forms, should be prepared in duplicate on financial Rule, Form No. 18. Receipts in forms supplied by the Ordinance, or other departments, must be granted for all stores obtained. In the absence of special instructions to the contrary, Divisional Officers are prohibited from restoring to the Ordinance Department, or to the Supply and Transport Corps., for the supply of any articles which can be procured in the local market, or made up in their own workshops.

200. Articles which have not to be obtained from England in accordance with the store rules and which cannot be conveniently made up in workshops, may be procured on indent from any Government workshop authorised to undertake work for other departments. No work is to be undertaken in workshops of the department, other than work required for the various branches of the department, except under some general or special order of Government. No work should be undertaken for municipalities, or parties, before the whole estimated cost, including all charges for supervision, profit, etc., that may be leviable under the rule for the time being in force, has been paid to the Executive Engineer, or into a Government treasury, to the credit of Public Works Department. This rule may be relaxed at the discretion of the Executive Engineer only in the case of employees of the division; provided that the expenditure incurred is deducted monthly from their pay.

201. The manufacture or collection of materials involving an outlay of Rs. 10,000 or upwards must in all cases be covered by an estimate. If the material be for a work already duly sanctioned or for reserve stock within the limit sanctioned for the division, the estimate will only be required the approval of competent authority as indicated in Serial No. 17 under 'F-other expenditure' of Appendix III to the Book of Financial Powers, Assam, but in all other cases the estimate must -be duly sanctioned as for an original work.

Reserve (If Stock

202. Reserve of stock will only be maintained when necessitated by the remoteness of the division or works from the market or source of supply, or for use in emergency. When it is considered necessary that reserve should be maintained, the maximum limit will be fixed by the Chief Engineer. Divisional Officers are empowered to purchase or manufacture stores to maintain the reserve, subject to the approval or sanction to estimates required by the previous paragraph.

Disposal of Stores

203. When stores (including tools and plant) are sold to the public works or other departments (including State railways), or are issued on account of any work executed for them in workshops at their full value, an addition of 10 percent must be made to cover charges for supervision, storage and contingencies. This addition may, however, be waived by the officer empowered to sanction the sale in the case of surplus stores which, in his opinion, would otherwise be un saleable.

NOTES

See Rule 215.

204. When stores (including tools and plant) of any kind become unserviceable, a report must be made on the survey report Financial Rule, Form.. No. 18-A, to the authority competent to issue orders for disposal giving the period during which the articles have been in store or in use, and the reasons for, and cause of deterioration.

Except as specially provided elsewhere no public stores should be sold otherwise than by public auction. Commission, which should not exceed 5 percent, may be allowed to the auctioneer, .not being a departmental subordinate but no commission can be allowed on private sales.

Stock

205. The stock of a division is sometimes kept in a single godown or yard in charge pf a store-keeper or other officers or each Sub-divisional Officer may have a separate stock in his charge, either at his headquarters or scattered over the submission in the direct custody of subordinates or other sectional officers. Against

the stock, although scattered over the entire division may be in the general charge of a single official and the Sub-divisional Officers may merely indent upon him, by keeping all the accounts. The stock account should be kept in accordance with the rules detailed below whatever be the arrangement in force in the division.

QUANTITY ACCOUNTS

(a) Receipts

206. Materials may be received on stock from the following sources:

- (a) Suppliers;
- (b) Director of Industries and Supplies.
- (c) Other sub-divisions, divisions or departments (including Government workshops) ;
- (d) Manufacturers; and
- (e) Works buildings, etc.

In all cases there should be proper authority for the receipts by the storekeeper or the sectional officer concerned, of materials to be brought on to stock. This authority should be given in writing by the Divisional Officer.

207. All materials received should be examined and counted, or measured, as the case may be, when delivery is taken. Any certificate that the store-keeper or sectional officer concerned may be called upon to record in respect of the receipt of stores, giving an acknowledgment to a supplier or any other purpose, should be in the following form:

Received on.....and recorded duly in the, Register of Stock; see also page
..... of Measurement Book No.....

Date.....

Signature

Note. In the case of local bazaar purchases, chargeable either to works or to office

contingencies, Financial Rule, Form No. 18, indent for stores, in bound books should be introduced. The receipt of stores should be endorsed by the receiving officers on the counterfoils, which will serve to form a systematic record of such purchases and should enable the disbursing officers to exercise a proper check and to avoid a risk of double payment. All bills for work done or supplies received should be entered in the measurement books, unless special instructions to the contrary are issued by Government; in which case some systematic record of payment should be kept with a view to avoid the risk of double payment.

(b) Issues

208. Materials may be issued from stock for the following purposes:

- (a) For use on works either by issue to contractors or direct (*vide*
- (b) For despatch to other submissions or departments;
- (c) For sale to contractors' employees, other persons, or local bodies.

They should be issued only on receipt of an indent in Financial Rule, Form No. 18 signed by the Divisional or the Sub-divisional Officer. But when a sectional officer has to issue stock materials for the requirements of works under himself, the use of this form is not obligatory, if the sectional officer has been authorised by the Divisional Officer to draw such materials from his stock up to any assigned limit not exceeding the provision made for materials in sanctioned estimates.

Note 1. When examining Registers of Stock Issues and Works Abstracts, Sub-divisional Officers should see that in practice this rule is observed strictly, and they should deal suitably with instances of unauthorised and excessive issues to works made by sectional officers without due cause.

Note 2. The term "works" includes manufacture-operations.

209. When issuing materials from stock, the store-keeper or sectional officer should examine the indent and sign it after making suitable alteration, under his

dated initials, in the description and quantities of materials if he is unable to comply with the indent in full. He should then prepare and sign the form of the invoice attached to the indent according to the supply as actually made. The indent should then be returned, at once to the indenting officer for signature on invoice portion.

Note. It should be seen that the acknowledgment of materials is signed by the person to whom they are ordered to be delivered or despatched or by a duly authorised agent. This applies also to issues made to contractors and private persons.

210. Ordinarily all transactions of receipts and issue should be recorded strictly in accordance with the rules, in the order of occurrence and, as soon as they take place, but as an exception to this rule, the issues of petty stores by a sectional officer direct to work under his supervision may be shown in the accounts collectively once a month when closing the accounts of the month.

Value Accounts

(A) PAYMENT FOR STOCK RECEIVED

211. Bills of suppliers should, before payment, be examined and dealt with in the manner prescribed in Rs. 305 to 317.

Note. Special attention is invited to R. 316 the object of which is to prevent erroneous double claims being put forward successfully. Store-keepers and sectional officers may, if desired, be required to verify suppliers bill before payment (*vide* R. 207), but the disbursing officer is responsible that no payment is made unless the precautions referred to above have been observed.

212. Cash payments should not be made for stock received from other source.

(B) RECOVERIES FOR STOCK ISSUED *Issue rates*

213. An issue rate is assigned to each new article as it is brought to stock. This

rate is fixed on the principle that the cost to be charged to work on which the materials are to be used should approximately equal the actual cost of the stores and that there may be no ultimate profit or loss in the stock accounts. It should provide, beyond the original price paid and the cost of carriage, etc., for

- (1) The expenditure on work-charged establishment employed on handling and keeping the initial accounts;
- (2) The expenditure on the 'custody of stock;
- (3) The expenditure on the maintenance of the store godown or yards, and
- (4) Loss from depreciation or wastage; but should in any case be in excess of the market rate.

Note 1. It is not necessary that the issue rate for an item should be the same in all sub-divisions, but a uniform rate should ordinarily be prescribed for all localities in a sub division.

Note 2. The issue rates should be worked out to the nearest anna, as far as possible. "

214. As purchases are made or contracts for the supply of materials are entered into, variations in cost should be watched, and if these are appreciable, issue rates may, and in important case, shall, at once be raised or lowered, as may be necessary. Further, when closing the Yearly Register of Stock, all rates must be reviewed and revised, if necessary, to bring them within the market rates;

215. If the issue rate of an article of stock is appreciably less than the market rate, the following precautions should. be taken in. addition to any restrictions on sales or on issues outside the division which the Divisional Officer may prescribe.

[a) Issues to contractors and sales shall be made at market rates [but see Rs. 336 and 337]. .

(b) Issues to other divisions and departments may be made at a rate higher than the

issue rate.

Mode of Recovery

216 (a) The Sub-divisional Officer is responsible that the value of materials sold to municipalities, local funds and the public, and of issues made to contractors for private use, is recovered in cash at the earliest opportunity.

(b) The Sub-divisional Officer is also responsible for the clearance, from works accounts of all outstandings against contractors on account of the recoverable value of materials issued to them by charge to works.

Fictitious Adjustment

217. Fictitious stock adjustments are strictly prohibited, such, for example, as (1) the debiting to a work of the cost of materials not required in excess of actual requirements, (2) the debiting to a particular work for which funds are available of the value of materials intended to be utilised on another work for which no funds are available, (3) the writing back of the value of materials used on a work to avoid excess outlay over appropriation etc. Any breach of this rule constitutes a serious irregularity, which will be brought prominently to the notice of the Government by the Comptroller.

Yearly Register of Stock

218. Executive Engineers and Public Works Disbursers should personally make a general review of their stock and issue rates annually at the end of September and consider whether the rates of any of the articles in stock which can be considered to have a market value in the locality require revision owing to appreciable difference in the current market rates in the locality or for other special reason. The reason for any proposed revisions should be stated and a certificate given as follows:

"I have reviewed the stock rates and consider that the following revision should be made for reasons stated" or, "that no revisions are necessary."

219. The Divisional Officer should also make a review of the stock balances and record his remarks and order in the register in Financial Rule, Form No. 19.

Note. The review should be directed especially towards ensuring that stores are priced in accordance with the rules, that stocks are taken periodically by responsible officers, and that stocks of individual items are regulated on a consideration of actual requirements of the near future and with due regard to the average consumption of the past. The object to secure is that the stock on the register shall consist only of efficient and necessary articles priced within the rates at which they could be purchased at the time. ..

Stock Taking

220. Sub-divisional Officer shall verify the stores in full once a year.

The Divisional Officer shall verify annually ten percent of all stores within three months previous to the date of submission of the Stock and Tools and Plant returns.

Note. In the Lushai Hills the Sub-divisional Officer (Public Works Department) shall verify all Stores and Tools and Plant at headquarters once a year. Stores and Tools and Plant in outlying areas should be verified when he is able to visit such areas; provided that a check is made at least once in every two financial years. 221.

When the stocks of an article are scattered in a sub-division, it may not be possible to test the aggregate book balance of any article for the sub-division by an actual verification of all the stocks of it at the same time. In such cases, the various stocks in charge of a sectional officer of each article should, as far as possible, be verified at or about the same time.

The procedure of verification outlined in the foregoing rule is suitable primarily

for divisions executing ordinary works. In the case of special stores depots or divisions or of construction divisions where there may be large concentration of stores; their physical verification should be performed by such agency and in such detail as may be decided by Government in consultation with the Audit Officer.

222. The results of all verifications of stock should be reported to Divisional Officer for orders but, as soon as a discrepancy is noticed, the book balance must be set right by the verifying officer with a suitable remark.

Tools and plant

NUMERICAL ACCOUNT Receipts

223. All articles of tools and plant received should be examined and counted when delivery is taken.

Payment for Supplies

224. Payment for tools and plant received from suppliers and other sources should be made general in the manner prescribed for stock receipts. But when the Mathematical Instrument Department is unable to supply any instruments indented for and arranges for their purchase; the supplier's bill will, if that Department so desires, be paid in cash or by a Government Draft.

RECOVERIES

(a) For use of Tools and Plant

225. When tools and plant are lent to local bodies, contractors or others, the hirer and other should be determined in accordance with the rules in Appendix 11 and should be recovered regularly.

(b) For Sales and Transfer

226. The Sub-divisional Officer is responsible that when tools and plant are disposed of by sale or otherwise, with the sanction of competent authority, the

amount recoverable from parties concerned is realised at the earliest opportunity.

Verification

227. The rule regarding verification of stock applies also to verification of tools and plant except that when any articles are found deficient, a note of the deficiency should be made in the account of issue only without any correction of the book balance.

Road Metal

228. Supplies of road metal should be measured and paid for in the same way as supplies of other materials for works.

229. The verification of the road metal should be generally on the lines of the verification of the materials charged to works [*vide* R. 347].

230. A rate book or Schedule of rates showing the lowest rate at which metal can be supplied to the roadside throughout the division should be kept in the divisional office in Financial Rule Form No. 20 (with such modifications as may be considered necessary by the Divisional Officer to suit local conditions. The rates should be revised, from time to time, as old quarries are exhausted or new ones opened, or as other circumstances affect the rates.

CHAPTER XI

Conservancy and works charges of the Forest Department

[N. B. His Excellency the Governor has assigned to the Forest Department the construction and maintenance of works, lands and buildings required for and used by that Department.)

Labourers

231. For works executed by labourers, whether paid by the day or otherwise, a muster roll must be kept showing the names of labourers, the number of days they

have worked, rate of pay and the amount due to each. This nominal muster roll is the initial record of the labour employed each day on each work and must be written up daily by the subordinate deputed for the purpose.

232. Payments on muster roll should be made or witnessed by the officer of highest standing available, who should certify to the payments individually or by groups. They should be made as expeditiously as possible.

Muster rolls should never be copied or prepared in duplicate, and payments must invariably be made and accounted for on the roll, as originally prepared.

The amount paid on each date should be noted in words as well as in figures on the foot of the muster roll.

After payment an abstract should be prepared in Financial Rule, Form No. 21, wherein the amount paid should be certified; this abstract will be the voucher in support of the charge in the cash book

233. (a) In the case of work or supply of sufficient magnitude a contract should be made on a written agreement and registered, so that it can be maintained in the court of law in the event of dispute. The general principles applicable to contracts as laid down in Annexure A to Appendix 8 to these rules should be observed.

(b) Payments can be made to contractors only by the Divisional Officer or by an authorised Subordinate Government servant. Claims for such payments should be prepared, preferably by the claimants themselves, in Financial Rule Form No. 22, and no payment should be made until the correctness of the claim in respect of quantities and rates;-as well as the quality of the work or supply, and other necessary factors, have been accepted by a responsible Government servant.

Measurements

234. Work done otherwise than on a lump sum contract, and supplies made by a contractor, should unless impracticable, be measured (weighed or counted) before payment therefore is made. The details of the measurements made should be systematically recorded in a book called the measurement book, which will form the basis of all accounts of quantities. The description of the work or supply must be lucid so as to admit of easy identification and check.

The pages of the book should be machine numbered, and no page may be torn out, nor may any entry be erased or effaced so as to be illegible. All corrections must be duly attested by a responsible Government servant.

235. A reference to the vouchers in which the quantities are entered for payments, as well as the date of entry, should be given by an endorsement upon the original entries in the measurement book, and no contract certificate or bill should be signed without thus crossing off the connected entry in the measurement book. The document in which payment is made should invariably bear a reference to the number and page of the book in which the detailed measurements are recorded.

Advances to Contractors

236. Advances to contractors may be given in exceptional cases only when no other arrangements can be made for carrying on the work. An advance can be made only under the orders of competent authority, and security must be taken, if possible, for its summary recovery in the event of its not being adjusted by work done.

Note. Competent authority referred to in this rule is defined in serial Nos. 7, 8 and 9 under "G-Loans and Advances" of Appendix III to the Book of Financial Powers,

Assam.

Record of Sanction and Expenditure

237. Works requiring the sanction of an authority higher than the Divisional Officer cannot ordinarily be commenced until the sanction has been accorded. All such sanctions will be numbered consecutively by the Conservator of Forests for each financial year, and they will be communicated by him to the Comptroller in monthly lists.

A detailed record of the sanction relating to each sanctioned work and of the expenditure incurred thereon from time to time should be kept in a register showing the name of the Range, nature of work, number and date of sanction and the amount sanctioned and the months, particulars and amounts for expenditure. The number and date of letter under which completion report is sent should also be recorded in this register.

238. When a sanctioned work is completed, all outstanding liabilities should be discharged as soon as possible and the account of the work should be closed. A completion report showing the amounts sanctioned and actually expended in the same details as in the monthly accounts should then be submitted through the Comptroller to the Conservator who should forward it to Government. If the work was sanctioned by the Government.

Hire of Tools and Plant

239. Departmental stores such as saws or other tools of like nature may be hired out to contractors only in a case of emergency. Hire should invariably be charged in all such cases at the rate of 24 per cent per annum on the original cost of the stores, 1/12th of the annual rate being charged for a month or part of a month. The hirers shall be required to pay the hire in advance and security equal to the value of stores. They will bear all incidental charges and make good the loss or

damage, if any. The stores should be returned as soon as the emergency ceases.

CHAPTER XII

Execution *or* works in the public works department

Administrative approval and technical sanction

240. For every works, except petty works and repairs the cost of which does not exceed Rs. 1.000, and repairs for which a lump sum provision has been sanctioned, a detailed estimate must be prepared for the sanction of competent authority; this sanction is known as the "technical sanctions" to the estimate. Except where definite provision is made in these rules to the contrary technical sanction can only be accorded by Government in the public works department, or where power has been delegated to them, by officers of that department.

241. For every work, other than petty works, initiated by or required by any department, it is necessary to obtain the concurrence of the department concerned to the proposals before technical sanction can be accorded in the public works department. The formal acceptance by the department concerned is termed "administrative approval" and is, in effect, an order to the public works department to execute certain specified works at a stated sum to meet the administrative needs of the department requiring the work; the accord of administrative approval in no way dispenses with the necessity for technical sanction, which must be obtained before construction can be commenced. Administrative approval should not be accorded until the professional authorities have intimated that the proposals are structurally sound, and that the preliminary estimate is sufficiently correct for the purpose and. in the case of works costing over Rs. 5.000 until the concurrence of the finance departments has been obtained. A similar procedure should be followed in the case of works required to meet the administrative needs of the public works department both the administrative approval and the technical sanction being accorded in the public

works department.

242. An application for administrative approval should be accompanied by a preliminary report an approximate estimate and by such preliminary plans information as to the site and other details as may be necessary to elucidate the proposals. The approximate estimate and preliminary plans will be furnished by the public works department.

243. When owing to modification or deviations from the original proposals, or when from the preparation of the detailed estimate, or in course of execution, it becomes apparent that the cost of the work will exceed the amount administratively approved by more than 10 per cent, revised administrative approval to the increased expenditure must be obtained; similar steps must be taken if the original proposals are materially departed from, even if no increased cost is thereby incurred.

Demand by Civil Officers

244. Applications for new buildings, and for additions or alterations to existing buildings, should be made by the officer of the department concerned, in communication with the Executive Engineer. It is the duty of the Executive Engineer, while giving due weight to the opinions of the department concerned to oppose any applicant for works of the real necessity for which he is not satisfied; whether he is unable to recommend the execution of a work, he should explain his objections to the officer concerned and, if he fails to convince him, he should refer the matter to the Superintending Engineer. The actual execution of works, asked for by civil officers, must. in every case be dependent on funds being available.

245. The local head of a civil department may call upon the Executive Engineer to report on proposals for additions or alterations to the buildings in his use and to state the probable cost; but Executive Engineers cannot be required, except by their departmental superiors; to prepare the detailed designs and estimates necessary for

technical sanction.

246. On the requisition of an initiating authority, the Executive Engineer concerned will prepare a rough plan and an approximate estimate (based on mileage or plinth area rate) of the work proposed, but if the initiating authority is not himself the head of the department, he will explain the proposals to the head of his department and will obtain his concurrence to a request for rough plans and estimates being made. The object of this latter provision is that the public works department shall not be called upon to prepare plans and estimates for works without an assurance that the necessity of the work and accommodation required have been carefully considered and that there is a reasonable probability of the work being undertaken in the near future. The Executive Engineer should indicate clearly the style of execution proposed and should give the information and data on which he bases his rates. He should include an approximate valuation of any land required and of any buildings, etc., which may stand upon it. Information for the framing of this valuation should be supplied by the Deputy Commissioner of the district, with the least possible delay.

247. When final projects are sanctioned they should be reported to Government for allotment of funds.

Preparation of projects

248. The papers to be submitted with the project for a work will consist of report, a specification, a detailed statement of measurements, quantities and an abstract showing the total estimated cost of each item. These documents together form what is called "the estimates". The manner in which it is proposed to execute the work will determine the form in which the abstract is framed [See R. 352]. To facilitate the preparation of estimates, a schedule of rates for each kind of work commonly executed should be kept up in each division. The estimated rates should

generally agree with the schedule of rates but if for any reason these are not considered sufficient, or are in excess, a detailed statement must be annexed to the estimate showing the manner in which the rate used in the estimate is arrived at. It should be prepared on the basis of the rates prevailing in each locality and necessary analysis of the rates for each description of work and for the varying conditions thereof should, as far as practicable, be recorded. The same rule will hold good with regard to any rates differing from those formerly in force in the division, when no standard schedule exists, or when any work of a description not previously executed in the division is estimated for.

Contracts

249. The recognised systems for carrying out work and supplying OJ' carrying materials otherwise than by the employment of daily labour, are "piece-work" and "contract work", Piece-work is that for which a rate only is agreed upon without reference to the total quality or the quantity to be done within a given period. The term "contract", as used in this Chapter, does not include agreements for the execution of work by piece-work nor does it include ordinary purchases of materials. An other work, done under agreement, is termed "contract-work" and agreements for such work, which should invariably be in writing and should be precisely and definitely expressed should state the quality and quantity of the work to be done, the specifications to be complied with, the time within which the work is to be completed, the conditions to be observed, the security to be lodged; and the terms upon which the payments will be made and penalties exacted with any provisions necessary for safeguarding the property entrusted to the contractor.

Note 1. The maintenance of bridle paths and small bridges in charge of the

Deputy Commissioner, Naga Hills, is done on a system of village contracts, each village, and sometimes each khel of a village being responsible for the length of bridle path which passes through its lands, and the villagers receive a fixed annual sum per mile in consideration of the work done. The essential details of the "village contract" should be recorded separately for the information of the Comptroller.

The same system of "village contracts" is permissible in the North Cachar Hills and the Lushai Hills wherever it is found possible and convenient.

Note 2. In the 'Frontier Tracts and the Garo and Lushai Hills, when works are carried out by hill tribes under administrative orders, no tender or written agreement need be called for.

NOTES

Consideration-Adequate consideration-"Consideration" means a reasonable equivalent or other valuable benefit passed on by the promisor to the promisee or by the transferor to the transferee. Similarly, when the word "consideration" is qualified by the word "adequate", it makes consideration stronger so as to make it sufficient and valuable having regard to the facts, circumstances and necessities of the case.

[*Ku. Sonia Bhatia v. State of U. P. and others*, AIR 1981 SC 1274, at p. 1280: 1981 ALJ 467].

Rules 249-253~Contrracts contravening Article 299 (1) of the Constitution-If void and compensation can be claimed under S. 70 of the Contract Act'.

The basis for compensation under S. 70 of the Contract Act is not the same as on contractual rights, but it is granted in proportion to the benefit enjoyed by the party for whom a thing was done or to whom B thing was delivered. Under this section a person receiving a benefit is deemed to have impliedly agreed to pay compensation or to return the thing delivered to him. A person whose contract is void for non-

compliance with Art.299 (I) of the Constitution is entitled to compensation under S. 70 of the Contract Act. It is, however, his duty to account to the other party *for* what has received in the transaction before his claim for compensation or refund for deposit will be dismissed. In the case reported in AIR 1968 SC 12-18 [*Mulamchand v. State of M. P.*], it had been held (at p. 1222) that

"The provisions of S. 175 (3) of the Government of India Act, 1935 or the corresponding provisions of Art. 299 (I) of the Constitution of India are mandatory in character and the contravention of these provisions nullifies the contracts and makes them void. There is no question of estoppel or ratification in such a case. These provisions have not been enacted for the sake of mere form but they have been enacted for safeguarding the Government against unauthorised contracts. They are based on the ground of public policy, on the ground of protection of general public, and these formalities cannot be waived or dispensed with. If the plea of estoppel or ratification is admitted that would mean in effect the repeal of an important constitutional provision intended for the protection of the general public.

The provisions of S. 70 can be invoked by the aggrieved party to a void contract. The first condition to be satisfied under the section is that a person should lawfully do something for another person or deliver something to him; the second condition is that in doing the said thing or delivering the said thing he must not intend to act gratuitously; and the third condition is that the other person for whom something is done or to whom something is delivered must enjoy the benefit thereof. If these conditions are satisfied, S. 70 imposes upon the latter person the liability to make compensation to the former in respect of, or to restore the thing, so done or delivered.

"In a case falling under S. 70 of the person doing something for another or delivering something to another cannot sue for the specific performance of the contract nor ask for damages for the breach of the contract, for the simple reason that there is no

contract between him and the other person. So where a claim for compensation is made by one person against another under S. 70 the juristic basis of the obligation is not founded upon any contract or tort but upon a third category of law, namely, quasi contract or restitution."

Applying these principles; it is manifest that a person whose contract is void for non-compliance with Art. 299 (I) or the Constitution would be entitled to compensation under S. 70 of the Contract Act, if he had adduced evidence in support of his claim.

It is well-established that a person who seeks restitution has a duty to account to the defendant for what he has received in the transaction from which his right to restitution arises. In other words, an accounting by the plaintiff is a condition of restitution from the defendant.

However, a person who seeks restitution has a duty to account to the defendant for what he received from transaction from which his right to restitution arises which is a condition of restitution and the plaintiff must comply with such condition of accounting to the defendant for the total amount received by him in the transaction before he can claim his right under S. 70.

In the case reported in AI R 1962 SC 779 [*State of West Bengal v. B. K. Mandai and Sons*], it was held (at p. 789) that:

"The whole powers of granting relief under S. 70 is the relationship arising not because the party claiming compensation has done something for the party against whom the compensation is claimed but because what has been done by the former has been accepted and enjoyed by the latter. "What S. 70 prevents is unjust enrichment and it applies as much to individuals as to corporations and Government." [*Nanalal Madhavji Varma v. State of Andhra Pradesh*, AIR 1982 Cal167 at pp. 172-173].

Rules 249-252- Offer and acceptance. An offer is not accepted by mere silence on the part of the offeree. There may, however, be further facts which taken together with the offeree's silence constitute an acceptance. One such Case is where a part of the offer was disputed at the negotiation stage and the original offeree communicated that fact to the offerer showing that he understood the offer in a particular sense. This communication will probably amount to a counter-offer in which case it may be that mere silence of the original offerer will constitute his acceptance. [See Halsbury's Laws of England, 4th Edn., Vol. 9, para 251]. Where there is a mistake as to terms of a document as in the instant case amendment to the draft was suggested and a counter-offer was made, the signatory to the original contract is not estopped by his signature from denying that he intended to make an offer in the terms set out in the document, to wit, the letter and the cable [*Ibid*, para 295]. It can, therefore, be stated that where the contract is in a number of parts it is essential to the validity of the contract that the contracting party should either have assented to or taken to have assented to the same thing in the same sense or as it is sometimes put, there should be *consensus ad idem*. . And from this it follows that a party may be taken to have assented if he has so conducted himself as to be estopped from denying that he has so assented. [*Ibid*, para 288]. Even apart from this, it would still be open to the party contending *novatio* to prove that he had not accepted a part of the original agreement though it has signed the agreement containing that part.

[*Ramji; Dayawala and Sons (P.) Ltd. v. Invest Import*, AIR. 1981 SC 208S at p. 2092].

250. "Contract" may be of three kinds, *viz.*, lump sum; schedule and a combination of these two:

In a lump sum contract, the contractor engages to execute the work with all its

contingencies for a fixed sum;

Schedule contracts are those in which the contractor undertakes to execute the work at fixed rates, the sum he is to receive depending on the quantities and kind of work done or materials supplied;

The third kind of contract is a combination of both these. Thus a fixed sum is proposed for the completion of the work as specified and a Schedule of rates is agreed upon by which to regulate the price to be paid or to be deducted for additions and alterations.

251. Engineers and their subordinate are responsible that the terms of contracts are strictly enforced, and that no act is done tending to nullify or vitiate a contract. All contract deeds must be executed on one or other of the standard forms, but they may be modified to suit local requirements after consultation with the legal advisers of Government. The terms of a contract once entered into should not be materially varied without the previous consent of the officer competent to enter into the contract so varied. All agreements or security bonds entered into with the public works department by contractors for the execution of work or for securing the due performance of contracts are exempt from stamp duty.

252. Before a work is given out on contract, the Executive Engineer must prepare the necessary "contract documents" such as –

- (i) a set of drawing showing the general dimensions of the proposed work, and, so far as necessary, details of the various parts;
- (ii) A specification of the work to be done, and of the materials to be used;
- (iii) A schedule of quantities; and
- (iv) A set of "conditions of contract" to be complied with by the person whose tender is accepted.

"Contents of a document". The expression must mean only what the document states, and not the truth of what the document states.

[*Om Prakash Berlia and another v. Unit Trust of India and others*, AIR1983 Bom I at p. 3].

Rules 252, 262-Execution of documents. In *Shaikh Ebadat Ali v. Muhammad Fareed* [35 Ind Cas 56: AIR 1916 Pat 206] it was held that the word "execution" consist in signing a document written out, read over and understood and does not consist of merely signing a blank paper. The same view was taken in the case of *Mirza Garganj v. Bhola Mal Nihalchand* (AIR]934 Lah 393 (2)] ; and *Parbhu Dayal v. Tula Ram* (AIR 1922 All 401(2))

[*Ch. Birbal Singh v. Harphool Khan and another*, AIR 1976 All 23 at p.24].

253. If the tender is of a peculiar character, it will generally be desirable for officers to submit the contract documents to their superiors before acceptance. In works of great magnitude, contract deeds should be specially prepared by the Government law officers.

254. Sealed tenders should invariably be invited in the most and public manner possible, by advertisement in the Government Gazette or the Press, or by public notice in English and the vernacular; tenderers should have free access to the contract documents. The notice should state:

- (1) The place where, the time when, the contract documents can be seen, and blank forms of tender obtained;
- (2) The place where, and the time and date on which, tenders are to be submitted and are to be opened;
- (3) The amount of earnest money to accompany the tenders and the amount and nature of the security deposit required in the case of the accepted tender. The earnest

money required should either be forwarded with the tender in currency notes or deposited in the treasury, the duplicate copy of the chalan being attached to the tender; cheques on banks should not be accepted for this purposes;

[National Savings Certificates standing in the name of the tenderer and duly endorsed in favour of competent authority for acceptance of tender may also be accepted as earnest money] ;

[4] with whom, or with what authority, the acceptance of the tender will rest.

Exception.(1) The rules regarding the, calling for tenders are not observed by the Deputy Commissioner, Naga Hills and the Deputy Commissioner, Cachar, and also by the Superintendent, Lushai Hills, nor need they be observed by the Executive Engineer, Golaghat Division, in respect of works on the Naga Hills portion of the Dimapur-Manipur Road.

(2) In case of emergency, works can be carried out in R-2 Form without calling for tenders.

(3) Original as well as repair work~ up to a limit of Rs. 10 00 in each case may be allowed to local people of the district or region, affected by flood at scheduled or estimated rate without calling for tenders.

NOTES

Rules 254-258 -Rejection of tender-If violative of Art. 14 of the

Constitution. In Ramana Dayaram Shetty v. International Airport Authority of India (AIR 1979 SC 1628) Justice P. N. Bhagwati reviewed the case law and observed as under, in para 12 of the Report:

"It must, therefore, be taken to be the law that where the Government is dealing with the public, whether by way of giving jobs or entering into contracts or issuing quotas or licences or granting other forms of largess, the Government cannot act arbitrarily at its sweet will and, like a private individual, deal with any person it pleases, but its action must be in conformity with standard or norm which is not arbitrary, irrational or irrelevant.. The power or direction of the Government in the matter of grant of largess including award of jobs, contracts, quotas, licences etc., must be confined and structured by rational, relevant and non-discriminatory standard or norm and if the Government departs from such standard or norm in any particular case or cases, the action of the Government would be liable to be struck down, unless it can be shown by the Government that the departure was not arbitrary, but was based on some valid principle which in itself was not irrational, unreasonable or discriminatory"

Apart from the rule of Administrative law inhibiting arbitrary action Bhagwati, J., also considered the matter from the stand-point of doctrine of equality embodied in Art. 14. It was observed as under (para 21) :

It is now well settled as a result of the decision of this Court in *E. P. Rayappa v. State of Tamil Nadu* [(1974) 2 SCR 348 : AIR 1974 SC 555] and *Maneka Gandhi v. Union of India* [(1978) 1 SCR 248: AIR 1978 SC 597] that Art. 14 strikes at arbitrariness in State action and ensures fairness and equality of treatment. It requires that State action must not be arbitrary but must be based on some rational and relevant principle which is non-discriminatory; it must not be guided by any extraneous or irrelevant consideration, because that would be denial of equality. The principle of reasonableness and rationality which legally as well as philosophically an essential element of equality or non-arbitrariness is projected by Art. 14 and it must characterise every State action, whether it be under authority of law in exercise of executive power without making of law: The State cannot, therefore, act arbitrarily in entering into relationship, contractual or otherwise with a third party, but its action must conform to some standard or norm which is rational and non discriminatory”.

After referring to a decision in *Erusian Equipment and Chemicals Ltd. v. State of West Bengal* [AIR 1975 SC 266J it was further observed as under (at paras 14 and 17) :

"A citizen has a right to claim equal treatment to enter into a contract which may be proper, necessary and essential to his lawful calling. It is true that neither the petitioner nor the respondent has any right to enter into a contract but they are entitled to equal treatment with others who offer tender or quotations for the purchase of the goods. It must, therefore, follow as a necessary corollary from the principle of equality enshrined in Art. 14 that though the State is entitled to refuse to enter into relationship with anyone, yet if it does so, it cannot arbitrarily choose any person it likes for entering into such relationship and discriminate between persons similarly circumstanced, but it must act in conformity with some standard or

principle which meets the test of reasonableness and non-discrimination and any departure from such standard or principle would be invalid unless it can be supported or justified on some rational and, non discriminatory ground".

His Lordship Bhagwati, J., then referred to the decisions of the Supreme Court in *Rasbihari Panda v--State of Orissa* [(1969) 3 SCR 374: AIR 1969 SC 1081]; *C. K Ach/ltan v. State of Kerala* f(1959) Supp (I) SCR 787 : AIR 1959 SC 490]; *Trilochan Mishra v. State of Orissa*J (1971) 3.SC~ 153: AIR 1971, SC 733]; [*State of Orissa v; Harinaroyan Jaiswal* f(1972) 2 see 36: AIR 1972 SC 1816 ; and *P. R. Quenim v. M. K. TandeL* [(1974) 3 SCR 64: AIR 1974 SC 651] and stated in para 26 as under: .

"This decision merely reiterates the principle laid in the earlier decision in *Trilochan Mishra v. State of Orissa* [AIR 1971 SC 733 (*supra*) and *State of Orissa v. Harmarayan Jaiswal*[AJR 1972 SC 1816 (*supra*) and points out that a condition that the Government shall be at liberty to accept or ,reject any bid, without assigning any reason therefore is not violative of Art. 14 and that in matters to contracts with the Government, the latter is not bound to accept the tender of relating the person who offers the highest amount. Nowhere does it say that such a condition permits the Government to act arbitrarily in accepting ~ tender or that under the guise or pretext of such a condition the Government may enter into a contract with any person it likes, arbitrarily and without reason. In fact the Court pointed out at the end of the judgment that the act of the Government was not 'shown to be vitiated by such arbitrariness as should call for interference by the Court', recognising clearly that if the rejection of the tender of the 1st respondent were arbitrary, the Court would have been justified in striking it down as invalid".

In *Kasturi Lal Lakshmi Reddy v. State of J. & K.* p980 SC 1992J after referring to the case of *Dayaram Shetty v. International Airport Authority of*

India [AIR 1979 SC 1628], Bhagwati J., observed that the discretion of the Government has been held to be not unlimited in that the discretion of the Government cannot give largess in its arbitrary discretion or at its sweet will or on such terms as it chooses in its absolute discretion. There are two limitations imposed by law, which structure and control the discretion of the Government in this behalf. The first is in regard to the terms on which largess may be granted and the other, in regard to the persons who may be recipients of largess. Bhagwati, J., further observed (at p. 2000 of AIR 1980 SC 1991) that-

"Where any governmental action fails to satisfy the test of reasonableness and public interest discussed above and is found to be wanting in the quality of reasonableness or lacking in the element of public interest, it would be liable to be struck down as invalid. It must follow as a necessary corollary from this proposition that the Government cannot act in a manner which would benefit a private party at the cost of State; such an action would be both unreasonable and contrary to public interest".

His Lordship. Mr. Bhagwati, J., then made the following observations in connection with presumption of reasonableness and public interest of the Governmental action and heavy burden on the party. ~q make out a case of unreasonable action without public interest [AIR 1980 SC 1992 at p. 2004]

~.

'~But one basic principle which must guide the Court in arriving at its determination on this question is that there is always a presumption that the governmental action is reasonable and in public interest and it is for the party challenging its validity to show that it was wanting in reasonableness or does not conform with public interest. This burden is a heavy one and it has to be discharged to the satisfaction of the Court by proper and adequate material. The Court cannot lightly assume that the action taken by the Government is unreasonable or without public interest because,

as we said above, there are a large number of policy considerations which must necessarily weigh with the Government in taking action and therefore the Court would not strike down governmental action as invalid on this ground; unless it is clearly satisfied that the action is unreasonable or not in public interest. But where it is so satisfied, it would be the plainest duty of the Court under the Constitution to invalidate the government

action. This is one of the most important functions of the Court and also one of the most essentials for preservation of the rules of law. It is imperative in a democracy governed by the rule of law that government action must be kept within the limits of the law and if there is any transgression, the Court must be ready to c:II1dtmn it. It is a matter of historical experience that there is a tendency in every government to assume more and more powers and since it is not an uncommon phenomenon in some countries that the legislative check is getting diluted, it is left to the Court as the only other reviewing authority under the Constitution to be increasingly vigilant to ensure observance with the rule of law and in this task, the Court must not flinch or falter. It may be pointed out that this ground of invalidity, namely, that the governmental action is unreasonable or lacking in the quality of public interest, is different from that of *mala fides* though it may, in a given case, furnish evidence of *mala fides*".

While referring to the second limitation on the discretion of the Government in grant of larges to the persons to whom such largess may be granted it was observed in AIR 1980 SC 1992 at p. 2001 that

"The Government is not free, like an ordinary individual, in selecting the recipients for its largess and it cannot choose to deal with any person it pleases in, its absolute and unfettered ed discretion. The law is now well established that the Government need not deal" with anyone,' but if it does so, it must do so fairly without discrimination and without unfair procedure. Where the Government is dealing with the public whether by way of giving jobs. Or entering into 'contracts or granting other forms of largess, the Government cannot act arbitrarily at its sweet will and, like a private individual, deal with any person it pleases, but its action must be in conformity with some standard or norm which is not arbitrary, irritational or

irrelevant. The' governmental action must not be arbitrary or capricious, but must be based on some principle which meets the test of reason and relevance. This rule was enunciated by the Court as a rule of administrative law and it was also validated by the Court as an emanation flowing directly' from the doctrine of equality embodied in Art. 14".

It may be stated here that in the instant case no rate contract was entered into with any of the tenderers. Thus, all the tenderers have been treated equally and questions of differential or discriminatory treatment does not arise. In the field of public law, action of the State is open to challenge only when the action is arbitrary, irrational, unreasonable and opposed to public interest or when the action is discriminatory in nature or violative of Art. 14 of the Constitution and the State action is not otherwise open to challenge. It may be mentioned that the State is free not to deal with any person. Such a proposition is abundantly clear from some of the experts quoted above. What has been done in the instant case, is only this that the Committee decided not to enter into any rate contract and that too in view of the report of the technical expert. Such a decision of the Committee, cannot be said to be arbitrary, irrational or opposed to public interest.

[State of Rajasthan and another v. Mis. Chirag Enterprises and others,

AIR 1982 Raj 169 at Pl. 171, 172, 173 and 176 : 1982 WLN 112: 1981 Raj

LW 332J.

Rules 254-258-Rejection of tender-Validity. Where no tender was submitted by the petitioner. Such tenders were offered by only seven contractors, out of whom four, namely, respondents 4 to 7 were considered fit to complete for the work and tender documents were consequently issued in their favour alone. The petitioners failed to prove it by offering the pre qualification tender and in the result himself refused to compete for the work. No fault can be found with the course adopted by the respondents. Refusal to provide him tender documents: in these circumstances, was as good as rejecting his tender to execute the work for a valid reason after due consideration.

Obviously, therefore, the petitioner cannot be heard to say that right to compete for the work has been denied to him by the infraction of either Art. 14 or Art. 19 (1) (g) of the Constitution.

[M. L. Mahajan v. Chief Engineer, Ravi Tawi Irrigation Complex (J1Id others, AIR 1983 J & K 14 at p. 16J.

Rules 254-258-Public Contract-Rejection of tender-Allegation of capricious or arbitrary action-No" established. Where the tender by the petitioner was not ignored or rejected arbitrarily. It was duly considered and analyses of the rates was invited and only after due consideration of the analysis, the tender submitted by the petitioner was rejected. The petitioner has tried to justify the abnormally low rates quoted by him on the ground that he had stocks of raw materials bought when the market prices were much lower and, therefore, he was in a position to submit the tender quoting such low rates. That the rates quoted were abnormally very low having regard to the prevailing market prices cannot be denied and has not been denied by the petitioner. If the Tender Committee was of the view that the rates

quoted by the petitioner were unworkable, it cannot be said that an arbitrary or capricious view has been taken. An analysis of the rates was invited. The petitioner gave an analysis of his rates which/was found to be not satisfactory. Therefore, the allegation of capricious or arbitrary action has not been established.

[Om prakash Patwarika v. Union of India and others, AIR. 1982 Cal340 at p. 341].

New provision has been added to accept earnest money in National Saving Certificates on being endorsed in favour of an authority competent to deal with the sealed tenders. .

Emergency works of flood control measures can be executed through the local people up to Rs. 10,000.

255. The amount of earnest money to be deposited should be sufficiently large to be security against loss, in case of the contractor failing to furnish the required security within the appointed time after the acceptance of his tender, or until the sum due to him forms a sufficient guarantee as the case may be. In the event, however, of materials being supplied by the contractor, no earnest money or security deposit is required when completed items of work are done on piece work arrangement in K-2 Form.

Note. Illiterate Nagas and Manipuris in the Naga Hills and in the Manipur State and illiterate Lushais in the Lushai Hills undertaking piece work arrangements in K-2 Forms may, at the discretion of the officers accepting the tenders, be exempted from paying any earnest money or security deposit for the security of materials issued to them by the Government.

256. Usually the lowest tender should be accepted, unless there be some objection to the capability of the contractor, the security offered by him or his

execution of former work; In selecting the tender to be accepted. The financial status of the individuals and firms tendering should be taken into consideration in addition to all other relevant factors. At the same time the acceptance or rejection of tenders is left entirely to the discretion of the officer to whom the duty is, entrusted and no explanation can be demanded of the cause of the rejection of his offer by any person making a tender. Such an explanation may be called for by superior authority if considered necessary.

257. In cases where the lowest tender is not accepted, reasons should be recorded confidentially except when the value of the tenders, whether in K-2 Form or otherwise does not exceed Rs. 500 and the rates do not exceed the sanctioned schedule rates of the division.

258. Authority should always be reserved to reject any or all of the tenders received, without the assignment of a reason, and this should be expressly stated in the advertisements. All tenders received for the same contract should be opened by the Executive Engineer or other officer in person, in the presence of such of the tenderers or their agents as may choose to attend. No tender should be accepted from any person directly or indirectly connected with Government service, or which involves an uncertain or indefinite liability or any condition of an unusual character.

259. Security should in all cases be taken for the due fulfilment of a contract.

This security may be:

- (a) A deposit of cash, Government securities, Municipal debentures, Port Trust bonds and (deposits of all Scheduled Banks) approved by Governments;
- (b) Post Office 5-year cash certificates for the amount at which the certificates were purchased but not for their face value;
- (c) A deduction of 20 per cent from the monthly payment to be made on account of work done;

(d) Personal security of two persons of known probity and substance;

(e) A guarantee bond from a recognised bank approved by Government.

Note~ Government securities, municipal debentures or Port Trust bonds should be accepted at their market value at the time of deposit. In the case of such security appreciating or depreciating no re-adjustment of their value should be made unless the rise and fall of the market value is such as to render it necessary to call upon the depositor to produce further security to the extent of at least Rs. 100 or to enable the officer accepting the deposit to, return to the depositor security to the same extent. Even then no such adjustment should be made unless after such adjustment there is still a reasonable margin between the market value of the security tendered and the amount of the security necessary.

NOTES

The securities can be in terms of deposit receipts of all non-scheduled Banks instead of recognized approved Banks.

260. In cases of percentage deductions on account of security made from payment in the contractor's running account bills, each deduction should be accounted for by credit to "Deposit" only when in excess of Rs. 500 in each case and when below that amount they should be treated as "balance due to contractor" but in the case of final bills the full amount of the security deposits deducted from the running account bills, as well as from the final bill. If any, should, irrespective of any money limit, be credited to deposit

The cases in which the percentage deduction is waived in the case of piecework agreements in exercise of the Divisional Officer's discretion under the agreement, the reason, therefore should be noted on the voucher.

261. In all contracts care should be taken to retain for Government the right to supply the contractor, from any source, with imported or other materials to the extent deemed necessary, [Rr. 336, 337 and 343].

262. No authority lower than the officer-in-charge of a sub-division can accept any tender or make a contract for public work. The officer legally empowered to execute on behalf of the Governor of Assam the different classes of deeds, contracts and other instruments are detailed in Appendix IV to the book of Financial Powers. This power is, in each case, subject to the rules laying down the powers to officers to enter into contracts, *vide* serial No. 20 under "F-Other expenditure" of Appendix III to the Book of Financial Powers, Assam.

263. It is not the intention to prevent the officers mentioned in the preceding

paragraph from giving out. to different contractors a number of contracts relating to one work, even though such work may be estimated to cost more than the amount up to which they are empowered to accept tenders. But no individual contractor may receive a contract amounting to more than this sum nor, if he has received one contract may be received a second in 'connection with the same work or estimate while the first is still in force if the sum of the contracts exceeds the power of acceptance of the authority concerned.

264. Departure from the rules for contract specified above may be permitted or condoned by Government subject to any restrictions they may impose in each case.

265. No officer may accept any contract for a work or operation until an assurance has been received in writing from the authority competent to provide funds for the same, that such funds will be allotted before the liability matures.

Disposal of land

266. Any land not required by the Public Works Department should be made over by the Executive Engineer to the Deputy Commissioner.

267. When any immovable property is made over to a local authority for public religious, educational or any other purpose, the grant should be made on the express condition that the property shall be liable to be resumed by Government if used for other than the specific purposes for which it is granted; and that, should the property be at any time resumed by Government, the compensation payable therefore shall in no case exceed the amount, if any, paid to Government for the grant, together with the cost of present value, whichever is less of any buildings erected or other works executed on the land by the local authority.

Commencement of work

268. It is a fundamental rule that no work shall be commenced unless a

detailed design and estimate have been sanctioned, allotment of funds made and orders for its commencement issued by competent authority. Not only do these three conditions apply, even though the work is included in the budget for the year, but sanction to the estimate does not of itself convey authority to commence a work, unless the other two conditions are fulfilled also.

269. The Provincial Government is the only authority empowered to order an executive officer to carry out an original work for which no estimates have been prepared, or for which no financial provision exists its order must be conveyed in writing. On receipt of such orders, the officer who is directed to carry out the work will immediately intimate to the Audit Officer concerned that he is incurring a liability without due provision of funds stating the approximate amount involved and furnishing at the same time a copy of the orders under which he has acted.

269-A. When any building is about to be commenced, or any alteration, addition or repair executed to any building, due intimation of such intention must be given to the local head of the department, military or civil concerned.

270. The sanction to an estimate must on all occasions be looked upon as strictly limited to the objects for, which the estimate was intended to provide. Accordingly, any anticipated or actual savings on a sanctioned estimate cannot, without special authority, be applied to carry out additional work not contemplated in the original project or fairly contingent on its actual execution. Savings due to the abandonment of a substantial section of any project sanctioned

by an authority not lower than the Provincial Government, are not to be considered as available for work on other sections. A substantial section of a project shall be considered to have been abandoned if the estimated cost of the works in such section is not less than 5 per cent of the total sanctioned cost of the project.

271. Where important structural alterations are contemplated, though not necessarily involving an increased outlay the orders of the original sanctioning authority should be obtained. A revised estimate should be submitted for technical sanction should the alterations involve any substantial change in the cost of the work. The responsibility for bringing material modifications or deviations from the sanctioned estimates to the notice of the proper authorities rests primarily with Executive Officers and not with Audit. In the case of works, the estimates for which have been sanctioned by a competent authority no additions or alterations likely to cause an excess which will not fall within the power of sanction of that authority, should be permitted without the previous approval of a higher authority.

Lapse of sanction

272. Administrative approval and technical sanction lapse after two years, if the project has failed to obtain financial provision.

Travelling allowances for artificers and labourers.

273. When it is necessary to bring labourers and artificers from a distance, they may be allowed wages for the number of days occupied in the journey to and from the site of the work, provided they join the work with proper despatch. At the discretion of the Divisional Officer *bona fide* travelling expenses may also be allowed to them. The above charges must be borne by the estimate of the work.

Advances to Contractors

274. Advances to contractors are as a rule prohibited', and every endeavour should be made to maintain a system under which no payments are made except for work actually done. Exceptions are, however, permitted in the following cases:

(a) Cases in which a contractor, whose contract is for finished work, require an advance on the security of materials brought to site. Executive Engineers may, in such cases, sanction advances up to amount not exceeding 75 per cent of the value (as assessed by themselves) of such materials: provided that they are of an imperishable nature and that a formal agreement is drawn up with the contractor under which Government secures a lien on the materials and is safeguarded against losses due to the contractor postponing the execution of the work or to the shortage or misuse of the materials, and against the expense entailed for their proper watch and safe custody. Payment of such advances should be made on the certificate of an officer, not below the rank of Sub divisional Officer, that the quantities of materials upon which the advances are made have actually been brought to site, that the contractor has not previously received any advance on that security and that the materials are an required by the contractor for use on items of work for which rates for finished work have been agreed upon. The officer granting such a certificate will be held personally responsible for any over-payment which may occur in consequence. .

The Chief and Superintending Engineers may enter into contracts with contractors of

repute and standing providing for advance payment to be made for materials on transit to the extent of 75 per cent of their value and of the freight actually paid on production of the original receipt for freight granted by the carrying company.

Recoveries of advances made in such cases should not be postponed until the whole of the work entrusted to the contractor is completed. They should be made from his bills for work done as the materials are used, the necessary deductions being made, whenever the items of work in which they are used are billed for.

(b) Cases in which, in the interest of works, it is absolutely necessary to make petty advances. In such cases advances up to Rs. 50 may be allowed by subordinate.

(c) In all other cases only with the sanction of Government, which may, in exceptional circumstances authorise such advances as may be deemed indispensable, taking all necessary precautions for securing Government of against loss and for preventing the system from becoming general or continuing longer than is absolutely essential.

275. An advance payment [see R. 10] for work actually executed may be made on the certificate of a responsible officer (not below the rank of Sub-divisional Officer) to the effect that not less than the quality of work paid for has actually been done, and the officer granting such a certificate will be held personally responsible for any over-payment which may occur on the work in consequence. Final payments may, however, in no case be made without detailed measurements.

Communication of sanction

276. A return of all estimates sanctioned should be submitted monthly to the Audit Officer. The Executive Engineer is responsible that where a substantial section of a project sanctioned by higher authority has been abandoned, even though provisionally. the aggregate assumed cost (including contingencies) of the works included in that section is intimated to the Audit Officer. for exclusion from the total

sanctioned estimate of the project.

Supplementary Estimates

277. Any development of a project thought necessary while a work is in progress, which is not fairly contingent on the proper execution of the work as first sanctioned, must be covered by a supplementary estimate, accompanied by a full report of the circumstances which render it necessary.

The abstract must show the amount of the original estimate and the total of the sanction required including the supplementary amount.

Revised Estimates

278. A revised estimate must be submitted when the sanctioned estimate is likely to be exceeded by more than 5 per cent, for any cause whatever, or when material developments or deviations have necessitated revised administrative approval. It must be accompanied by a report showing the progress made to date and explaining fully the cause of the revision. The revised estimate need contain no details of items which are not altered but merely a note to this effect. The sanctioned estimate must accompany a revised estimate. It is the duty of the Executive Engineer to see that a revised estimate is prepared and disposed of directly if the necessity arises.

279. When the submission of a revised estimate under the above rule is found necessary it is essential that the revised estimate should be compared with the latest sanction of competent authority. When by reason of intermediate modifications such existing sanction differs from that accorded by the highest authority concerned, statement should be prepared showing how the sanction with which the revised estimate is compared has been arrived at. ,

280. When excesses occur at such an advanced period on the construction of a work as to render the submission of a revised estimate purposeless, the excesses, if beyond the power of the Executive Engineer to pass, must be fully explained in the

completion report.

Completion Reports

281. A consolidated completion report in the form prescribed in R. 359 should be prepared monthly of all completed works, other than those referred to in R. 282, the actual expenditure on which is in excess of the sanctioned estimate by an amount greater than that which the Executive Engineer is empowered to pass. This report should show for each work or group of works the estimated cost, the outlay and the excess. When the completion report is utilised instead of a revised estimate, sufficient details must be given, if the excess is more than 5 per cent to satisfy the authority whose sanction, is necessary.

282. A detailed completion report in the form prescribed in R. 359 need only be prepared in respect of works on which the outlay has been recorded by sub-heads

- (1) When, if the work was sanctioned by higher authority, the total estimate has been exceeded by more than 5 per cent; and
- (2) When, if the work was sanctioned, by the Executive Engineer, the total estimate has been exceeded by an amount greater than that which he is empowered to pass.

This report should give a comparison and explanation of differences between the quantity, rate and cost of the work executed and those entered in the estimate.

Note. The account of a work should be closed within three months from the date on which actual work has been completed.

The accounts of works which have been reported either on the schedule dockets in a special letter, on completion statements or reports as completed must not be re-opened without application to the Audit Office.

In exceptional cases in which it is absolutely necessary to re-open an estimate owing to an order received from Audit Office, a revised completion report giving

reasons should at once be made, as soon as the estimate has again been finally closed either on the schedule docket or in a completion report form. As a rule this should be the only reason for re-opening an estimate.

Non-Governmental Works

(a) Estimates

282. A detailed completion report in the form prescribed in R. 359 need only be prepared in respect of works on which the outlay has been recorded by sub-heads

(1) When, if the work was sanctioned by higher authority, the total estimate has been exceeded by more than 5 per cent; and

(2) When, if the work was sanctioned, by the Executive Engineer, the total estimate has been exceeded by an amount greater than that which he is empowered to pass.

This report should give a comparison and explanation of differences between the quantity, rate and cost of the work executed and those entered in the estimate.

Note. The account of a work should be closed within three months from the date on which actual work has been completed.

The accounts of works which have been reported either on the schedule dockets in a special letter, on completion statements or reports as completed must not be re-opened without application to the Audit Office.

In exceptional cases in which it is absolutely necessary to re-open an estimate owing to an order received from Audit Office, a revised completion report giving reasons should at once be made, as soon as the estimate has again been finally closed either on the schedule docket or in a completion report form. As a rule this should be the only reason for re-opening an estimate.

283. For every non-Government work their must be a duly sanctioned detailed estimate or requisition, as the case may be in the same way as for a Government work.

284. Outlay on Deposit Works is required to be limited to the amount of deposit received.

(b) Local Loan Works

285. (a) No Public Department or Public Officer may incur any expenditure or liability against local loan funds, unless a statement in writing is first obtained from the Comptroller that the amount is available out of the loan fund~, and has been placed in a separate account by the Comptroller SO as to be available for the proposed expenditure.

(b) Funds so spent under the above rule shall reckon for interest as if they were drawn on the last day of the month in the accounts of which they were included by the spending department or Government servant.

286. The limit of funds set aside for expending on a work during the year should be ascertained from the Comptroller by the Government servant authorising the expenditure, and communicated to the Divisional Officer for guidance. This limit should be treated as the appropriation for the work and should not be exceeded without special orders.

CHAPTER XIII

Works accounts-Public Works Department

General principles

287. Initial accounts and vouchers connected with charges relating to works

must invariably specify

- (1) the full name of the work as given in the estimate;
- (2) The name of the component part (or "sub-head") of it. if separate accounts are kept up for the several component parts; and
- (3) The charges (if any) which are of the nature of recoverable payments and the names of the contractors or others from whom recoverable.

288. (a) Expenditure on the construction or maintenance of a work may be broadly divided into two classes; *viz.*, (1) Cash, and (2) Stock charges. These charges are recorded in the cash and stock accounts respectively.

(b) In addition to the charges falling under these main classes there are other transactions affecting the cost of a work. For example, there may be charges incurred in other divisions or departments, materials received from them or services rendered by them. or there may be cash receipts such as are taken in reduction of expenditure in accordance with the rules.

289. In recording the cost of an individual work in the accounts no attempt is made to include therein any charge on account of general services, like establishment and Tools and Plant, the entire cost whereof is adjusted in the general accounts under the prescribed heads of classification. But if any service connected with the working estimate for a work is rendered by another division or department and the claim made by it includes an authorised charge on account of such general services, under paragraph 5 of Appendix 12 such charge may be accepted and adjusted in the accounts of the work as part of the cost of the work in the same way as if the service had been rendered by a contractor.

(1) The cost of special establishment employed on the acquisition of land when chargeable to the accounts of the works concerned should be treated as a part of the works expenditure.

(2) Lump sum charges of establishment and Tools and Plant recoverable from other Governments and departments, for works executed for them as a standing arrangement, should not be included in the account of the works, but dealt with under the rules in Appendix 12.

Initial Records of Accounts

290 The initial records upon which the accounts of works are based are:

- (a) The Muster Roll ;
- (b) The Measurement Book.

Muster Rolls

291. For work done by daily labour, the subordinate in charge will prepare a muster roll showing the work done and the amount payable. . For piece-work and for contract work generally, the Measurement Book will form the basis of account, and from it will be checked and prepared the bills and accounts of contractors and supplying firms.

The nominal muster roll, in Financial Rule Form No. 23 (supported by daily reports if ordered by the Executive Engineer). is the initial record of the labour employed each day on a work, and must be written up daily by the subordinate deputed for the purpose.

For all large works or group of works, labour reports in the prescribed form, will be submitted either daily or periodically as may be directed by the Divisional Officer. They show the number of each class of labourers employed on each work or sub-head. Discrepancies between labour reports and muster rolls should be investigated as soon as the latter are received after the close of the month.

Whenever it is not found practicable for a subordinate to maintain the muster roll, a *muharrir* may be allowed to keep it, with the previous approval of the Executive Engineer; but in such cases muster rolls should be checked once or twice a week,

either by the Sub-divisional Officer or by the subordinate in charge of the section.

292. Muster rolls should be passed by the Sub-divisional Officers before they are paid. In cases where it causes inconvenience and delay in payment to labourers in remote and inaccessible places; the sectional officers may, at the discretion of the Executive Engineer, be empowered to make payments up to a limit of Rs. 50 on anyone muster roll ,prior to such roll being passed by the Sub-divisional Officer. The Sub-divisional Officer will continue to exercise a careful check over these muster rolls with the daily labour reports.

The supply of departmental labour to contractors and others *for* their private works when not required for works of the Public Works Department, on payment of their wages and ration allowance where admissible plus 10 per cent as supervision charges is permissible.

The supply on credit of transport labour to touring officers on the Lohit Valley Road *for* the conveyance of their personal effects is permitted. The percentage for establishment, etc., will not be made.

Note 1. For works in the Kohima sub-division under the Deputy Commissioner, Naga Hills, payment may be made by noting on the muster rolls the number of labourers employed each day and their respective villages. For the Mokokchung sub-division, the same procedure is followed while the payment is made through Gaonburas. For the Karami Road and certain portions of the New Sema Road, only the total number of working days is noted. A certificate as prescribed below, should be recorded by the subordinates at the back of the muster rolls in Part III:

I hereby certify that I have inspected the work done and that I consider it to be commensurate with the amount charged for in this muster roll.”

Note 2. The Overseer under the Deputy Commissioner, Naga Hills, is authorised to make payment up to a limit of Rs. 100 on anyone muster roll before such roll has

been passed by the Deputy Commissioner.

Note 3. The Sectional Officer, Lungleh, is authorised to make payments up to a limit of Rs. 150 (Rupees one hundred and fifty only) or such lesser sum as the Superintendent, Lushai Hills, may prescribe, on anyone muster roll before such muster roll is passed by the Sub-divisional Officer, Public Works Department, Lushai Hill.

Note 4. When the Sub-divisional Officer, North Cachar Hills (P. W. D.) is on tour the Overseer is authorised to make payments up to a limit of Rs. 50 on anyone muster roll at or near headquarters before the muster roll has been passed for payment.

Measurement Books

293. The measurement book which is maintained in Financial' Rule Form No. 24 is a most important record since it is the basis of all accounts of Quantities, whether of work done by daily labour or by the piece or by contract or of material received. It must be an original record of actual measurements or counts. The descriptions must be lucid, so as to admit of easy identification and check. The officer or subordinate granting such a certificate is held personally responsible for any over-payment which may result. Final payments may not, however in the latter case, be made without detailed measurements. The pages of measurement books should be machine numbered, and no page should, on any account, be torn out, nor should an entry be erased, or effaced, so as to be illegible, Mistake must be corrected by crossing out the incorrect and re-writing the new words (or figures) and the correction thus made should be initialled. Entries should, if possible, be made in ink; when this is not possible, pencil entries should not be inked over but left untouched.

The entries in the "contents or area" column must invariably- ----. be made in ink. Entries should be made continuously; no lines, pages, or portions of pages must be left blank. In the event of cancellation of a measurement, it should be attested by dated initials, and the reason for cancellation should be recorded. A reliable record is to be aimed at, as it may have to be produced as evidence in a court of law.

Note 1. For the maintenance of bridle paths and small bridges charge of the Deputy Commissioner, Naga Hills, no detailed measurements are necessary, but a mileage rate should be recorded in the Measurement Book after the Deputy Commissioner and his assistants have inspected the work personally and satisfy themselves that the work of maintenance has been properly done. When, however, this is not possible, the officer or subordinate may, if he is satisfied on the report of the muharrir that the work has been properly done, enter it in the Measurement Book, and submit a bill for it. The name of the muharrir should be noted in the Measurement Book, and the work should be inspected by an officer or subordinate, at the earliest opportunity, and a certificate recorded against the original entry in the Measurement Book to the effect that the work has been inspected on such and such dates and found to have been satisfactorily executed.

When there is a considerable landslip or fall of timber or when a bridge of considerable dimensions has to be built, it is usual for the Deputy Commissioner to measure up such works and pay for them in addition to the contract mileage rate, after visiting the place and assessing a fair remuneration for the work. Additions to the mileage rate are made in the case of heavy rainfall or some such cause making the work of keeping the path clear exceptionally onerous owing to continual slip. In the latter case no detailed measurements are taken.

In giving effect to these relaxed rules, the Deputy Commissioner will be responsible for the prevention of loss to Government or waste of public funds.

The same rules apply in the North Cachar Hills and the Lushia Hills, the Deputy Commissioner, Cachar, and the Superintendent, Lushia Hills being similarly responsible for the preventions of loss to Government or waste of public funds.

Note 2. For jungle clearing in the Sadiya Frontier Tract and the Lushai Hills it is seldom possible to record measurements at the site of the work. When a personal inspection of the work is convenient, the Officer or subordinate may, if he is satisfied on the report of the muharrir that the work has been properly done, enter the Measurement Book and submit a bill for it. The name of the muharrir should be noted in the Measurement Book and the work should be inspected by an officer or subordinate, at the earliest opportunity and a certificate recorded against the original entry in the Measurement Book to the effect that the work has been inspected on such and such dates and found to have been satisfactorily executed.

Note 3. Measurement for jungle clearing round the monuments at Mynshru Nartiang and Nongkhlaw and the tank at Syndai in the Khasi and Jaintia Hills need not be recorded by the subordinate at the site of work. The subordinate, if he is satisfied on the report of the Doloi that the work has been properly done, may enter it in the Measurement Book noting therein the name of Doloi and submit bills for payment.

Note 4. Measurements of work done or materials received should be recorded in Measurement Book at the site of work. In the very instances when any measurement is not recorded at the site of work, a note to this effect must be entered in red ink in the Measurement Book immediately after the entries to which it relates.

Note 5. The following procedure should invariably be observed:

In entering measurements all works done up to date will be included, *i. e.*, work previously measured and not again measured, will be brought forward.

294. When measurements in respect of each distinct item of work are recorded

consecutively, the quantities will be totalled up separately for each such item. When, however, measurements relating to each distinct item are recorded in several places, an abstract will be necessary in order to collect the total of such measurements so as to arrive in one place at the total quantity against the item. In both cases the rates will be specified against the item and the cost will be worked out. At the end of the measurements or the abstract, as the case may be, there will be a pay order in the stamp which will be signed by a responsible disburser. When a disbursing officer signs a "pay order" on a set of measurement" the amount passed should be stated in words as well as in figures and subsequent corrections, if any, attested only by the disbursing officer. The signature and initials of the officer must be dated.

295. The Superintending Engineer is required to see that measurement books are carefully kept and measurements properly recorded, and that they are complete records of the actual measurements of each kind of work done.

296. Frequent and adequate check of measurement books must be made by Sub-divisional Officers and Executive Engineers. The Superintending Engineers should see that the orders of Government regarding check measurements are duly observed.

297. If, in any rare or exceptional instance, the measurements entered in Part III of the muster roll or based on information or data supplied by a person other than the subordinate whose duty it is to complete it, or if materials are enforced in a measurement book not at actual site of count, a Dote in red ink must be made to this effect.

Cash Payments

298. Cash charges on work consist of payments (1) to -labourers and members of the work-charged establishment, of their wages, and (2) contractors and others for

work done or other services rendered.

Payments to Labourers

299. With the following exceptions, all persons engaged departmentally for the execution of works are considered as day labourers and their wages should be drawn on Muster Roll Form No. 23, and charged to the estimates of the works 00 which they are employed:

- (1) Permanent and temporary employees of the division whose pay is charged to the head "Establishment" :
- (2) Members of the work-charged establishment as defined in Rr. 323 and 324.

300. Muster Rolls in Financial Rule Form No. 23 should be prepared and dealt with in accordance with the following rules:

- (a) One or more muster rolls should be kept for each work but muster rolls should never be prepared in duplicate. It is permissible, however, to keep one muster roll for labourers employed upon several small works, in cases in which no harm can result if the total unpaid wages are regarded as relating only to the largest work in the group.
- (b) Labourers may be paid more than once a month and the period covered by each payment may be determined locally; but separate rolls must be prepared for each period of payment.
- (c) The daily attendances and absences of labourers and the fines inflicted on them should be recorded daily in Part I of the muster roll in such a way as
 - (i) to facilitate the correct calculation of the net wages of each person or the period of payment;
 - (ii) to render it difficult to tamper with or to make unauthorised addition to, or alteration in entries once made: and
 - (iii) to facilitate the correct classification of the cost of labour by works and sub-heads

of work where necessary.

(d) After a muster roll has been passed by the Sub-divisional Officers payment thereon should be made as expeditiously as possible. Each payment should be made or witnessed by the official of highest standing available, who should certify to the payment individually or by groups, at the same time specifying, both in words and figures, at the foot of the muster roll, the total amount paid on each date. If any items remain unpaid, the details thereof should be recorded in Part II, the register of arrears, before the memorandum at the foot of the muster roll is completed by the person who made the payment.

(e) Unpaid items should subsequently be carried forward from muster roll to muster roll until they are paid, the payments being recorded and certified in Part II in the same way as payment of current items. It is optional, however, with Divisional Officers to adopt any other alternative method of making payments of unpaid wages provided that a systematic record of items remaining unpaid is maintained on the basis of the original entries made in Part II, of the muster roll under CI. (d), that a systematic record of such payments is maintained and that suitable precautions are taken to prevent double payments.

(f) Wages remaining unpaid for three months should be reported to the Divisional Officer who will decide in each case whether the liability as an amount available for payment should continue to be borne in the accounts of the work concerned as exhibited in sub-divisional record prescribed in CI. (e).

(g) In Part III of the muster roll form should be recorded the progress of work done by the labour shown thereon in all cases where such work is susceptible of measurement. If the work is not susceptible of measurement a remark to this effect should be recorded.

Note. It is not necessary to reproduce the details of measurement in Part III, nor

need Part III be written up if progress is reported once a month or oftener in any other suitable form and such separate reports are considered sufficient.

301. The payment of daily labour through a contractor, instead of by muster roll in the usual way, is objectionable in principle. In a case of great emergency, .it may sometimes be found impossible to employ labour otherwise than through a contractor. Should it be possible, in such a case, to determine the quantities of work done after its completion or at intervals during its progress, it is expedient to pay the contractor, at suitable rates, on the basis of work actually executed. But if, as in the case of urgent repair of canal breaches, this method of payment is not practicable, it is permissible to pay the contractor on the basis of the numbers of labourers employed day by day, his own profit or commission being either included in the rates allowed, or paid separately in lump sum or at a percentage, rate. When this course is adopted, a report of the numbers of labourers of each class employed day by day should be made by the subordinate in charge of the work daily to the Sub-divisional Officer to enable the latter to keep a check on the expenditure and to deal with the contractor's claim when received. To avoid disputes with the contractors they should be encouraged to sign the daily reports in token of their acceptance as correct.

The use of the muster roll or the measurement book [R. : 90] is not permissible in such cases.

Note. Payment of daily labour through a contractor is permissible on the Dimapur-Manipur Road and the roads of Pashighat area in view of the special conditions existing there. The Executive Engineer should see that this method is used only when necessary in the interest of Government work.

NOTES

Payment to daily labour in the interest of Government work is permissible in special situations subject to approval of the Executive Engineer.

302. When Military labour is employed on the execution of a work no advance should be granted by the Public Works Department. The Officer commanding the unit can arrange for obtaining an advance from his audit officer.

Payments to Suppliers and Contractors

303. Payment for all works done otherwise than by daily labour and for all supplies are made on the basis of measurements recorded in Measurement Books. All the books belonging to a division should be numbered Serially and a register of them should be maintained in the divisional office showing the serial number of each book, the names of the sub-divisions. to which issued, the date of issue and the date of its return, so that its eventual return to the divisional office may be watched.

A similar register should also be maintained in the Sub-divisional Office showing the names of the Sub-divisional Officer to whom measurement books are issued. Books no longer in use should be withdrawn promptly even though not completely written up,

304. In recording detailed measurements. the following general instructions should be carefully observed:'

(8) Subject to such subsidiary orders as may be laid down by Government, detailed measurement should be recorded only by Executive, Assistant Executive. or Assistant Engineers or by Executive subordinates in charge of work to whom measurement boob have; been supplied for the purpose ;

(b) All measurements should be neatly taken down in a measurement book. Financial Rule Form- No. 24 issued for the purpose, and nowhere else ;

(c) Each set of measurements should commence with entries stating:

(i) In the case of bills for work done (a) full name of work as given in estimate, (b) situation of work, (c) name of contractor. (d) number and date of his agreement, (e) date of written order to commence work, (f) date of actual completion

of work, and (g) date of measurement.

(ii) in the case of bills for supply of materials (a) name of supplier, (b) number and date of his agreement or order, (c) purpose of supply in one of the following forms applicable to the case: (i) "Stock" (for all suppliers for stock purpose), (ii) "Purchases" for direct issue to (here enter full name of work as given in estimate) (iii) "Purchases" for(here enter full name of work as given in estimate) for issue to contractor..... on....and (d) date of measurement;

and should end with the dated initials of the person making the measurements. A suitable abstract should then be prepared which should collect, in the case of measurements for work done, the total quantities of each distinct item of work relating to each sanctioned sub head;

(d) as all payments for work or supplies are based on the quantities recorded in the measurement book, it is incumbent upon the person taking the measurements to record the quantities clearly and accurately. If the measurements are taken in connection with a running contract account on which work has been previously measured, he is further responsible (1) that reference is made to the last set of measurements is recorded, and (2) that if the entire job or contract has been completed, the date of completion is duly noted in the prescribed place, *vide* Cl. (c) above. If the measurements taken are the first set of measurements on a running account, or the first and final measurements, this fact should be suitably noted against the entries in the measurement book, and in the latter case, the actual date of completion noted in the prescribed place. The pages of the book should be machine. numbered;

(e) entries should be recorded continuously, and no blank pages left or page torn out. Any pages left blank inadvertently should be cancelled by diagonal lines, the cancellation being attested and dated [See R. 293] ;

(f) the entries should, if possible, be made in ink; when this is not possible and entries have to be made in pencil, the pencil entries should not be inked over, but should be left untouched. The entries in the "contents or area" column should, however, be made in ink in the first instance. No entry may be erased. If a mistake is made, it should be corrected by crossing out the incorrect words or figures and inserting the corrections, the correction thus made being initialled and dated by the responsible officer. When any measurements are cancelled the cancellation must be supported by the dated initials of the officer ordering the cancellation or by a reference to his orders initialled by the officer who made the measurements the reason for cancellation being also recorded. A reliable record is the object to be aimed at, as it may have to be produced as evidence in a Court of Law. [See R. 293];

(g) each measurement book should be provided with an index which should be kept up-to-date.

Forms of Bills and Vouchers

305. The authorized forms of bills, and vouchers are following:

- (a) First and Final Bill, Financial Rule Form No.25;
- (b) Running Account Bill A, Financial Rule Form No. 26;
- (c) Running Account Bill B ; Financial Rule Form No. 28 ;
- (d) Running Account Bill C, Financial Rule Form No. 29;
- (e) Hand Receipt, Financial Rule Form No. 32.

The use of the forms is explained in the following rules and a few explanatory footnotes are printed on the forms.

306. First and Final Bill-Financial Rule Form No. 25. This form should be used for making pay men to both to contractors for work and to suppliers, when a single payment is made for a job or contract *i. e.*, on its completion. A single form may be

used for making payments to several payees. if they relate to the same work (or to the same head of account in the case of supplies) and are billed for at the same time.

307. Running Account Bill A-Financial Rule Form No. 26. This form is intended for contractors for work only. It should be used (1) if it is proposed to make an advance payment, or (2) if an on account advance payment is to be made but an advance payment already made for the same work is outstanding.

This form is not to be used if a secured advance is to be made or if such an advance is already outstanding against the contractor in respect of the same work.

308. Running Account Bill B- Financial Rule Form No. 28. This form is also intended for contractors .for work only. It should be used in all cases in which secured advances are to be made or are already outstanding in respect of the same work against the contractor. When this form is used it should also b~ utilised for making on account an advance payment, if any, in respect of the work.

309. Running Account Bill C-Financial 'Rule Form No. 29. This form is used both for contractors for work and for suppliers. his intended to be used for contractors for work when only on accounts payments are made. It is not to be used if a secured advance or an advance payment is to be made or if such an advance or advance payment in respect of the work is outstanding against the contractor.

310. Financial Rule-Form No. 29 is the only form of Running Account bills which is suited for transactions with suppliers. Form No. 28 IS the only form which provides completely for all classes of running account transactions with contractors for work. If a secured advance is not au (standing, and if it is not proposed to make such an advance, the simpler Form 26 will serve the purpose. Similarly, if no advance payment is outstanding and if it is not proposed to make such a payment, the still simpler Form 29 can be used. The form to be used on each occasion should be the one most suitable for the correct exhibition of the state of the contractor's running

account both before and after the transaction, regardless of the form or forms which may have been used for any previous payment or advance.

311. Hand Receipt-Financial Rule Form No. 32. This is a simple form of voucher intended to *be* used for all miscellaneous payments and advances for which none of the special Forms Nos. 25, 26, 28 and 29 is suitable.

Preparation, Examination and Payment of Bills

312. Before the bill *of* a contractor is prepared, the entries in the measurement book relating *to* the description and quantities *of* work or supplies should be scrutinised by the Sub-divisional Officer and the calculation of "Contents *or* area" should be checked arithmetically under his supervision. The bill should then *be* prepared from the measurement entries, in one *of* the forms prescribed in Rr. 305 to 311 applicable to the case. The rates allowed should *be* entered by Sub-divisional Officer, either in the abstract of measurements, or in the bill itself. Full rates as per agreement, catalogue, indent or other order should be allowed only *if* the quantity of work done or supplies made is up to the stipulated specification. When the work or supplier fall short *of* that standard, and under the agreement it is permissible to make a final payment if the contractor is determined, *or* an on account payment *if* the contract is to run on, only such a fraction *of* the full rate should *be* allowed as is considered reasonable, with due regard to the work remaining to be done and the general terms of the agreement.

Note 1. If the contract agreement does not specify the rates to be paid for the several classes of work or supply, but merely states that the estimated rates, or a certain percentage below or above them will be allowed, it should be seen that the standard rates adopted are those *of* the sanctioned estimate which was in force at the time the agreement was executed, or, if the agreement was executed, or, if the

agreement was preceded by a tender, on the date the tender was signed by the contractor. Subsequent sanctions to original or revised estimates have no effect on the terms *of* such an agreement. If no sanctioned estimate is in existence at the time of signing the agreement or the tender, as the case may be, the rates payable for each item *of* work should be specified, as any reference to an estimate not yet sanctioned is 'meaningless and cannot be acted upon.

Note 2. As a general rule, payment for supplies is not permissible until the stores have been received and surveyed.

Note 3. The government may, in any special case, permit payment on production *of* a railway receipt.

Note 4. By a general or special order in writing, the Sub-divisional Officer may permit an executive subordinate, who has already been authorised to record measurements to enter in the abstract *of* measurements or directly in the bill itself the rates at which he recommends the payment for work done to be made; provided--

(a) That the use of this permission is confined to those works in charge *of* the subordinate himself the contract rates for which have already been approved by a competent authority;

(b) That no increase in an authorised rate is suggested without the prior sanction in writing of the competent authority;

(c) That when the authorised rate has not been fully earned, a suitable reduction is made therein and the reasons thereof are recorded briefly for the consideration of the Sub-divisional Officer; and

(d) That it is 'made widely known to contractors that an entries or rates made by subordinates in the abstracts of measurements and bills are subject to the approval of the proper Disbursing Officer.

Note- The Sub-divisional Officer (Civil, Jowai, is authorised to countersign bills prepared by the Public Works Department subordinate.

313. (1) As actual agreements form the basis for practically every payment made in the Public Works Department, their importance has been emphasised from time to time, and it has been impressed upon Disbursing Officers that it is not permissible to relax the rules regarding the check of measurements. It is not, however intended that a large number of check measurements of any time work be taken, but that bills prepared to different subordinates should be chosen at random. In important cases, the measurements should be taken and bills prepared by Sub-divisional Officers themselves. It is equally imperative that Divisional Officers should exercise a test check for recorded measurements. A note of such check-measurements should be entered in the measurement books.

(2) The following rules are prescribed laying down the minimum of check to be exercised:

(1) For 10 per cent of bills, measurements should be taken and bills prepared by Sub-divisional Officers.

(2) Measurement for 20 per cent of bills prepared by Sectional Officer should be check-measured by Sub-divisional Officer.

(3) Measurements for 7 per cent of bills should be check-measured by Divisional Officer.

(4) Ten per cent of entries in each measurement book should be checked tot least once a year by Divisional Accountants.

Note t. The attention of all concerned is drawn to the necessity of checking final measurements.

Note 1. The Assistant to the Political Officer, Sadiya; and the Sub divisional Officer (Civil), Jowai, are authorised to take check-measurements. These

(4) With reference to the percentages prescribed in Paragraph 2, it is enjoined on all concerned to carry out these checks where they consider them to be must needed in an. efficient manner and the laying down of such percentage does not in any way relieve Divisional Officers, Sub divisional Officers and accountants to their respective responsibilities in regard to the correctness of bills passed by them.

314. Before signing the bill, the Sub-divisional Officer should compare the quantities in the bill, with those recorded in the measurement book and see that all the rates are correctly entered and that an calculations have been checked arithmetically in those bills which the Sub-divisional Officers can pass for payment. When the bill is on a running account, it should be compared with the previous bill. The memorandum of payment should then be made up, any recoveries which should be made on account of the work or supply or on other accounts, being shown therein. If the Sub-divisional Officer is empowered to pay the bill, he should then record a formal pay order specifying " both in words and only the net amount payable, though the payee should be required to acknowledge in his acquittance the gross amount payable inclusive of the recoveries made from the bill.

Note 1. In calculating the value of each item of work the nearest anna should be taken, pies one to five being ignored, and ' pies six' to eleven taken as one anna ; but pies must not be omitted from the rates.-. ,

Note 2. (a) Payment of bills for amounts of Rs. 50 or more should be made in whole rupees, sums less than eight annas being omitted and sum of eight annas or more being reckoned as a rupee. The acquittance from the payee must show the actual amount received.

(b) When the items in a bill are distributed over different estimates, the sum chargeable to each estimate should be expressed in whole rupee on the same principle as in (a). The distribution should be so made that the total of the charges should be equal to the actual payment.

(c) When a bill is for a sum less than Rs. 50, the actual sum should be paid.

Note 3. If the contract is for completed items of work and, under the provisions of R. 336 the contractor is required to obtain material; of any description from Government, it should be seen that this condition is being complied with and that necessary recoveries of the cost of the materials supplied to him, are being made in accordance with R. 341. In such a case it is not permissible for the contractor to obtain the materials otherwise, unless, in a case of emergency, the supply has been entrusted by the divisional officer, for recorded reasons, to the contractor himself at suitable rate.

Note 4. Before signing a first and final bill, or the first bill, on a running account, the Sub-divisional Officer should see that the relevant measurement entries were marked as pertaining to such bills by the person taking the measurements.

Note 5. The calculations in running account bills should be made to the nearest rupee, annas and pies being adjusted in final bills. The contract certificate for running account bills in Financial Rule Form Nos. 26, 28 and 29 should be submitted as a voucher to the audit office in place of hand receipt in Financial Rule Form No. 32.

In order to give effect to these orders, 3 copies of running account bills (two for submission to the divisional office and one for the sub-divisional office) will have to be prepared. One copy will be made out by the subordinate concerned and submitted with the measurement book to the sub divisional office and the other two copies will have to be made in the sub divisional office.

315. If the Sub-divisional Officer is not empowered to make the payment, the bill should be submitted with the measurement book to the divisional office where the payment will be authorised by the Divisional Officer after the necessary scrutiny.

316. From the measurement book all quantities should be clearly traceable into the documents on which payments are made. When a bill is prepared for the work or supplies measured, every page containing the detailed measurements must be invariably scored out by a diagonal red ink, on the abstract of measurements, giving a reference to the number and date of the voucher of payment.

Note. The document on which payment is made should invariably show in the space provided for the purpose, the number and page of the measurement made.

317. (a) Payment for work done or supplies made on a running account should ordinarily be made monthly. Both the "quantities" and the "amount" of each distinct item of work or supply should be shown separately in the bill, except in the case of advance payment when quantities need not be specified.

(b) Such payments should be treated as payments on account subject to adjustment in the final bill, which should be drawn in the appropriate form but printed on Yellow paper, when the work or supply is completed or the running account is to be closed for other reasons. When a final payment is made on a running account, the payee, if he is able to write, should add in his own handwriting that the payment is "in full settlement of all demands", If the payee is illiterate, or is unable to write, beyond signing his name, these words should be filled in by the officer making the payment.

Note 1. If the contractor refuses to give an acknowledgement to the effect that

the payment made to him was in full demands. it is not necessary to insist on obtaining a qualified acknowledgment.

Note 2. A form printed on yellow paper is never to be used except for final payments.

(c) A separate running account is maintained in respect of each contract.

Transactions relating to two or more separate working estimates should not be brought on to the same running account. They should therefore not be covered by a single contract. Transactions relating to two or more separate parts of the same work estimate for which separate works abstracts are prepared under R. 354 should also appear in running accounts.

Note - it is, however, permissible to accept a single contract for different works for such purposes as the carriage or supply of material and painting roofs or similar works which can conveniently be done at uniform rates, but a separate bill must be prepared for each individual work.

In special cases, however, e.g., where a contract has been entered into for the maintenance of electrical installations in a number of buildings," single running account may be maintained provided there are no suspense transactions relating to the work.

318. (a) If advance payments to contractors have been authorised, certificate 2 printed on Running Account Bill A or B. as the case may be must be signed by the Sub divisional, or Divisional Officer, and the lump sum amount paid on account of each item should be specified against it in Part I of the bill. If a secured advance has been previously allowed to a contractor on the security of any materials and such materials have been used in the construction of an item, the amount of the advance payment for that item should not exceed a sum equivalent to value of work done less the proportionate amount of secured advance ultimately recoverable on account of

the materials used.

(f) Actual measurements should, however, be taken at the earliest opportunity, and when this has been done, the lump sum payments previously made on, account of the items of work concerned should first be adjusted in, full, so that the contractor may not be paid twice over in respect of the same quantities of work. Delays in adjusting advance payments should be investigated, and adjustments made otherwise than by crediting the value of work actually measured should be specially looked into as being *prima fade* indicative of overpayment in the first instance.

319. When secured advances [*vide* K. 274] are allowed by the Divisional Officer to a contractor whose contract is for finished work, it should be seen that an Indenture in Financial Rule Form No. 33 shall be signed by the contractor, and detailed account of the advance must be kept in Part II of Running Account Bill B. There should be separate entries in respect of each class of the materials; of the quantities brought to site by the contractor and the amount advanced under the orders of the Divisional Officer. These advances must be recovered by deduction from the contractor's bills for work done as the materials are used in construction and the items of "work in which they are used are billed for on the basis of actual measurements. Parts 1 and 11 of the bill should be compared to see that this order is being complied with. As recoveries are made, the outstanding amounts of the items concerned in Part 11 should be reduced by making deduction entries in the column "Deduct quantity utilised in work measured since previous bill" equivalent to the quantities of the materials used by the contractor on items of work shown as executed in Part 1 of the Bill.

Note. No record should be kept in Measurement Books of the quantities of the materials, but certificate 3 printed on the bills should be signed by the Sub-divisional or Divisional Officer.

Procedure for lump Sum contracts

320. For intermediate payments completed items of work should be noted' and their value assigned within the amount shown in the sanctioned estimate for those items; for incomplete items rough measurements should be taken and the value assessed within -the rate allowed in the sanctioned estimate. The completed items, and rough measurements should be recorded in a Measurement Book with an explanatory note to distinguish them from detailed measurements for additions and alterations.

Example. Take for instance a tender for a lump sum contract for finished work, say for Rs. 10,000. Suppose the estimate which is in detail is for Rs. 11,000 the tender represents 10 per cent less than the estimate.

Take roofing as an item to be dealt with which is given in the estimate a~ 2,000 s. ft. at Rs.30 per hundred s. ft. Rs. 600. If completed, no measurement would be taken the items would be noted as complete and the amount shown as Rs. 600. If in progress and an intermediate payment was to be made, a rough measurement would be taken and the quantity arrived at valued at Rs. 30 per hundred sq ft. When the value of all completed and incompleted items were totalled, a deduction would be made corresponding to not less than the percentage, which the estimate for the whole work bears to the lump sum tendered-in the case of this example 10 per cent. It would even be advisable to make a rather higher deduction say 12 1/2 per cent to be on the safe side plus of course any other deduction for security, etc. In such case bills are prepared in Financial Rule Forms Nos. 34 and 35.

Note 1. The following classes of officers shall be regarded as "experienced engineers" for the purpose of certificate of completion of a work according to the prescribed drawings and specifications:

Executive Engineers and Assistant

Executive Engineers-in-charge of a full power
division

Assistant Executive Engineers

Assistant Engineers for ten years
service

For works upto Rs.50,000

Assistant Engineers of less than ten
years of service.

For works upto Rs.10,000

Subordinate-in-charge of sub-division

Note 2. Civil Public Works Disbursers are not empowered to sign such completion certificate. They should not use the form of lump "urn contract.

Aid to Contractor

321. It is necessary sometimes, in the interest of work to engage labourers or contractors or to incur other liabilities on behalf of the contractor concerned, with a view to complete work, which he has neglected or failed to complete. In such a case it is permissible to spend Government funds on behalf of the contractor in accordance with the terms of agreements. Otherwise, no advance or recoverable payment should be made to or on behalf of a contractor nor should financial aid "be given to him in any form except in accordance with R. 274.

Note 1. For rules relating to the issue of materials to contractors, see R. 336-337.

Note 2. With a view to avoid subsequent dispute with the contractor, suitable intimation should be sent to him, (1) as soon as action is taken under this rule; and (2) subsequently, as charges are incurred on his account.

Submission of Vouchers to Audit

322. To obviate delay and submission of vouchers to audit

(a) Cheques in favour of contractors and~ others should, as far as possible, be made

over by the disburser direct or by a cashier appointed for the purpose;

(b) Payments through Sub-divisional Officer by means of cheques drawn by a Divisional Officer should not be resorted to;

(g) Where payments are made by cheque through a sectional officer in an outlying place, the sectional officer should be instructed to hand over the cheque personally to the contractor without delay;

(d) Special care should be taken by the Accountant or the Cashier in the cases of payments to Calcutta firms to see that the vouchers are in order before despatch with the cheques;

(e) The Disbursing Officer should send a notice to the contractor except in cases dealt with in (c) and (d) above that his bill has been passed for payment and request him to appear for payment at the earliest possible date.

Work-charged establishment

323. 'Works establishment will include such establishment as is employed upon the actual execution, as distinct from the general supervisions of a specific work or sub-works of specific project or upon the subordinate supervision of departmental labour, stores and machinery in connection with such a work or sub-work. When employees borne on the temporary establishment are employed on work of this nature, their pay should, for the time being, be charged direct to the work.

324. If a Government servant in permanent service to whom the leave rules in the Fundamental Rules or the Leave Rules, 1934 are applicable, is temporarily transferred to a work-charged establishment, he does not forfeit any leave at his credit provided he retains a lien on a permanent appointment, but the work charged service does not count towards leave:

Provided that in a case where a Government servant is transferred to a post in an identical pay-scale in work-charged establishment, in the interest of public service,

he may be allowed to count the service rendered in work charged establishment for purpose of leave.

NOTES

'Work-charged' service counts now for calculation of leave on transfers in public interest. .

325. Chief and Superintending Engineers are empowered in consultation with the audit office, to classify as "work-charged" or "temporary", classes of establishment not covered by these definitions; to waive the rule which prescribe that work-charged establishment must be employed on a specific work; and to determine, in such cases the proportions in which the cost of such establishment shall *be* allocated between the works concerned..

326. The cost of work-charged establishment must be shown as a separate sub-head of the estimate.

327. Executive Engineers may sanction the entertainment of works establishment on receipt of orders of competent authority for the commencement of any work, subject to the condition that provision exists in the sanctioned estimate to cover the cost of such establishment.

Note. Sanction of the Chief Engineer to the entertainment of work charged establishment is only required in cases where the total amount of an estimate is insufficient to cover the cost of SUC:1 establishment and the excess entail would otherwise necessitate action beyond the powers of an Executive Engineer, such as revised administrative approval or technical sanction by higher authority.

If the item has not been shown as a separate item in the original estimate or insufficient provision has been made for it, an Executive Engineer is competent to sanction it, provided the expenditure involved can be met from "Contingencies" or savings on other items, or if the excess is within his powers to pass or if the estimate

is revised and within his power to sanction, provided revised administrative approval is not necessary and funds are available.

Executive Engineers are, however, expected to see that specific provision in an estimate is always made for such establishment in the first instance where they consider it necessary and to exercise great discretion in entertaining this establishment.

328. In all cases, where the entertainment of work charged establishment is contemplated, previous sanction of the Divisional Officer is necessary which should specify in respect of each appointment, (1) the consolidated rate of pay, (2) the period of sanction and, (3) the full name (as given in estimate) of the work and the nature of the duties on which the man engaged would be employed.

329. The following rule and orders are applicable to the members of the work charged establishment in the matter of pay, increment, leave travelling allowance etc.

(1) *Pay and increment.* The members of the work charged establishment, are entitled to pay according to the prescribed rates sanctioned from time to time. All cases of advance increments shall be referred to the Chief Engineer, Assam, for orders.

(2) *Pensions and Gratuities.* Members of the work charged establishment are not ordinarily entitled to any pensions or gratuities. Wound or other, extraordinary pensions and gratuities are, however, in certain cases admissible in accordance with the pension rules;

(3) *Leave.* Members of work-charged establishment are not entitled to any leave with salary.

Note I. This rule is not intended to interfere with the discretion of the Sub-divisional Officer to grant short casual leave on full pay or on reduced wages subject to such general rules regarding the grant of casual leave to ordinary establishments as may be prescribed by the Government.

Note II In addition to ordinary casual leave, mentioned in the preceding note, the Sub-divisional Officers may in their discretion grant casual leave on full pay or on reduced wages, up to 15 days at anyone time on medical certificate to the following classes of work charged establishment.

- (i) Public Works Department Muharrirs.
- (ii) Drivers, finance and Handymen of Rollers, Trucks, or other similar machinery, (when a doubt arises whether a machine comes within the meaning of "similar machinery", the matter may be referred to the Chief Engineer for orders).
- (iii) Divisional Mechanics.
- (iv) Public Works Department Work-charged Subordinates.

A record of the casual leave granted on medical certificate should be kept. Any attempt on the part of anyone at malingering should be dealt with by a letter warning the offender that frequent leave of absence on medical certificate indicates that his health is not up to his work, and that unless it improves within the next year his services will have to be dispensed with.

Note III. Sub-divisional Officers may at their discretion grant leave without pay in continuation of casual leave.

Note IV. A member of the work-charge (establishment including departmental labourers, injured or disabled as a result of any accident while in execution of public duty, may be granted casual leave on medical certificate on full pay or reduced wages up to 15 days at anyone time. In addition, he should be paid such compensation as may be due to him under the Workmen's Compensation Act, 1923 (VIII of 1923), subject to the conditions that

- (i) The leave pay plus the amount of compensation does not exceed full pay, and
- (ii) Such casual leave is not granted in combination with leave admissible under

Notes II and I as above.

(4) The following allowances may be granted to the members of the work-charged establishment of the Public Works Department:

(i) *On transfer.* They may be allowed by the Divisional Officers actual expenses.

(ii) *On tour within jurisdiction.* They are not entitled to any travelling allowance on tour within their jurisdiction except actual expenses *for* railway or steamer journeys.

Note. In special Cases which should be explained in the Travelling allowance Bills, Divisional Officers may grant actual expenses *for* road Journeys.

(iii) *Journeys beyond jurisdictions.* When proceeding under proper authority beyond their jurisdiction, they may be granted actual expenses *for* their entire journeys, including the part thereof as may be within their jurisdiction.

(iv) Travelling Allowance Bills giving *full* details of the claims for the journey should be passed by the competent authority before payment. The vouchers *for* actual expenses (except rail or steamer fares, in which case, the officer's certificate of payment will suffice), should invariably accompany Travelling Allowance Bills.

(v) The actual expenses granted to the members of work-charged establishment under these rules must not exceed the amount of ordinary travelling allowance admissible under the Assam Subsidiary Rules to the officers of corresponding rank on the temporary establishment.

Note 1. This rule does not apply to members of the temporary establishment entertained *for* general purposes of a division *or* sub-division *or for* the purpose of the general supervision as distinct from the actual execution of the work. The leave salaries, travelling allowances of such establishments are regulated by the rules applicable in temporary establishments.

Note 2. Members of the work-charged establishment will get the same concessions as government servants in regard to antirabic treatment.

Note 3. Members of the work-charged establishment are excepted *from* the liability *for* payment of rent *for* water supply during the period of their occasional occupation of Government quarters.

330. Wages of members of the work-charged establishment should be drawn and paid on Financial Rule Form. No. 36 "Pay Bill, Work.-charge Establishment" which is a combined pay bill and acquittance roll form. A consolidated bill in this form should be prepared monthly either for the whole sub-division or *for one* or more sections of it, as may be convenient; but the names and claims of the entire establishment concerned including absentees, should be shown in each bill. Names should be grouped in the bill by works on which the men, are employed, sanction to the entertainment of the establishment should be quoted in each case, and the Sub-divisional Officer should certify in the space provided for the purpose, that the men were on duty during the periods shown against their names, each man being employed on the work and on duties for which his appointment was sanctioned.

Note 1. Deduction on account of files, income tax, etc., should be shown by special entries against the names concerned.

Note 2. If the acknowledgment of an individual cannot conveniently be obtained on the bill itself, it may be obtained separately on a hand receipt. Financial Rule Form No. 32, which should then be attached to the bill as a sub-voucher.

331. Pay bills may be signed at any time on the last working day of the calendar month in which the wages are earned, though they are not due for payment before the first working day of the following month. When, however, the services of an individual are dispensed with, it is permissible and advisable to settle up his account at once.

332. Wages remaining unpaid on a passed bill, on the date fixed for the closing

of the accounts of the month, may be paid subsequently when claimed, the procedure described below being observed:

(a) Items remaining unpaid on the monthly bill should be entered in a simple register, full particulars of the charge, including reference to the bill, being noted in the register.

(b) Subsequent payments should be made on hand receipts, reference to the bill in which the charge was originally included, and the particular item therefore, being quoted in each case.

(c) When making payment of arrears, suitable notes of payment should be recorded against the original entries in the register.

333. No bills need be prepared in support of claims for travelling expenses. Payments should be made on hand receipts, which should set forth all the necessary particulars of the journey performed and of the expenses claimed and should be countersigned by the Divisional Officer prior to payment.

334. Every payment made to a member of the work-charged establishment, whether on account of his wages or in recoupment of actual travelling expenses, should be charged to the work on which he is employed.

Issue of Materials

335. Issues of materials to works, whether from stocks, or by purchase, transfer, or manufacture are divided into two classes:

(1) *Issues to Contractor.* Issue of materials to contractors with whom agreements in respect of completed items of works *i. e.*, for both labour and materials, have been entered into.

(2) *Issues direct to works.* Issues of materials when work is done departmentally or by contractors whose agreements are for labour only.

To Contractors

336. (a) The issue of materials to contractors who have contracted for completed items of work is generally permissible only in the following circumstances:

- (i) When, under the operation of R. 261 it is necessary to retain in the hands of Government the supply of imported materials.
- (ii) when, in the interest of work, or with the object of utilising existing stocks of materials, it is desirable to retain in the hands of Government the supply of certain other materials as well, and a condition to this effect has been inserted in the contract.

(b) In both cases the contract should specify (1) the materials to be supplied by Government for use on the work, (2) the place or places of delivery, and (3) the rates (including the storage rates when the materials are to be issued from stock) to be charged to the contractor *for* each description of material; and the contractor should be held responsible *for* obtaining from Government all such materials required for the work and for making payment therefore, by deduction from his bills, at the rates, specified, regardless of fluctuation in the market rates or in the stock rates of the division.

Note 1. The rates (including the storage rates when the materials are to be issued from stock) to be charged to the contractors for materials to be supplied should be definitely specified, vague quotations, *e. g.*, "at stock rates" being avoided; and if intending contractor had been told that the materials would be supplied at a certain rate and asked to tender on that assumption then that rate should be adhered to in the contract.

Note 2. Similarly, the rates to be allowed to the contractor for items of work should be

definitely stated. But if for any special reasons the contract provides for the payments for work done to be made at a specified percentage below ,or above the rates entered in the sanctioned estimate of the work (or the schedule of rates) it should be stated in clear terms in the contract that the deduction or additions as the case may be, of the percentage, will be Calculated on the gross and not the net amount of the bills for work done, and in fixing the percentage it should be borne in mind that the calculations will be so made.

(c) No carriage or incidental charges are borne by Government for moving the materials beyond the place where the contractor has agreed to take delivery thereof.

337. (a) As a general rule no other materials should be supplied to such contractors for use on works but this restriction may be waived by Sub-divisional Officer in respect of petty issues (at full issue rates) of materials from existing stocks, not exceeding Rs. 500 in any month *for* anyone contract.

(b) If at any time subsequent to the execution of a contract on a through rates basis, the contractor desires the issue to him for Use on a work, of 'materials' which exist in Government stock but the supply whereof by Government 'was not provided for in the contract, the materials should not be issued except with the express authority of the Divisional Officer who should specify in each case the rate to be charged for the materials inclusive of delivery at the place where they are stored. The rate charged should be the market rate prevailing at the time of the supply or the issue rate. Whichever may be greater, and should include the storage and no carriage or incidental charges should be borne by Government in connection with the supply.

Note. 'The intention of this rule is to prohibit the supply of materials to contractors with the object of giving them financial aid [*vide* R.M? and R. 321].

c) Issues of stock materials to contractors for *bona fide* use on works are exempt from

the usual charge of 10 per cent on account of supervision storage and contingencies,
which is made when stock materials are sold to the public [R.203]

338. As a general rule all materials required for issue to a contractor under the foregoing rules should be made over to him as soon as they are received.

In cases where in the opinion of the Divisional Officer this procedure is not in the best interests of Government, materials may be issued to the contractor as required. In such cases, site accounts in Financial Rule Form No. 37 must be maintained to ensure efficient control over the transactions.

339. All materials required for issue to a contractor under any of the provisions of Rr. 336 and 337 should be made over to him, as soon as they are received, whether from stock or by purchase, manufacture or transfer, and an unstamped but dated acknowledgement detailing full particulars of the material including the rates and values chargeable to him should at once be taken from the contractor.

340. When the materials are obtained by purchase, full details of the article received should at once be entered in a measurement book, in the manner prescribed in R. 304 (c). [See also Rr. 206 and 207].

341. The recovery from a contractor on account of the cost of materials issued to him for use on a work should ordinarily be made by deduction, from the first bill authorising an advance payment or an on account payment to him for the work. Should, however, a lump sum recovery be undesirable in any case the Divisional Officer may permit for recorded reasons, the recovery to be effected gradually as the materials issued to the contractor are actually used in construction and the items of work in which they are used, are paid for whether by an advance payment or by an on account payment.

342. As the issue of materials to contractors under the foregoing rules is permissible solely for the *bona fide* requirements of Government works, Sub

divisional workers should make such arrangements as may be deemed suitable for limiting the total issues to a contractor in connection with a particular work, to the reasonable needs of that work. This precaution is particularly necessary when the rate at which any materials are issued under R. 336 are lower than the rates prevailing in the local market, or when the latter are expected to rise appreciably. In such cases, if the transactions are of any importance, the use of Financial Rule Form No. 39 (without values) is recommended for watching that the aggregate of the quantities of any or all materials issued to contractor from time to time, for use on a work, remains within the estimated requirements of his contract.

343. If the materials were originally supplied by Government the price allowed to the contractor on re-acquisition should not exceed the amount charged to the contractor.

Note. Contractors are, however, not at liberty to remove from site of works without the written permission to the Divisional Officer materials which have been issued to them for use on a work, and a stipulation to this effect should ordinarily be entered in their agreement.

344. The Rr. 336 to 343 do not apply to tools and plant. Articles borne on the Tools and Plant account of the division may, in accordance with R. 225, be lent temporarily to contractors for use on Government works being executed or maintained by them, and it should be seen that the articles are returned without unnecessary delay, and in good condition.

Direct to Work

345. The Sub-divisional Officer should exercise a detailed control over issues of stores direct to works, and should see that the issues do not exceed the reasonable needs for each work. In cases where no detailed accounts are maintained in Financial Rule Form No. 39 for these works, he should make his own arrangements for

maintaining the control over the issues.

346. (a) Materials issued to works in excess of requirements may be transferred to stock, provided they are serviceable and certain to be required.

(b) All surplus materials at site of works which have been completed or stopped or on which outlay has been prohibited, for any considerable length of time should, if likely to be of use on other works within a reasonable time, be transferred to works in progress or brought on to stock account.

(c) (i) If any articles remain after the completion of a work for which these were collected, or on the dismantlement of a building, they should be transferred to other works where they can be used or taken into stock if likely to be required for general purposes within a reasonable time with proper value.

(ii) If they cannot be disposed of in the manner suggested in paragraph (i) they should be sold by auction and the sale-proceeds credited to the work or to revenue as the case may be.

(iii) If they cannot be disposed of in either of the two ways mentioned in paragraphs (i) and (ii) above, without incurring substantial loss to Government, or if it is considered necessary to keep the materials in stock for a considerable period, the orders of the Government should be obtained.

(d) Materials returned to store or transferred to other works should be priced within current market rates, any resultant loss being borne by the work to which they were originally issued.

Note. These rules do not apply to surplus materials which were originally procure^d by contractors for themselves or were issued to them and charged off to their accounts.

*For major works and minor works for which the expenditure
is recorded by sub-heads*

347. Unused balances of materials issued direct to works should be verified at

least once a year in the manner prescribed in Rr. 20 and 22I. Whenever this verification is made, a report of verification of the materials should be prepared by the Sub-divisional Officer in Financial Rule Form No. 40 and submitted to the divisional office. The following instructions should be observed in preparing the report:-

(a) as no continuous account is maintained of the materials actually used in construction, it is necessary first to calculate the quantities of principal items probably used. This should be done in the detailed statement at the top of the form on the basis of the "progress" of work done on each sub-head, such authorised formula being adopted as may be in general use locally;

(b) deducting these quantities from the total quantities of the materials issued to the work as per Financial Rule Form No. 39 the paper balances of the unused materials should next be arrived at and set forth against line C

(c) the actual balances should be entered against line D, and the differences between the actual and paper balances should be set forth against line E. These differences should be priced at the actual rate of cost which should be deducted from the total value and quantity recorded in the Detailed Statement of Issue of Materials, Form No. 39 ;

(d) The report should then be completed by recording against line of remarks explaining action taken (1) to adjust the differences as per line E and (2) if the work has been completed to dispose of the surplus balances as per line D, and by signing the printed certificates applicable to the case and scoring out the others;

(e) The difference as per line E may be due to (i) the adoption of inaccurate formula

for determining the actual consumption, (ii) unreasonable wastage. or (iii) shortage in some other forms. All these differences should be investigated.

348. A similar verification of the unused balance of materials must invariably be made on the completion of a work, but on or before the completion of work, when no more materials are required for use in construction, steps should first be taken to dispose of all surplus materials by transfer or sale, so that (1) the accounts of the work may promptly receive such credits as may be admissible (2) the balance at debit of the suspense head "Materials" may, as far as possible, represent the net cost of the materials actually used in construction, and (3) the surplus balances awaiting clearance, may be reduced to a minimum.

The report in Financial Rule Form No. 40 should in this case set forth both quantities and values throughout.

349 If the Gazetted Officer or subordinate in direct charge of a work, the accounts of which are kept by sub-heads, is transferred before the accounts of it are closed, the unused materials at site of the work should be verified by the relieving officer in company with the relieved officer and the report prescribed in R. 347 should be prepared by the Sub-divisional Officer and submitted to the divisional office.

350. A report is required annually of the value of materials at site of all works the accounts of which were open on the last day of the official year. This report should be prepared in Financial Rule Form No. 40 and submitted to the divisional office, as on completion of work, but it is not necessary that the balances should be verified at the close of the year if

- (1) The work has been under construction for not more than three months;
- (2) The accounts of the works are expected to be closed within three months; or
- (3) The balances were verified at any time during the year.

When the balances are not verified at the close of the year the figures against line C "Paper balances of unused materials" of the report should be assumed to be the value of the materials at site; and lines D and E should be left blank.

351. The foregoing rules are primarily intended for cases where detailed accounts are kept in Financial Rule *Form* No. 39. In other cases the Subdivisional Officer should make his own arrangements to verify the unused balances,

Works Abstract

352. The Works abstracts records the main transactions relating to a work during a month in respect of cash, stock and other charges. In the case of major estimates a separate account is kept for each subhead estimated to cost not less than Rs. 1,000 *while* the expenditure on the remaining sub-heads is lumped together. In the case of minor estimates, the account of expenditure is not kept by sub-heads.

The abstract of the estimate may be framed to show merely the quantity and cost of each completed item of artificer's work, *e.g.*, brickwork, or it may be framed to show the cost of labour and materials separately. The adoption of either form of abstract should be determined with reference to the mode in which it is proposed to carry on the work. If it is proposed to contract for the completed item of artificer's work, such as masonry, etc., then the first mentioned form of abstract will suffice; if it is intended to purchase or procure materials and to employ labour for construction separately, then the second form of abstract will admit of a closer, easier and earlier check on the outlay and it will therefore be preferable.

Note. The Superintending Engineer may dispense with the maintenance of accounts by sub-heads for any work if he considers that the circumstances of the work render such accounts useless or impossible to maintenance. In such cases a Copy of the orders specifying the reasons should be forwarded to the Comptroller, Assam. When the work is executed through the agency of illiterate Nagas and

Manipur to the Naga Hills and in the Manipur State under labour contracts or by departmental agency employing labour the quantity and cost of each completed item of artificer's work may be shown both in the abstract of the estimate and in the works accounts instead of exhibiting the item separately under (1) the cost of labour, and (2) the cost of materials. In the case of major works "materials" accounts should, however, be maintained.

353. After a major estimate has been sanctioned it may be decided to make a change in the method originally contemplated for the execution of the work. In such a case the original abstract should be recast in accordance with the instructions laid down in R. 352. The details of cost and quantities already approved by competent authority should be re-arranged and the revised abstract should be approved by the Divisional Officer.

354. If the number of sub-heads in the working estimate for a work or sub-work is large, it is permissible to break up the estimate into two or more parts and to treat each part as a sub-work. .

Watch over liabilities and balances

355. Disbursing Officers are responsible for keeping a strict watch over all liabilities and balances under suspense account in the works accounts with a view to settle them promptly. This should be done at the time of review of the works abstracts and the register of work.

Money indisputably payable should never be left unpaid. It is no economy to postpone inevitable payments and it is very important to ascertain, liquidate, and record the payments of all actual obligations at the earliest possible date.

356. If any liabilities are incurred on behalf of contractors under the provisions of R. 321 arrangements should be made for withholding sufficient balances from their bills or for making necessary recoveries from them in due course.

Records of progress

357. Entries of "Progress" in the works abstracts should be supported by details in the statement provided for the purpose on the reverse of the works abstract form. These details should be furnished by the Engineer or subordinate in charge of the work or by any Executive Officer or subordinate detailed for the purpose, and should be based on entries already made in the measurement book. Their compilation for measurement books, vouchers or other records, by members of the office establishment should not be permitted. The following points should be specially borne in mind:

- (i) Only "quantities" actually measured and paid for should be reported as "progress".
- (ii) The progress reported specifies the quantities executed "up-to-date", sets of earlier measurements covered or superseded by later ones being ignored.
- (iii) The progress of an item of work should be so reported as to describe as approximately as possible, in terms of the unit adopted, the quantities of work executed up to the required standard.

Note. It is recognised that perfect accuracy cannot always be secured in making intermediate reports of progress. A fairly reliable record is all that is necessary, but if the nature of the work makes it impossible or difficult to achieve this in practice, reports of progress may be dispensed with during the progress of construction in the following cases:

- (1) If the duration of construction under a sub-head is not expected to be more than three months;
- (2) If the quantities executed are not in the same units as those specified in the estimate or they cannot be expressed even roughly except on or towards the completion of the works.

REGISTER OF WORKS

(a) Closing the accounts on completion of work

358. It is important to close the accounts of work as soon as possible after the actual work of a construction is completed. If there is necessarily any delay in the closing of the accounts, it should be seen in particular that further charges are not incurred without the permission of the Divisional Officer.

Before closing the accounts all outstanding liabilities should be discharged and balances in the suspense accounts cleared.

NOTES

Account stated. Where there were items both of credit and debit, both figures were adjusted between the parties and the balance was struck. It was clearly an "account stated".

{State of Rajasthan v. Haridass, AIR 19n NOC 185 (Raj)}.

(b) Completion reports and statements

359. If an excess overestimate is not within the Divisional Officer's powers to deal with, a Detailed Completion Report in Financial Rule Form No. 41 should be prepared or the item should be included in a consolidated Completion Statement of Works and Repairs in Financial Rule Form No. 42.

The completion note in *the* Register of Works should then be amplified thus- .

Works completed on.....19.....

Completion report/statement submitted with this Office No..... , dated the.....19 .

The orders passed subsequently by higher authority On the excess reported in the

completion report or statement should also be noted in the Register of Works to complete the record.

(c) Schedule of rates

360. The schedule of rates of each kind of work commonly executed in each division should be prepared on the basis of rates prevailing in each locality. As the schedule is required for the important purpose of preparing estimates and is also taken as a guide when settling rates of contract agreements, necessary analysis of the accepted rates of each description of works, and for the varying conditions thereof, should, as far as practicable, be recorded.

(d) Security of Accounts

361. The Divisional Officer should utilise the record of transactions affecting the cost of the work as means of control. His personal knowledge of the executive arrangements for the execution of a work, and of the actual progress of work, must be supplemented by a comparison, monthly of the cost as recorded in the accounts with the value received in the shape of work done. In the case of large works, specially where the period of construction is a prolonged one, this monthly comparison is obviously impossible unless~ the total cost is split up into convenient parts in such a way that as far as possible, the cost of each distinct part may be compared with the work done thereon. This comparison should be made in connection with the examination and review of the Works Abstracts and Register of works.

362. In the case of recoverable charges it should be seen particularly that the contractors or others, on whose behalf the charges are incurred, do not get the benefit of any concession to which they would not be entitled if they had themselves incurred the charges.

(e) Contractor's ledger

363. A contractor requiring a copy of his running account bilt or an extract from his' account in the Contractor's Ledger should be furnished with the same. He should be encouraged to look at his account in the ledger and sign it in token of his acceptance of it. [See also Note 2 under R. 321]

CHAPTER XIV

Loans and advances *Sanction and estimates*

364. Loans and advances met from the provincial loan account may be sanctioned by the Government, and provisions should be made in the budget estimates for all such loans and advances which can be foreseen.

Interest

365. Provincial revenues are credited with the full amount of interest received on these loans and advance and, if any sums lent prove irrecoverable, they must at once be charged to provincial revenues and credited to the advance account.

Conditions' of repayment

366. Loans and advances are usually granted to local bodies under the following rules:

- (a) The term of Loans may, in very special cases, extend to 30 years, but ordinarily the advances should be repaid within as short a period as possible.
- (b) The term is to be calculated from the date on which the loan is completely raised or declared by the Government to be closed.
- (c) Dates should be fixed for the payment of installments.
- (d) Installments paid before the due date will be taken entirely to principal, unless, of course, any interest for a preceding period is overdue.

Note 1. When a loan of public money' is taken in installments, the half-yearly repayment should not be demanded until six months after the last installment is

taken, meanwhile simple interests only should be realised. But should it appear that there is undue delay on the part of the debtor in taking the last installment of a loan, the Government may at any time declare the loan closed, and order payment of capital to begin.

Note 2. If in any case dates have been fixed for the payment of interest, or *for* the repayment of installments of debt, then such repayments should not be begun until the second of the half-yearly dates so fixed after the loan has been completely taken up simple interest only being recovered on the first half-yearly date after the completion of the loan.. For example, supposing a, loan the interest on which is recoverable half-yearly to be completely taken up on.31st March and the interest to be payable on 30th June and 31st December the first half-yearly installment in repayment of principal will pot be due until 31st December following, Simple interest only will be due on the intermediate 30th June.

" Note 3. Notes 1 and 2 are applicable, *mutotis mutandis*, to loans the repayments of which are made by other than half-yearly installments.

367. When the repayment of an advance with interest is made by fixed equal periodical installments, punctual payments of the installment is indispensable, as otherwise the loan will not be discharged in time.

Recovery

368. District Officers are responsible for watching the recovery of and accounting for, the advances granted by them under the Land Improvement Act and the Agriculturists Act. In the case of loans granted under the Cooperative Societies Act and Industrial loans, the Registrar, Co-operative Societies and the Director of Industries are respectively responsible for watching the recovery and accounting for the loans. The Comptroller watches the recovery of loans granted by Government to Municipalities, Local Bodies, Landholders, etc., and reports defaults and other

matters to Government, whenever necessary. .

Annual certificates of acceptance of the balances should be submitted to the Comptroller by the officers concerned.

Calculation of Interest

369. A loan bears interest for the day of advance, but not fur the day of repayment. Interest for any shorter period than a complete half-year will . be equal to

Number of days
----- X yearly rate of interest.
365

Defaults in Payments

370. (a) In cases of any default in the payment of interest upon a loan of public money, or in the repayment to the principal, Government will immediately take step to remedy the default.

(b) The authority which sanctions a loan may, in so far as the law allows, enforce a panel rate of compound interest upon all overdue installments of interest, or principal and interest. If a panel rate is enforced it should not be less than 8 per cent per annum.

371. Borrowers should be required to adhere strictly to the term settled for the loans made to them. Modification of these terms in their favour can be made subsequently only for very special reasons.

Accuracy of plus and minus Memorandum

372. If a Government servant desires to question the accuracy of the *plus* and *minus* memorandum of loans and advances maintained at the treasury in which transactions for each loan are separately recorded, he must address the Comptroller and induce him to correct it. Every Government servant should, therefore, see that the debits and credits made to his account accurately correspond with those

recorded in the registers and returns. If he is not the District Officer, he should obtain from the treasury a copy of the *plus* and *minus* memorandum with which he is concerned. Special care should be taken in paying recoveries into the treasury to show the amounts of interest and of principal separately, so that they may be separately credited in the treasury accounts, as the former must not and the latter must be credited in the treasury *plus* and *minus* memorandum of loans and advances.

Revenue Department Returns

373. With every return of revenue advances made to the Revenue Authorities a memorandum should be submitted setting forth the figures of the treasury *plus* and *minus* account and agreeing them with the figure the return.

Irrecoverable Loans and Advances

374. Government or any subordinate authority to whom power has been delegated can remit advances which are found to be irrecoverable.

375. In the case of revenue advances met from the provincial loan account, the Revenue Authorities should, as soon as any such advance is ascertained to be irrecoverable, cause the amount to be written off the accounts and advise the Comptroller in order that he may charge off the amount as expenditure and direct its being written off the treasury *plus* and *minus* memorandum. A separate record of such irrecoverable advances. should, however, be kept for eventual recovery, if possible, and treated as revenue without affecting the *plus* and *minus* memorandum.

Periodical Review

376. Government receive an annual report upon outstanding loan from the Comptroller and review the same.

Advances to Government servants and others

General principles

377. The following rules regulate the grant of advances to Government servants and others. In cases not covered by the rules in this Chapter, no advance can be made except under the special orders of Government.

Note 1. It is not permissible to sanction an advance the grant of which is illegal: that is to say, contrary to law, or to an authorised formulae of constitutional or financial principle, or to a valid condition or restriction imposed by a Legislature.

Note 2. Government may delegate their powers under these rules to Head of Departments in respect of officers serving under the latter; provided that the particular classes of objects for which advances may be granted under this rule are expressly defined in the order of delegation.

Note 3. Simple interest will be charged on all advances granted to Government servants for house-building, for the purchase of motor cars, motor-boats, motor-cycles and other conveyances and in certain circumstances for the payment of passage advance made in England by the High Commissioner for India [*vide Exception 2* under R. 396 (b) (ii) ; and of passage overseas, *vide* R. 379 of these rules]. Such interest will also be charged on advances granted under Rr. 389 and 396 (h).

The rate of interest on advances drawn in each year beginning on the 1st April and ending on the 31 st March shall be the rate as notified by Government from time to time. The interest will be calculated on balance outstanding on the last day of each month.

Note 4. When an advance is drawn in more than one installment the rate of interest recoverable is determined with reference to the date on which the first installment is

drawn.

378. These rules do not apply to Government servants who are not a permanent Government employee. As the pay of such Government servants does not constitute adequate security for a loan, advances should not ordinarily be granted to them. If, however, in any special case, the circumstances admit of the provision of adequate security, an advance may be sanctioned, in accordance with the terms of these rules, by the sanctioning authorities or Head of Department whichever is the higher authority, The power for modification or making deviation in individual cases from any of these rules lies with the Finance Department of the Government. Advances of the nature described in rule 396 may, however, be granted to temporary and officiating Government servants by authorities who would be competent to sanction such advances to permanent Government servants of similar status, but the sanctioning authority must satisfy himself that the advance will be fully recoverable from the temporary or officiating Government servant before his terms of service expires. Such advances should be based on the pay (excluding special and personal pay, if any) drawn by the Government servants at the time the advance is sanctioned.

379. All advances are subject to repayment by the officers receiving them, in accordance with the rules applicable to each case. When an advance is repayable by installments, the amount to be recovered monthly should not be affected by the fact of an officer going on leave of any kind with allowances or on subsistence allowance. It is, however, open to Government to sanction a reduction in any case in which they deem it right to do so ; provided that the whole amount shall be completely recovered by the due date. In the case of interest bearing advances the drawing officers should ascertain from the office of the Comptroller the amount of interest due as soon as the last installment of the principal is repaid.

380. The bill in which an advance is drawn for a Government servant whose

name does not appear in the pay bill, as also the bills from which the recoveries thereof are made, should clearly indicate for whom the advance is drawn or from whom it is recovered.

381. Instructions laying down the procedure to be followed in dealing with applications for advances for the construction, purchase or repair of houses are contained in Annexure A to this Chapter. Such advances to Government servants who are likely to be transferred to other places should not be sanctioned without a reference to Government. No such reference is, however, required in the case of members of the Assam School Service and Assam Lower School Service nor in the case of ministerial Government servants.

ADVANCES FOR CONSTRUCTION OF HOUSES

NOTES

House building advance.-Heads of office scrutinise the applications, satisfy themselves on the correctness of the facts stated in the same to ensure that the accompanying deeds, certificates, estimates, etc. are in order and complete in all respects, and then make recommendation for the sanction of house building advances to the authority competent to sanction it. Sanctioning authority would consult the law officers concerned apart from the officers of the Registration and Revenue Ministry and obtain a determination whether the applicant has a clear title to the property involved by verification from the records of the registration. A certificate from the Government pleader of the District whether the property is situated should be appended with the application that the applicant has clear title to the property in his own right absolutely; it is free from any incumbrance; it does not rest in a H.U.F.; in short it is marketable. The authority scrutinising these details is responsible for the recommendations made for such a sanction.

Where land is also purchased a letter from the vendor should be obtained

that he is in a position to sell it to the purchaser, deliver its possession and execute a deed of transfer, subject to payment of its price. It should also be ascertained, if the purchaser is in a position to produce the sale-deed on demand.

On receipt of all the data and scrutiny the sanctioning authority would communicate the sanction to the audit officer for record and control over recovery of advance and interest thereon.

The document of title on completion should be securely lodged to prevent their loss.

The audit officer watches recoveries month by month.

Annual verification of the house is done. It is ensured and its policy is kept alive.

Progress recovery is watched through a statement of outstanding, repayments, etc., of the advance and interest both.

Where the land is purchased through a co-operative society it is ascertained if the cost of the land has been paid to the society; whether all conditions to obtain title to the land were fulfilled; society's title to land under sale is clear; possession had been delivered to the applicant; and, whether the applicant was in a position to acquire its title and mortgage it to the Governor.

Whatever charges were incurred by Government to obtain verification of facts, details and particulars are charged and recovered from the Government servant.

Minimum floor area for construction of a house should be procured by the applicant where land is to be purchased for its construction. Title to the house constructed and land were purchased out of H. B. advance will not be transferred to a Government servant till the entire amount of loan and interest is repaid.

An application may equally be made for an advance to purchase a constructed flat. In that event necessary percentage of advance required to meet the actual

purchase costs is sanctioned and, the balance amount is advanced when it becomes due. Recoveries of building advance, in terms of rules of house, become effective.

The sanctioning authority may obtain data on, valuation of the property independently to ascertain the correctness of particulars and facts in the application. This may be done through the valuers or officers of the P. W. D. [and they may prepare an estimate of the requirements of the applicant from the plan submitted by him and furnish the same to the sanctioning authority before house-building advance is sanctioned. Their report may cover water, power, sanitary and drainage arrangements.

382. Advances may be made under the sanction of Government, Heads of Department, Registrar Assam High Court, and the Deputy Commissioner who desire to build houses, for occupation by themselves, at places where no houses are available, or where house rent is exceptionally high. No advance is permissible for the construction of a house except at the place in which the officer is actually serving, or, at which he is permitted to reside while performing his duties at his headquarter station. Also no advance is ordinarily permissible to an officer who is likely to be transferred or to retire before complete recovery can be effected. An advance should not be given to menial servant after he has attained the age of 55 years.

NOTES

The figures '50' in the last line of R. 382 has been substituted by the figures '55' *vide* C. S. No. 129 {Ref. Memo .No. FMP-60/61/164, dated 17-11-1965}.

I. Advances to the Commissioners of Divisions or Heads of Departments themselves required the sanction of Government. All officers empowered to sanction house building advances are given specific allotments which may not be exceeded without the express permission of Government.

Note. The powers delegated to Heads of Departments and the Commissioners

of Divisions under this rule can be exercised by them also in respect of advances for the purchase of and, repairs to houses. The Chief Secretary to the Government of Assam is the sanctioning authority in respect of the staff of the Assam Secretariat (Civil).

II. All such advances must be *bona fide* required for the purpose of building suitable houses for the personal residence of the officers concerned and if more is advanced than is actually expended for the purpose, the surplus must be refunded to Government.

III. The advance should be drawn by installments; the amount of each installment being such as is likely to be required for expenditure in the next three months. Satisfactory evidence should be produced to show that the amount of the previous installment has been actually utilised for the purpose for which it was drawn before the next installment is paid. Repayment shall commence from the fourth issue of pay after the first installment is taken and be completed in 14 years.

Note 1. House building advances should generally be drawn by installments only, repayment commencing from the fourth issue of pay after the first installment is taken. When, however, permission is given to draw the advance in the installment the repayment should commence with the second issue of pay.

Note 2. The sanctioning authority will be held responsible by Government, and the Head of Office concerned should be held responsible by the sanctioning authority, for insisting upon the production of satisfactory evidence that the advance has been actually expended for the purpose of which it was given, for seeing that a latter installment of the advance is not paid until this evidence has been produced in respect of previous installments, and for seeing that any amount, which has not been used for the purpose within a reasonable period is refunded to Government.

Note 3. Bills for the second and subsequent installments should be supported by certificate to the effect that the previous installment of the advance has been actually utilised for the purpose for which it was drawn. At the end of three months from the date of drawal of the last installment a further certificate; should be sent to the Comptroller, Assam, to the effect that the amount of last installment of the advance has actually been utilised for the purpose for which it was drawn.

IV. No advance shall exceed twelve (fifty) months pay of the officer to whom it is made; not more than one advance shall be made for the same house; and no officer may receive a second advance while any portion of a previous advance with interest accrued thereon is outstanding against him.

Subject to a limit of Rs. 4,000 but all other conditions remaining the same, house-building advances up to twenty-four months pay may be made to Government servants stationed in Shillong. Advances exceeding twelve months pay will be recoverable from the pay bitts of the officer concerned in monthly installments equivalent to one-third of the pay of such officer at the time the advance is made. This win apply also in respect of advances taken for 'the purchase of houses by Government servants in Shillong [*vide* R. 383, I). The limit mentioned above, *viz.*, Rs. 4,000 applies only to advances of more than 12 months pay.

Note 1. The term "pay" should be interpreted as defined in the Fundamental Rules.

Note 2. A second advance is permissible to an officer only when he is transferred to another station where he has to build a house. But when a House is destroyed by storm or fire or other accidental cause, or when it ceases to be an officer's property on a partition of the family estate, further advance may be granted as such advance would be utilised for the construction of a new house, and not for

the original house.

Note 3. A second or subsequent advance for the construction or purchase of a house in same locality may be sanctioned- .

(1) in a case in which the sanitation of a house built or purchased with a previous advance is found to be defective, or

(2) the accommodation in it becomes insufficient for the growing family of the Government servant; or

(3) owing to its dilapidated condition its reconstruction is absolutely necessary:

Provided that in each case the sanctioning authority is satisfied that the object of the borrower is not speculative.

In determining the amount of advance to be given in such cases the sanctioning authority will also take into consideration the estimated sale proceeds of the house built with a prior advance where such a house is sold.

Note 4. An advance may also be given for the purpose of repaying a private loan taken by a Government servant expressly (i) for the purchase of and for building a house, or (ii) for the purchase of a house; provided-

(1) that the usual conditions specified in sub-R. XI, 382 are satisfied;

(2) that the applicant has through his private loan acquired an unencumbered title to the land or the house purchased; and

(3) that the original loan for the purchase of the land or the house, as the case may be, was taken not more than 12-months before the date of receipt of the application for an advance to discharge the private debt.

Note 5. Supplementary advance granted for building purposes, either because the cost of work was under-estimated or because funds were not available although larger advances were applied for, should be treated as revisions of the original

sanction.

V. Advances will be recovered by the deduction of monthly installments equal to one-forty-eighth part of the total advance, from the pay bills, of the officer concerned. The authority sanctioning an advance may, however, permit recovery to be made in a smaller number of installments if the officer receiving the advance so desires. The amount of interest will be recovered in one or more installments, each such, installment being not appreciably eater than the installments by which the principal was recovered. The recovery of interest will commence from the month following that in which the whole of the principal has been repaid, and deduction should continue to be made until information as to the total amount due is obtained from the Comptroller, Assam. Any amount paid short or in excess will be adjusted afterwards.

Note 1. The amount of the advance with interest secured thereon to be recovered monthly should be fixed in whole rupees except in the case of the last installment when the remaining balance including any fraction of a rupee should be recovered. In rounding the monthly installments into whole rupee, fractions of a rupee below eight annas should be neglected and those equal to and exceeding eight annas raised to a whole rupee.

Note 2. The whole of the principal sum of an advance which remains unpaid at the time the officer leaves the service whether voluntarily or involuntarily should be recovered in one Installment before his accounts are finally settled.

In cases of retirement before complete repayment, the balance of house building advance with interest accrued thereon can only be recovered by deduction from pension if the pensioner has requested or given his consent to the adoption of such a course. Attention is drawn to Note 2 to. R. 135 prescribing that last pay or leave salary should not be paid to a retiring officer, until it has been established that he

has no outstanding due to Government.

NOTES

The amount of advance including interest thereon is recoverable in the whole period from a Government servant before his retirement and the balance, if any, from his gratuity or pensionary dues.

VI. In order to secure Government from loss consequent on an officer dying or quitting the service before complete repayment of the advance with the interest accrued thereon, the house so built, together with the land it stands upon, must be mortgaged to Government, by whom the mortgage will be released on liquidation of the full amount due.

Note. . The mortgage bond will be prepared in Assam Financial Rule Form No. 44.

VII. The officer must satisfy the sanctioning authority regarding his title to the land upon which the house is or is proposed to be built.

Note 1. This rule does not preclude the grant of an advance too a person who does not possess full proprietary rights in the land upon which he intends to build. Provided the sanctioning authority is satisfied that the applicant has a lease of which the unexpired portion is of a term and value sufficient to justify the grant of the advance and that there is no danger of the lease lapsing or of Government unable to dispose of it, should it become necessary to foreclose the mortgage. In examining the mortgagor's title care should be taken to see that the lease does not prevent any sub-demise by the lessee (the mortgagor). The mortgage bond in such cases will be prepared in Assam Financial Rule, Form No. 45.

In cases in which ground rent, municipal taxes and similar dues are payable to local authorities on account of land taken on lease, the sanctioning authority finds that such dues have not been paid by the borrower; steps may be taken to recover the said dues including interests thereon, if any, from the pay of the Government

servants concerned for payment to' the parties concerned.

Note 2. The applicant's title to the property should be examined by the sanctioning authority before the advance is actually paid, and in cases where there is any doubt as to the validity of that title, the Revenue and Registration authorities or, if technical legal advice is necessary, the Law Officers of Government should be consulted. It should be seen that, in the case of a house building advance, he has undisputed title to' the land on which it is proposed to build and that, in the case of an advance for the purchase of a house, he will obtain such title as soon as the purchase price is paid; that there will be no legal obstacle in either case to the property being mortgaged to Government; and that Government will have the right of foreclosing on the conditions mentioned in the mortgage band.

VIII. An officer quitting or removed from the station where he has built a house, before the whole amount due has been liquidated, will continue liable to the deduction of his monthly installment until the advance with interest accrued thereon has been repaid; with the special sanction of Government, he may be allowed to dispose of the house, provided he is hereby enabled to clear of at once the whole amount due; or to transfer to it any officer of his own or higher rank, the future deductions being made from the pay of such officer.

IX. Applications for advances must be made through the applicant's departmental superior, who will record his opinion as to the necessity for the assistance solicited. The applicant must certify that the sum is to' be expended in building only, and pledge himself that, should there be any surplus funds after the house is completed, they will be at once refunded to Government.

Note 1. Applications for an advance for building purpose should in all cases be accompanied by a report from the departmental superior of the applicant which should stand clearly besides his opinion as to the necessity for the assistance

solicited:

- (1) Whether any previous advance has been made to the applicant, and if So, when, and whether such advance has been fully liquidated or not;
- (2) Whether the applicant holds a permanent post under Government or is merely on probation ; and
- (3) whether the advance, if sanctioned, Should be made in one or more installments.

Note 2. The departmental officer should certify_____

(1) that either no houses are available locally or that house rent is exceptionally high; and

(2) That he has satisfied himself regarding .the title of the applicant to the land on which he proposes to build.

X. The last-pay certificate granted to officers under advances must specify the original amount of such advance, the amount repaid and the balance together with interest accrued thereon remaining due.

XI. Advances may also be given, where considered necessary for the purchases of land on which to construct a house, if the other conditions are satisfied and the total amount of the advance for the purchase of the land and the construction of the house does not exceed twelve months' pay of the officer concerned. In the case of Government servants stationed in Shillong such advances may be given up to twenty-four months' pay of the officer concerned subject to the limit of Rs. 4,000. This limit, *viz.* Rs. 4,000 applies only to advances of more than 12 months' pay.

The officer should sign an agreement in Financial Rule Form No. 46, before taking an advance for the purchase of land and the amount should not exceed what is required for the purpose. A mortgage deed in Financial Rule Form No. 47 should be exercised before any further advance is drawn for the purpose of constructing the house or within one month of the date of signing the agreement whichever is earlier.

The mortgage deed must be registered within four months of its execution. The fact of execution and registration of the mortgage deed should be intimated to the Comptroller, Assam, as soon as possible.

In order to save Government from loss, the applicant's title to the property should be carefully examined by the sanctioning authority before the advance is given and the instructions laid down in the Annexure should be followed.

XII. No part of an advance can be disbursed from the treasury except on the authority of Comptroller, Assam, which will be issued on receipt of the orders of the competent authority sanctioning the advance. The Head of the officer in the case of a non-gazetted Government servant and the Controlling Office in the case of a gazetted Government servant should, when asking for the authority for payment, except in the case of an advance for the purchase of land, send to the Comptroller, Assam, a certificate to the effect that the necessary mortgage bond has been executed by the Government servant concerned and that it has been duly registered.

In the case of an advance for the purchase of land the fact of execution of the agreement in the Financial Ride Form No. 46 should be intimated to the Comptroller, Assam, when asking for the authority for payment of the advance.

Advances for the purchase of houses

383. I. An advance may be made to an officer in exceptional circumstances for the purchase of a house in places where house-rent is exceptionally high; the general principles of R. 382 being applicable, and the officer being required, in addition to a mortgage-deed, to deposit with Government satisfactory evidence, of a clear title to the house. The advance should be limited to 75 per cent of the lost price, the remaining 25 per cent being met by the purchaser himself.

II. An advance drawn under this rule may include provision not only for the cost of the house purchased, but also for the cost of any repairs or improvements,

which the purchaser of the house may desire to make.

III. The amount required for purchase and the amount required for repairs or improvement should be treated as parts of one and the same advance. The portion required for the purchase may be drawn at once, but satisfactory evidence should be produced before the Audit Officer to show that the amount advanced has been spent within one month of its drawal. The amount required for repairs or improvements should be drawn in installments, unless the whole is likely to be required for expenditure in the next three months.

If the advance required for repairs or improvements is drawn by installments, the amount of each installment should be such as is likely to be required for expenditure in the next three months. The Head of the office must be satisfied, before the next installment is paid, that the amount of the past installment has been actually utilised' for the purpose for which it was drawn. Repayment will commence from the fourth issue of pay after the first installment is taken and be completed in four years.

If the advance is drawn at once in full, satisfactory evidence should be produced before the Audit Officer to show that the amount of the advance has been spent within three months of the date of drawing it. A certificate from the Head of the Office will ordinarily suffice. The repayment in this case will commence with the first issue of pay after the advance is taken and be completed in four years.

Note. The head of the office in the case of a non-gazetted Government servant and the Controlling Officer in the case of gazetted Government servant should send to the Comptroller, Assam, along with the certificate of utilisation of the last installment of the advance, a certificate to the effect that the amount of the advance does not exceed 75 per cent of the price actually paid for the house plus the cost of repairs' and improvements.

Interest will be calculated as in the case of house-building advances and the recovery thereof will be made 'as laid down in sub Rule V, under R. 382.

IV. When asking for the authority for payment of the advance [*vide* sub.R. XII under R. 382] the Controlling Officer or the Head of the office, as the case may be, should record a certificate to the effect that he has secured and retained with him an agreement in Financial Rule Form No. 46 signed by the applicant pending execution of the final mortgage bond in Financial Rule Form No. 47, after the house is actually purchased. The fact of execution and registration of the latter bond should also be intimated to the Comptroller, Assam, as soon as possible. .

Advances for repairs to houses

384. I. An advance may be made only if (I) the repairs are required to make the house 'habitable, (2) they are not in the nature of ordinary repairs, and (3) they involve an outlay large in comparison with the value of the house.

II. Not more than once advance is admissible in respect of the same House.

III. No advance shall exceed six months' pay of the officer to whom it is made, and it will be drawn as laid down in sub-R. III under R. 382.

IV. An advance may be made to an officer to repair a house which he has built or purchased with a previous advance under R. 382 or 383, but unless Government permit otherwise at least five, year must elapse since the previous advance was drawn,

Note. Advances for repairs to houses may be granted even when the houses in question were not built or purchased originally with an advance under R. 382 or 383.

V. Subject to the above conditions, the general principles of R. 382 or 383, as the case may be, shall apply, the maximum period for repayment 'of such advances

being two years. Interest will be calculated as in the case of house-building advances and recovered in accordance with sub-R. V under R.382.

VI. Subject to a limit of Rs. 2,000 but all other conditions remaining the same, house-repairing advances up to one year's pay may be made to Government servants stationed in Shillong. Advances exceeding six months' pay will be recoverable from the pay bills of the officer concerned in monthly installments equivalent to one-third of the pay of such officer at the time the advance is made.

Note. The limit mentioned above *viz.*, Rs. 2,000 only applies to repairing advances for more than six months' pay.

Advances for purchase of motor-cars or motor-boats

385. An advance may be granted to an officer for the purchase of a motor-car for a motor-boat subject to the following conditions:

(1) An advance will be given only when Government considers that it is in the interest of the public service that the officer should use a car or a boat in the discharge of his duties.

(2) The total amount to be advanced to an officer shall not exceed four months' pay, or the anticipated price of the car or boat, whichever is less. If the actual price paid is less than the advance taken, the balance should be forthwith refunded to Government.

Note. For the purposes of an advance drawn in England in respect of a motor-car, "actual price" will also include, in cases in which the advance drawn include estimates of these charges, the amount of freight actually paid on the car up to an Indian port, the cost of its insurance during the voyage and the customs duly paid in India.

(3) (a) An officer who is on leave or about to proceed on leave for whom an advance has been approved by Government will not be allowed to draw the advance earlier

than a week before the expiry of the leave,; *out* an officer who is on leave out of India or about to proceed on leave out of India will be allowed to take it from the High Commissioner six weeks before his departure for India.

(b) An officer taking an advance from the High Commissioner within six weeks of his departure for India under sub-Cl. (a) may include in the amount of the advance required charges separately on account of freight on the motor car to an Indian port and of the customs duty thereon payable in India as also the cost of its insurance during the voyage. In the case of an officer, who purchases a car in Europe prior to six weeks of his departure back to India, no advance will be allowed to be drawn in England, but on bringing the car into India such an officer may apply for an advance to cover the price of the car as valued on landing in India for custom purposes (which will include the freight), and the cost of insurance plus the customs duty paid on the car. The custom receipt should be produced in both cases.

Note. An officer, who purchases a car in Europe prior to six weeks of his departure back to India and who does not hold a post for which a motor car has been definitely recognised by the Government to be necessary, should, if "proposes to apply for an advance or return to India, inform Government of his intention and obtain their consent before he brings a car to India.

(4) Recovery will be made by deducting monthly installments equal to one-thirty sixth part of the advance from the pay bill of the officer concerned. It will commence with the first issue of pay, after the advances drawn. The authority sanctioning an advance may, however, permit recovery to be made in a smaller number of installments if the officer receiving the advance so desires. The amount of interest calculated in accordance with Note 3 to, R. 377 will be recovered in one or more installments, each such installment being not appreciably greater than the installments by which the principal was recovered. The recovery of interest will

commence from the month following that in which the whole of the principal has been repaid.

Note. The amount of the advance to be recovered monthly should be fixed in whole rupees except in the case of the last installment when the remaining balance including any fraction of a rupee should be recovered.

(5) Except when an officer proceeds on leave other than leave on average pay not exceeding four months, or retires from service, or is transferred to an appointment the duties of which do not render the possession of a motor-car or a motor-boat necessary, the previous sanction of Government is necessary to the sale by him of a car or a boat purchased with aid of an advance which with interest accrued in accordance with Note 3 to R. 77 has not been fully repaid. If an officer wishes to transfer such a car or a boat to another officer who performs the duties of a kind that renders the possession of a motor car or a motor boat necessary, Government may permit the transfer of the liability, attaching to the car or the boat to the latter officer; provided that he records declaration that he is aware that the car or the boat transferred to him remains subject to the mortgage bond and that he is bound by its terms and provisions.

(6) A Government servant who draws an advance in India for the purchase of a motor car or motor boat is expected to complete his negotiations for the purchase, and to pay finally for the, car or boat, within one month from the date on, which he draws the advance, failing such completion and payment, the full amount of the advance drawn, with interest thereon for one month, must be refunded to Government. Before the advance is drawn the Government servant will be required to execute an agreement in Financial Rule Form No 48, and on completing the purchase, he will further be required to execute a Mortgage Bond in Financial Rule Form No. 49, hypothecating the car or boat to the Governor of Assam as security for

the advance. The cost price of the car or boat purchased should be entered in the schedule of specifications attached to the Mortgage Bond. In the case of advances drawn in England, a similar agreement and a personal security bond in the form prescribed by the Secretary of State for India will be executed at the time of drawing the advance and at the time of purchase respectively.

NOTES

The words "at the time of drawing the advance" occurring in the sixth line in sub-R. (6) of the above Rule have been substituted by the words "Before the advance is drawn" *vide* Government Notification No. FMP-170/ 59/1. Dated 15-2-1960.

(7) The form of Mortgage Bond executed by a Government servant drawing an advance in India for the purchase of a motor car a motor boat provides for insurance against full loss by fire or accident. Insurance on owner driven or other similar qualified terms is not sufficient for the purpose of this rule. Insurance policies at a reduce rate of a premium shall however, be accepted as adequate, in cases where__

(a) The owner of the car undertakes to meet the first Rs. 50 or so of a claim preferred against an insurance company in the' event of accident, or.

(b) The car is not insured against accident for any reason in the year during which it is not in use but is stored in a garage.

Such insurance should be effected within one month from the date of purchase of the car or boat A Government servant drawing a similar advance in England is required to effect insurance within one month of his arrival in--India, unless an insurance policy is already in existence. On receipt of the certificate prescribed in Note 2 to subeR. (8) below, the Comptroller, Assam, will obtain from the Government servant drawing the advance a letter in Financial Rule Form No. 50 to the Motor

Insurance~ Company with whom the motor car or motor boat is insured to notify to them the fact that the Governor of Assam is interested in the insurance policy secured. He will himself forward' the letter to the Company and obtain their acknowledgment. In the case of insurances effected on annual basis the process prescribed above shall be repeated every year until the advance has been fully repaid to Government. The amount for which the car or boat is insured during any period should not be less than the outstanding balance of the advance with interest accrued at the beginning of that period and the insurance should be renewed from time to time until the amount due is completely repaid. If, at any time and for any reason the amount insured under a current policy is less than the outstanding balance of the advance including interest already accrued. The officer should refund the difference to Government. The amount (0 be refunded must be recovered in not more than three monthly installments.

(8) In all cases in which a car or boat is sold before the advance received for its purchase from Government with interest accrued in accordance with Note 3 to R. 377 has been fully repaid the sale-proceeds must be applied, 51 far as may be necessary, towards the repayment of such outstanding balance provided that when the car or boat is sold only in order that another car or boat may be purchased, Government may permit an officer to apply the sale proceeds towards such purchase, subject to the following conditions:

- (a) The amount outstanding shall not be permitted to exceed the cost of the new car or boat;
- (b) The amount outstanding shall continue to be repaid at the rate previously fixed;
- (C) the new car or boat must be insured and mortgaged to Government as required by these rules.

Note 1. An officer may be allowed advances to purchase more than one car or

boat on time if it can be shown that such action, is clearly desirable in the public interest and provided that the total amount outstanding at anyone time by way of such advances against a particular officer does not exceed the limit within which advances may be given:

An officer may be allowed a second or subsequent motor car advance after expiry of four years from the date of issue of first or subsequent motorcar advance, as the case may be, or until the first or subsequent advance with interest is repaid in full, whichever is later.

Note 2. When an advance is drawn, the sanctioning authority will furnish to the Comptroller, Assam, a certificate that the agreement in Financial Rule Form No. 48 has been signed by the officer drawing the advance and that it has been examined and found to be in order. The Head of the office should see that the car. is purchased within one month from the date on which the advance is drawn and should submit every mortgage bond promptly to the Comptroller, Assam, for examination before final record.

Note 3. Advances for the purchase of motor car or motor boat to Government servants in foreign employ should be granted from the funds of the foreign employer and when the latter desires to make such an advance he should apply to the Government of the Province to which the officer belongs for the necessary action. Government may grant sanction in such cases subject to the proviso that the advance should be regulated by the same conditions as would apply if the officer were serving directly under Government.

In special cases, however, when an officer's services have been lent to a Municipality whose financial position will not permit of the advance being made from its funds, Government may, at its discretion, sanction advances from their revenues; provided the officer's duties are such as to render the possession of a motor car or a motor

boat practically a necessity.

Note 4. Any contravention of the orders in this rule will render the officer liable to refund the whole of the amount advanced with interest accrued thereon unless good cause is shown to the contrary. Willful failure to comply with the conditions laid down will be treated as a serious misdemeanor in addition to any other penalty to which the officer may be liable (such as the immediate recovery of the advance with interest accrued thereon) and may involve an entry in the officer's character roll or other disciplinary measure.

Note 5. The grant of an advance under this rule to a Government servant, who proceeds on deputation out of India and desires a motorcar for use during his deputation, is not admissible.

Advances for purchase of motor-cycle

386. An advance may be granted to an officer for the purchase of a motorcycle subject to the following conditions:

- (1) That the advance is given only when Government considers that it is in the interest of the public service that the officer should use a motor-cycle in the discharge of his duties;
- (2) That the substantive pay of the officer does not exceed Rs. 1,200 a month ;
- (3) That the amount of the advance does not exceed Rs. 2,000 or the anticipated price of the cycle whichever is less. If the actual price paid is less than the advance taken, the balance should be forthwith refunded to Government;
- (4) that the recovery is made by deducting monthly installments equal to one thirty-sixth part of the advance from the pay bill of the officer concerned, commencing with the first issue of pay after the advance is drawn, and that the amount of interest calculated in accordance with Note 3 to R. 377 is recovered

as laid down in sub R . V under R. 382 ;

Note. The amount of the advance to be recovered monthly should be fixed in whole rupees except in the case of the last installment when the remaining balance including any fraction of a rupee should be recovered;

(5) That except where an officer proceeds on leave other than leave on average pay not exceeding four months, or retires from the service or is transferred to an appointment the duties of which do not render the possession of a motor-cycle necessary, the previous sanction of Government is necessary to the sale by him of a motor-cycle purchased with the aid of an advance with interest accrued in accordance with Note 3 to R. 377 has not been fully repaid. If an officer wishes to transfer such a motor-cycle to another officer who performs duties of a kind that renders the possession of a motor-cycle necessary, Government may permit the transfer of the liability attaching to the motor-cycle to the latter officer; provided that he records a declaration that he is aware that the motor-cycle transferred to him remain subject to the mortgage bond and that he is bound by its terms and provisions

(6) that in all cases in which a motor-cycle is sold before the advance received for its purchase from Government with interest accrued in accordance with Note 3 to R. 371 has been fully repaid, the sale-proceeds must be applied, so far as may be necessary, towards the repayment of such outstanding balance; Provided that when the cycle is sold only in order that another cycle may be purchased. Government may permit an officer to apply the sale proceeds towards such purchase, subject to the following conditions:

[a] the amount outstanding shall not be permitted to exceed the cost of the new cycle;

(b) The amount outstanding shall continue to be repaid at the rate previously

fixed;

(c) The new cycle must be insured and mortgaged to Government as required

Note 1. Notes I to 4 at by sub-Rr. (6) and (7) of R. 385.

Note 1. The grant of advance under this rule to a Government servants who proceeds on deputation out of India and desires a motor-cycle for use. during his deputation, is *not* admissible.

387. An advance may be granted to a Government servant for the purchase of means of conveyance other than a motorcar, a motorboat or a motor-cycle, subject to the following conditions:

(1) an advance will be allowed only when the appointment held entails duties involving touring. In the case of the purchase of a bicycle, the advance may, however, be granted even through the post held does not entail touring if in the opinion of Government the possession of a bicycle will add to the efficiency of the Government servant concerned;

(2) the total amount to be advanced to an officer shall not exceed four months payor Rs. 200 whichever is less, and shall be limited to the anticipated price of the article to be purchased. If the actual price paid is less than the advance taken, the balance should forthwith be refunded to Government;

(3) recovery will be made, unless Government otherwise specially direct, by deducting monthly installments equal to one-twelfth part of the advance from the pay-bill of the officer concerned. It will commence with the first issue of pay after the advance is drawn. The amount of interest calculated in accordance with Note 3 to R. 377 will be recovered as laid down in sub-R. V under R. 382 ;

Note. The amount of the advance to be recovered monthly should be fixed in whole rupees, except in the case of the last installment when the remaining balance including any fraction of a rupee should be recovered;

(4) the article purchased with the advance will be considered to be the property of Government until the advance with interest accrued thereon in accordance with Note 3 to R. 377 is repaid.

Note 1. Government may, under CL (3) above, extend up to a maximum of twenty-four, the number of installments in which an advance granted for the purchase of a bicycle should be repaid to Government.

Note 2. The bill in which an advance is drawn for a Government servant whose name does not appear in the pay-bill, as also the bills from which the recoveries thereof are made, should clearly indicate for whom the advance is drawn or from whom it is recovered.

Note 3. The authority competent to grant advance to a Government servant under this rule will be the same as the authority competent to sanction a House Building Advance to that particular Government servant.

REPAYMENT OF ADVANCES

388. The repayment of advances the period for which is not specifically stated in these rules shall in all cases be completed within three years.

Other advances

389. An advance for the purchase of a typewriter to a Government servant can be granted with the sanction of Government. But this power may be delegated to Head of Departments in respect of Government servants subordinate to them. The amount of the advance should not exceed Rs. 450.

An agreement should be executed by the Government servant receiving the advance to the effect that the typewriter will remain the property of Government until the whole of the advance with the interest accrued therefore has been repaid. The agreement should further provide that the advance should be expended in full within

one month from the date of receiving it, and if the price paid is less than the advance received, the difference should be forthwith refunded to Government.

The recovery should commence with the first issue of pay after the advance is drawn and be completed in twelve months except for the interest which should be recovered as laid down in *Rr.386 (4) and 387 (3)*.

390. A police officer not below the rank of Superintendent may sanction the grant of an advance not exceeding the sum of Rs. 200 to a Probationary Sub-Inspector placed under him, who has successfully passed out of the Training School, for the purchase of horse or a bicycle uniform and accoutrements, provided the latter applies for it within three months from the date of Leaving the school. The sanctioning order should indicate the date on which the Sub Inspector of Police left the Training School. The money thus advanced, will be recovered by monthly installments of 20 per cent of the officer pay; commencing after six months from the date of his leaving the school; the recoveries on account of security deposit under R. 14 (m), Chapter IV of the Assam Police Manual, being stayed until the full amount of the advance with interest accrued thereon has been recouped. The interest should be recovered in the manner laid down in *Rr. 386 (4) and 387 (3)*. To guard against any loss of the Government money advanced. The recipient should be required to execute a registered bond with two sureties, binding themselves jointly and severally to repay the advance within the Stated time. A copy of each sanction should be sent to the Comptroller, Assam for record.

391. An advance of Rs. 200 in the case of a Superintendent of Excise and Rs 100 in the case of an Inspector or a Sub-Inspector of excise may be sanctioned by the Excise Commissioner of his appointment to the service in order to enable him to purchase his kit. These advances, which will bear the same rate of interest as for house building and other advances, are repayable in twenty monthly equal

installments beginning with the pay for the third month following the drawal of the advance. The interest should be recovered in the manner laid down in R. 386 (4) and 387 (3). The officer receiving the advance must furnish to the Comptroller, Assam, a certificate that the full amount received has been spent. In cases where the amounts are not fully utilised the savings affected should be at once refunded to Government.

The guard against any loss of the Government money advance a Sub Inspector of Excise on probation should be required to execute a registered bond with two sureties bidding themselves jointly and severally to repay the advances within the stated time.

A copy of each sanction should be sent to the Comptroller, Assam, for record.

392. An advance for the purchase of outfit of the account actually added, subject to a maximum of Rs. 1,500 may be granted to each of the Military Secretary and the Aid-de-Camp to his Excellency the Governor of Assam. Half the amount of the advance should be recovered from the officer in monthly installments of Rs. 30 (Rupees thirty only), and the outfit will remain the property of the officers.

The recovery should commence with the first issue of pay after the advance is drawn. The interest on the recoverable portion of the advance should be recovered as laid down in Rs. 386 (4) and 387 (3).

393. The Inspector-General of Police may sanction an advance not exceeding Rs. 130 to an Inspector or to Sub-Inspector of Police for the purchase of a revolver as part of his equipment. The advance should be recovered in twenty-four monthly installments by deduction from the officer's pay bill. The interest should be recovered in the manner laid down in R. 386 (4) and 387 (3). The recipient should be required to execute a registered bond with two sureties, binding themselves jointly and severally to repay the advance within the stated time.

394. The Recruiting Officer for Gurkhas or his assistants at Ghoom may out of his permanent advance make payment of advances not exceeding three months' pay to men of the Assam Rifles proceeding on leave to their homes in Nepal. The advance will in each case be paid on the sanction of the commandant concerned who will certify that there is sufficient credit either on account of deferred pay due or otherwise to cover the advance granted, in case it becomes irrecoverable owing to death or desertion. The permanent advance will be recouped by the Recruiting Officer by drawing a bill for advance of pay to which a copy of the certificate furnished by the Commandant shall be attached.

395. Payment of advances not exceeding three months' pay to members of hills tribes of Assam serving in the Assam Rifles when proceeding on leave to their homes in the hills, may be made by the 'Commandants of the battalions concerned, who should satisfy themselves that there is sufficient credit either on account of deferred pay due or otherwise to cover the amount so advanced in case it becomes irrecoverable owing to death or desertion. The Inspector-General of Police should see that advances are not given as a matter of course but only when a man can prove that he may otherwise be put to difficulty.

396. Advances may also be made under the rules specified below :

(a) To an officer under orders of transfer, up to an amount not exceeding one month's substantive or officiating pay plus an amount ordinarily not exceeding 80% of the travelling allowance to which he may be entitled under the rules in consequence of transfer. Such advances may be sanctioned by the Head of Office to all officers subordinate to him. Advance to Head of offices may be sanctioned by the Head of the Deptt. concerned and to the Head of Deptt by the Secretary of the respective Administrative Deptt. The advances should be recorded on the officers last pay certificate. The advance of pay should be recovered from the pay of the officer in three

equal monthly installments beginning with the month in which a full month's pay is drawn after the transfer. The advance of travelling allowance should be recovered in full on submission of officers' travelling allowance bill. The Controlling Officers or Heads of offices, as the case may be, will be responsible for adjustment of all advances granted to the officers under their control. While sanctioning advance of pay to the temporary Government servants on transfer a surety from a permanent Government servant of similar or higher status than the temporary Government servant to whom the advance of pay is sanctioned may be obtained.

The Chief Secretary to Government of Assam is the Head of office in respect of officers of the Secretariat, where power shall also be exercisable by the Under-Secretary, S. A. D. (Accounts) or in his absence by any other officer authorised by Chief Secretary in writing to issue necessary sanction on behalf of Chief Secretary.

Note 1. A Government servant-receiving orders of transfer during leave may be allowed to draw an advance under Cl. (a). Should his leave be subsequently extended in such a way as to admit him to an advance under Cl. (b) any advance that may be admissible to him under the latter clause should be reduced by the amount outstanding of the advance taken under Cl. (a).

Note 2. Advances of pay and travelling allowance should be drawn on pay and travelling allowance bill respectively.

Note 3. When an advance is drawn for an officer whose name is not required to be shown in the establishment pay bill, his name should be shown in the bill in which the advance is drawn and the particular office to which he is transferred should also be stated in it. Similarly, his name and the office from which transferred should be shown in the bills in which the recovery of the advance is made.

Note 4. Clause (a) above does not preclude the grant of a second advance to a Government servant to cover the travelling expenses of any member of his family who

follows him within six months from the date of his transfer and in respect of whom an advance of travelling allowance has not already been drawn. "

Note 5. When a single lump sum advance is drawn to cover the travelling expenses both of the officer himself and of his family, it may be adjusted by the submission of more than one bill if it so happens that the members of the officer's family do not actually make or complete the journey with him. In such a case, the officer should certify on each adjustment bill submitted by him that a further bill in respect of travelling allowance of the members of his family (to be specified) who have not yet completed the journey will be submitted in due course and is expected to include an amount not less than the balance of the advance left unadjusted in this bill.

Note 6. The advance of pay under this clause may be allowed to be drawn at the new station soon after the arrival of the officer there, on production of the last pay certificate showing that no advance was drawn at the old station.

Note 7. The amount of the advance to be recovered monthly should be, fixed in whole rupees, the balance being recovered in the last installment.

Note 8. The Superintendents of Police are authorised to draw and disburse advances up to two months substantive pay to Head Constables and Constables deputed to undergo course of training; provided that recoveries are made in the equal installments "beginning from the month following which the advance is made.

(b) To any public officer in the Civil Department;

(i) on arrival in India on first appointment, and amount not exceeding two months' substantive pay less the amount of any advance made in England.

Note. When a Government servant on arrival in India asks for an advance and produces no last pay certificate, an advance may be granted by the Accounts Officer

concerned, on the Government servant furnishing a declaration that he has not received any advance from the India office.

- (ii) on return from leave other than leave on average pay not exceeding four months on deputation out of India, of an amount not exceeding two months' substantive pay or Rs. 1,000 whichever is less, in addition to any advance made in England, provided no advance has been drawn under CI.

(a) Above,

Note. The advance may be drawn under the orders of the Comptroller, Assam, from any treasury in India to be specified in such orders. Such advances, as well as similar advances made in England, are recoverable by monthly installments of one-third of pay fixed in whole rupees.

Exception 1. The recovery of an advance made under Military Leave Rules to a Military Officer in Civil Employ subject to the 'Military Leave Rule is regulated by those rules.

Exception 2. Special passage advances made in England by the High Commissioner for India at his discretion to enable officers to return to duty shall be recovered in thirty-six monthly installments and bear interest at the usual rate for such advances [*vide* Note 3 to R. 317).

(C), (i) To an officer, other than an inspecting officer, for himself or an Assistant or Deputy, proceeding on tour to an amount sufficient to cover for a month his contingent charges, such as those for the hire of conveyance or animals for the carriage of records, tents or other Government property, subject to adjustment upon the officer's return to headquarters or before 31st March whichever is earlier. Such advances should ordinarily be met from the permanent advances of the officers concerned [*vide* NoteS, below}.

Note. Advances under this sub-clause should not be applied to the expenditure

of any gazetted officer, which is meant to be covered by his travelling allowance.

(ii) To non-gazetted officers or inferior servant accompanying officers proceeding on tour, by the head of their office; to amount sufficient to cover their personal travelling expenses for a month subject to adjustment on completion of their tours or before 31st March, whichever is earlier;

(iii) To gazetted officers and other servants proceeding on tour, a drawee to cover their personal travelling expenses for a month subject to adjustment on completion of their tour before 31st March, whichever is earlier, may be sanctioned by the officers mentioned below:

1 (a) Chief Secretary, or Advance of T.A to Chief Minister, Ministers

(b) Under Secretary, SAD (accounts) or Minister or State, Deputy Ministers, in his absence any other officer Parliamentary Secretaries, and all authorised by Chief Secretary in Gazetted Officers of the Assam writing to issue sanction on behalf of Secretariat.

Chief Secretary.

II Secretaries of Administrative To all Heads of Departments and Departments. attached officers at Heads Quarters.

III Heads of Departments To district and other Sub-Ordinate officers under them.

This does not include delegation of powers for journeys outside India.

The Advance T. A. may not be granted as a matter of course, but only on occasions of long and expensive tours, when the cost of travelling is heavy and constitutes a burden on the officer's private resources. The amount of advance

should normally be limited to 80% of the anticipated amount of the travelling allowance to which the officer may be entitled under the rules for the tours.

White sanctioning the advance the following important factors should be taken note of by the sanctioning authority:

(a) Whether the journey has the approval of the competent authority in cases where such approval is necessary;

(b) Whether a copy of the tour programme showing the mode of travel, *i. e.* whether by rail, road or air with approximate calculation of T. A., D. A., that may be required to cover the journey has been forwarded: .

(c) Whether certificate to the effect that no previous advance is lying unadjusted, has been furnished;

(d) Whether the, purpose of the journey, *i.e.*, whether on official duty for attending a conference convened by Government or nonofficial conference sponsored by Government etc., has been stated;

(e) Whether in cases of air journeys approval from competent authority, where necessary, has been obtained;

(f) Whether the signature of the officer is written legibly with designation.

Exception. In the case of Gazetted Officers of the Forest Department such advances may be sanctioned by the Divisional Forest Officer or, in the case of the Director of Division by the Conservator, who will also be the sanctioning authority in respect of advances applied for by himself.

Note 1. A second advance cannot be made to an officer under this clause until account has been given of the first.

Note 2. Subject to the restrictions specified above, advances under thb clause may be granted in all cases of journeys in respect of which travelling allowance is admissible, as for a journey on tour.

Note 3. A certificate to the following effect should be furnished on the bills for tour advances_____

"Certified that all the previous advances drawn by me have been duly accounted for".

Treasury Officers should refuse payment of any bill for tour advances in which the above certificate is not furnished.

Note 4. The rule in Cl. (c), under which tour advances should be limited to an amount sufficient to cover an officer's tour charges for a month and should be adjusted either on the officer's return to headquarters or on the 31st March whichever is earlier, should be strictly observed.

Note 5. Advances should not be drawn separately to meet miscellaneous charges for conveyance of records, etc., incidental to touring which are debited to the contingent head "Tour Charges" but such advances should be met from the permanent advances of the officers concerned, the permanent advances being recouped by the drawal of the charges when actually incurred.

(d) To a Treasury Officer or District Superintendent of Police for expenses connected with a remittance of treasury, to be adjusted when the duty is completed;

(e) For law suit to which Government is a party.

N. B. As advances drawn under Os. (c) and (e) are treated as final charges in the accounts and are to be drawn and accounted for as contingent charges or travelling expenses, they should be drawn in the prescribed form of contingent bill or travelling allowances bill, as the case may be, the bill being headed in red ink "Advances for tour charges". The advances drawn under Cl. (d) should be debited in the first instance to "Advances recoverable" and subsequently charged to the Reserve Bank on receipt of full details and necessary sub vouchers.

(f) Under the rules issued by Government to patients proceeding to the Pasteur Institute or to a Public Center for Anti-rabic treatment;

(g) Under the rules regulating the grant of advances to pay for the passages overseas of certain Government servants of non-Asiatic domicile and their families [*vide* R. 397 of these Rules] ;

(h) By Superintending Engineers to engineering subordinates for the purchase of a tent on the first occasion of their requiring one: such an advance should be limited to a reasonable amount: and should be recovered in twelve equal monthly deductions from pay commencing three months after the date of the advance. The interest should be recovered in the manner laid down in Rr. 386 (4) and 387 (3).

NOTES

The rule hits undergone many changes to ensure financial control and recovery of advances, emphasised time and again by the Comptroller and Auditor General Servant. Most of the amendments are on the line obtained by, this authority in the Central rules contained in the General Financial Rules where after the drawal of an advance under the above (396) Rules, a Government has not submitted the adjustment bill in due time and consequently his rights to T. A. claim stands forfeited under S. R. 311.A [*vide* Note 4 below' R. 87 of the Assam Financial Rules], the advance so drawn. Shall be recovered from his pay bill or any other dues in the installment by the authority competent to sanction such an advance.

Advances for the passage overseas of certain Government servants of non-Asiatic domicile and their families

397. (1) In these rules "family" means a Government servant's wife, legitimate children and step children residing with and wholly dependent upon him.

(2) These rules apply only to gazetted Government servants of non Asiatic domicile holding substantively a permanent post in any of the Civil Departments and

to Military Commissioned Officers (including Military Assistant Surgeons with commissioned rank) of non-Asiatic domicile in civil employ:

Provided that, in the case of officers who are entitled to free passages under any scheme of passage concessions sanctioned by the Secretary of State, the Government of India or the Provincial Government, an advance under these rules will be admissible only when they have exhausted their benefits under the scheme in question. Advances will bear interest at the rate prescribed in Note 3 to R. 317.

Note. A Government servant's domicile for the purpose of this rule is determined according to the criteria laid down in Appendix B of Schedule IV of the Superior Civil Services Rules.

(3) An advance may be made to a Government servant, for the cost of passage by sea or air from a part in India to a part- outside Asia of himself or members of his family and also for the cost of the return voyage;. The advance for members of the family will be admissible even though they do not accompany the Government servant on the voyage.

(4) The amount of each advances shall not exceed four months pay of the Government servant or Rs. 6,000 whichever is less, subject to the further condition that it shall not exceed the amount actually required at the time for the purpose for which it is granted. It should be a sum expressed in whole rupees, being a multiple of thirty-six.

(5) When an advance has previously been sanctioned, the amount of a further advance should be so regulated that the total amount outstanding will not exceed the limits mentioned in sub-R. (4). For the purpose of recoveries, each advance shall be treated separately.

(6) The sanctioning authority will be the Government, under whose administrative control the Government servant is serving,

(7) An advance -will not be admissible to a Government servant *who* does not intend returning to civil, duty on the expiry of the- leave and the Government servant shall submit with his application for the advance a certificate that he intends to return to civil duty on the expiry of the leave. The applicant should at the same time state whether he has taken or intends applying for, an advance for the same purpose under the rules regulating the General Provident Fund or any other similar provident fund rules.

(8) (a) Advances will be recovered in thirty-six equal monthly installments by compulsory deduction from pay, commencing from the first, payment of a full month's pay after the advance is granted. Except as provided to CI. (b) Of this rule, no recovery will be made from a Government servant while he is on leave. A borrower may, however, make repayment in less than thirty-six installments; provided that each installment is a sum expressed in whole rupees or may re-pay two or more installments at the same time.

Note. The recovery of the advance shall ordinarily commence when the first payment of a full month's pay is made to the, Government servant on his return from leave. But when a Government servant while himself remaining on duty draws an advance for the members of his family only, recovery shall commence in the month following that in which the advance is drawn.

(b) If the Government servant retires, or applies for and receives permission to retire on the expiry of his leave, the outstanding balance of the advance (with interest, if any, accrued thereon) will be recoverable at once, but where undue hardship is likely to result from compelling payment in one installment Government or the High Commissioner for India may permit a relaxation of this rule to the extent of allowing monthly recoveries to be made from the pension or leave-salary admissible to the Government servant at a rate not less than half the monthly

amount of pension or leave-salary. In applying this rule consideration should be given to the amount, which will be handed over to a provident fund subscriber on his retirement.

Note 1. In cases of retirement before complete repayment, the balance of the advance with interest accrued thereon can only be recovered by deduction from pension if the pensioner has requested or given his consent to the adoption of such a course. Attention is drawn to Note 2 to R. 135 prescribing that last pay or leave-salary should not be paid to a retiring officer until, it has been established that he has no outstanding due to Government.

Note 2. The interest prescribed in the last sentence of the provision to sub-R. (2) Above will be simple interest and will be calculated on the balance outstanding on the last day of each month. The amount of interest thus calculated will be recovered in one or more installments, each installment being not appreciably greater than the installments by which the principle was recovered. The recovery of interest will commence from the month following that in which the whole of the principal has been repaid.

(c) The borrower will submit to the audit officer concerned or, if the advance is paid in England to the High Commissioner for India, within three weeks of the receipt of the advance receipts showing the amount of payments made for passages. Where, however, the money for passages has to be remitted from India to England (or *vice versa*), the time for submission may be extended by two months. In the event of failure to comply with this rule, the amount of advance (with interest if any accrued thereon) shall be recoverable at once. If the receipts produced are for an amount less than that advanced, the balance shall be recoverable at once.

(9) Subject to the conditions of these rules, the High Commissioner may

sanction an advance to a Government servant or leave drawing his leave salary in London for the cost of return passages to India of the Government servant and his family, provided no advance for the same journey has been previously made.

(10) A Government servant receiving an advance under these rules will, on receipt of the advance, sign and deposit with Government an undertaking in Financial Rule Form No. 51.

Forms of Drawing and repaying

398. The vouchers in which advances are drawn must quote the authority sanctioning them and payment will be made by the treasury on the authority of such sanction except in regard to advances under Rr. 382, 384, 385 to 387, 389 and 391 (so far as advances to Superintendents of Excise are concerned), 392 and 396 (g) which can be disbursed only on the authority of the Comptroller, Assam [but see note to Subsidiary Order 91 framed under Treasury Rule 16].

Note I. Authorisation by A. G. not necessary for payment of interest bearing advances to Gazetted officer, *viz.* :

(1) House Building advance;

(2) Advance for the purchase of conveyances;

(3) Tent age Advance sanctioned by Government.

NOTES

Note I above has been inserted *vide* C. S. No. 241 (Ref. Memo No. FEG 38/67/PEI, dated 7-11-1967 and the amendment took effect from 27-7-1967).

Note II. Authorisation by Accountant-General is not necessary for drawal of House Building Advance in respect of the non-Gazetted Government servant which can be drawn on the strength of sanction issuing by the competent authority on the fulfillment of the terms and conditions by the guarantees as required under rules governing the grant of the advance.

A. G. will watch the recovery only as usual.

NOTES

Added *vide* C. S. No. 249 (Ref. Memo No. BB (I) 37/64/60, dated 1-2-1969 and FEG-389/7fP, dated 6-3-1969 and took effect from 1-3-1969).

399. A personal advance to a public officer may be repaid either in cash or by deduction from his pay or travelling allowance bill, as the case may be.

400. In repaying an advance the memorandum presented at the treasury of the pay-bill, as the case may be, must state the original date and amount of the advance, or otherwise give sufficient particulars for its identification. Remittance of the amount to the particular treasury where the advance was made is not necessary.

ANNEXURE A

Procedure to be followed in dealing with applications for advances for the construction, purchase or repair of houses.

(1) On receipt of an application for an advance, the Head of the Office (*e. g.*, the District Superintendent of Police, Divisional Forest Officer, Inspector of Schools) should inspect the land or the house personally and satisfy himself by local enquiry that the amount of the advance applied for has not been over-estimated. He should then direct one of his responsible subordinates (*e. g.*, Superintendent or Assistant Superintendent, Nazir or Accountant) to examine the records of the Registration Office and satisfy himself that the property has been free from encumbrances during the past twelve years. The Head of the Office should then forward the application with his report thereon to the Head of the Department for sanction.

(2) Under sub-R. VII of R. 382 the sanctioning authority has to satisfy himself regarding the applicant's clear title to the property. If the Head of the Department decides to sanction the advance, and if funds for making the advance are available,

he should forward the application to the Deputy Commissioner of the district concerned for verifying the applicant's title to the property,

(3) The Deputy Commissioner or one of his assistance should personally inspect the land or the house, examine the applicant, and require him to produce the title deed, if any, of his possession. The vendor should next be examined and he also should be required to produce his title deeds. If the site or house has changed hands more than once, as often happens, then as far as possible the predecessors-in-title of the present vendor should be examined with their title deeds. When the property lies in a municipal area, the Chairman of the Municipal Board should then be asked to report, after reference to his records, what person or persons have been in actual possession of the house or the land concerned during the past twelve years.

(4) The application should then be forwarded by the Deputy Commissioner to the Legal Remembrancer to Government, with the investigating officer's report thereon for further examination of the title.

(5) The Legal Remembrancer will examine the applicant's title to the property and will forward the application to the Head of the Department with his opinion.

(6) If the reports of the Deputy Commissioner and the Legal Remembrancer show that the applicant has a clear title to the property the advance will be sanctioned by the Head of the Department

Note. The examination prescribed in Notes (3) to (6) above is not necessary in all cases and the authority sanctioning the advance has discretion to decide whether the title deeds submitted by the applicant require further examination. Each officer should be careful not to refer points which he is able to dispose of himself.

(7) Sub-R. III of R. 382 requires that an advance for the construction of a house should be paid in installments, the amount of each installment being such as is likely to be required for expenditure in the next three months, and that satisfactory

evidence should be produced by the applicant to show that the amount of the previous installment has been actually utilised for the purpose for which it was drawn before the next installment is paid. The Head of the Officer or a responsible assistant should verify by personal local inspection that the conditions laid down in the rule have been fulfilled.

CHAPTER XVI

Deposits

I-CIVIL DEPOSITS

401. The usual classes of deposits received in the treasuries to the credit of the Provincial Government are (1) Revenue Deposits, (2) Civil Court Deposits, (3) Personal Deposits, (4) Deposits for work done- for public bodies or individuals, and (5) Deposit of fees received by Government servants for work done for private bodies. Any other classes of deposits may be added in consultation with the Comptroller. The account kept in the treasury of Personal Deposits is of the nature of a banking account.

In districts where all branches of civil administration are under the same officer, all deposits of the district and subordinate courts are treated as "Revenue Deposits," but in the district of Sylhet the accounts of deposits from the Civil Courts are designated as "Civil Court Deposits."

Revenue Deposits

402. (1) Earnest money deposits made by intending tenderers of the Civil and Military Departments are credited to Revenue Deposits. No previous authority of a departmental officer is necessary, but the depositor must state the designation of the officer in whose favour he makes the deposit and the designation must be stated on the receipt given by the treasury. These deposits may be received at sub-divisional as well as district treasuries.

(2) Earnest money deposits tendered by contractors or purchasers of forest produce, must be paid by them direct into a treasury or sub-treasury and orders authorising the payments should be addressed by the Forest Divisional Officer to the Treasury Officer concerned. In the case of the Public Works Department such deposits are received by the departmental officers and dealt with in their accounts.

Personal Deposits

403. (1) Receipts and payments on account of wards and attached estates and estates under Government management are recorded in the treasury in personal ledgers.

(2) Personal ledger accounts for regimental funds may be opened in civil treasuries by Officers Commanding Regiments of Cavalry and infantry and Batteries and Companies of Artillery and by Assistant Surgeons Army Bearer Corps. They should be opened in the name of the Commanding Officers or Assistant Surgeons, as the case may be, and do not require the special permission of Government in each case. A half-yearly certificate of the balances of these accounts may be furnished by Treasury Officers on the application of the Officer Commanding

(3) The opening of other personal ledger accounts in the treasury by Government servants in their official capacity will require the sanction of Government which will be accorded ordinarily in consultation with the Comptroller.

Limitations

404. It is the business of the Treasury Officer to see that no item is credited as a deposit save under formal order of competent authority and also, if the amount could be credited to some known head in the Government account, to make representations to the court or authority ordering its acceptance. No sums to be credited in any deposit register which can be carried to any other head of account, for example, revenue paid to Government on account of a demand not yet due, should at once be finally carried to the proper Budget head, and may not be placed in deposit.

Note. Government Promissory Notes or other security deposits (not being cash) received from revenue farmers or other contractors are not revenue and must on no account be credited as revenue~

405. The treatment of the following items as deposits is prohibited:

(a) No pay, pension, or other allowance should be placed in deposit on the ground of the absence of the payee or for any other reason; in a district official's pay should not be drawn till the claimant appears.

When a pension is granted to several persons jointly, it may not be drawn on the appearance of one claimant only, and payment of his reputed share made, the balance being placed in deposit. .

(b) No fines should be placed in deposit on the ground that Appeal is pending: they should be credited at once to Government, and refunded, if necessary, on order of the appellate court. But compensation fines (including costs in criminal cases) due to an injured party, and not to Government, should be kept in deposit both in appealable and non-appealable cases, till they lapse under the ordinary rule.

(c) Refunds, whether of stamp or of other receipts, can be drawn only on the appearance and on the receipt of the person entitled to them, after production of due authority; on no account may they be charged on the receipt of an official and lodged

in deposit pending demand.

406. (a) The net sale-proceeds of impounded cattle are to be kept in deposit for three months, and if no claim be made within that time, are to be credited to the proper account.

Note. The sale proceeds should be adjusted on any date during the currency of the third calendar month following the month of deposit.

(b) The sale-proceeds of unclaimed property are not to be placed in deposit at all; under Act V of 1861, S. 26, the property itself is to be kept for six months, but money realized by sale at once [S. 27] at the disposal of Government, and should be taken to credit of Administration of Justice. Execution must, however, be made in the case of property left by persons dying intestate and without heir's which civil courts will secure and hold for certain periods in accordance with the local law.

(1) If unclaimed property be perishable and be sold because it cannot be kept or if it be sold for the benefit of the owner or because its value is less than ten rupees, its proceeds should be held for six months in deposit, but the circumstances should be clearly stated under "Nature of deposit".

(2) Money belonging to prisoners in jail should not be held for the long terms by the Jail Department, but should be paid into the treasury at convenient intervals.

(3) The Police Department should have no deposits except security and earnest money deposits, which should be paid into the treasury as Revenue Deposit; unclaimed property found by, or delivered up to, a police officer should be made over to the Magistrate; proceeds of sale of old stores or other Government property should be paid into the treasury for credit to Government; no pay, reward or other allowance payable to a police officer should be held undisbursed.

(4) Money tendered as personal deposits by private individuals or by Government servants acting in other than their official capacity, and funds of *quasi* public institutions even though, like certain dispensaries, they are aided by Government, may not be accepted for deposits in treasury without the special sanction of Government. Nor can any jewels or other property received for custody and restoration in kind be brought on the deposit register, though the value be stated in money.

Miscellaneous Ruling

407. The money deposited by an employer with the Commissioner for Workmen's Compensation under Ss. 8 and 9 of the Workmen's Compensation Act, 1923 is credited to Revenue Deposits, the money being subsequently withdrawn by the Commissioner, when necessary, for payment by a Revenue Deposit repayment voucher.

408. The shares of land revenue due to the Zamindars of Mechpara, Bijni, Karaibari, Gauripur and Bagribar, in the districts of Goalpara and Garo Hills, should be accounted for under the head "Revenue Deposits," the amount being subsequently withdrawn by the Deputy Commissioner of the district concerned and remitted to the Zamindars by Government draft.

Similarly the share of revenue due to the Raja of Siddli for management of the

Ramfal bill and Goshigaon *hats* should be placed under "Revenue Deposits"; and after deducting therefrom the charges, for commission to mauzadars and the allowance to the sweeper, the net balance should be with drawn and paid to the Raja.

409. The share of the sale proceeds of certain fisheries due to the Doloι of Kamakhya temple is first credited to "Revenue Deposits" and the amount is then withdrawn by the Deputy Commissioner subsequently and paid to the Doloι.

410. Receipts such as expenses of witnesses, record searching fees and other miscellaneous items of the same nature received by money orders, which are not finally creditable to Government but are immediately payable to some person or on some account, should be credited to "Revenue Deposits," by transfer from which head they may be withdrawn as required for payment on the Commissioner's order.

411. Compensation fines in this Province are creditable to Revenue Deposits".

Quarterly Certificate

412. At the end of every quarter a certificate must be recorded on the extract register of receipts by every district officer not in personal charge of the treasury, or by a Gazetted Officer of the district staff (not being the Treasury Officer) selected by the district officer for the purpose, that he has personally examined the register carefully and that the entries are made with the utmost care and regularity.

Note. This examination is not intended to be mechanical, and to secure only that all necessary entries are made and initialed without fail at the time of the transaction, but also that no moneys are unnecessarily placed in deposit, or allowed to remain there without good cause.

Civil Courts Deposits

413. The civil courts merely bank with the treasury remitting without detail their gross deposit receipts for credit in a personal ledger, and making repayments by cheques on the treasury which are taken to debit of the same personal account. These personal ledgers, and the corresponding accounts and returns, must be kept by Treasury Officers in the form prescribed for personal deposits, but quote separate from those of personal deposits proper; and they will be designated as civil court deposits.

Note. The Treasury Officer, in sending as his vouchers the paid orders of the civil courts, should attach them to a covering list showing the number and amount of each.

414. The object and effect of this arrangement is simply to relieve the Treasury Officers of responsibility for the details of the deposits transactions, not to abolish detailed record, but to confine it to departmental office in which registers of receipts and payments must be kept up in the same form; and be worked on the same principle, as above prescribed for the Treasury Officer's accounts of revenue deposits. The civil court in this case is responsible for the monthly detailed returns despatched to the Comptroller (although the vouchers are sent by the Treasury Officer), for the quarterly certificate, and for the Clearance Registers and statement of lapses

Agreement with Treasury

415. With the different civil courts of a district bank with the civil treasury, the

Officer may, if it facilitates, the comparison of the accounts, open a personal ledger account for each court, even though the deposit transactions of the subordinate courts be brought by a superior court in detail on its own registers.

416. When the list of lapses is made by the Judge, notice of the amount must be sent to the Treasury Officer to enable him to deduct the amount in -the personal ledger.

417. To prevent disagreement between the deposit figures reported to the Comptroller by civil courts and by Treasury Officers, it is necessary to arrange that the former shall report only completed transactions. A civil court does not usually receive money, but gives the intending depositor an order to the Treasury Officer to accept it; and so, though recording the issue of this order in a court register with the sufficient detail, it will not bring the item on the deposit register till the Treasury Officer advice receipt. Similarly it will ascertain from the Treasury Officer advices receipts. Similarly it will ascertain from the Treasury at the close of the month which of its payment warrants have been cashed, and detail at foot of its extract register of repayments the warrants which are unpaid deducting their total from the total of the extract.

(1) When it is inconvenient for a depositor to proceed to the treasury with the court's order to lodge his deposit, it may be received by the court, and by it afterwards forwarded to the treasury. Courts in the same town with a treasury or sub-treasury should make remittances daily, if at a greater distance, they should remit frequently at fixed intervals. Similarly, when it is inconvenient for a claimant to proceed to the treasury thereto obtain repayments of a deposit, the Judge may pay him in cash; provided that there are in the court funds sufficient whether of current deposit receipts or of the office permanent advance.

(2) In these cases, however, the gross receipts and payments taking place at the

court must be shown as remitted to and from the treasury, and the payment be supported by the paid orders. If the receipts are in excess of the payments, the excess will be remitted in cash to the treasury; and if the payments are in excess of the receipts the treasury will pay the excess to the court, which will thus recoup the permanent advance account.

(3) No permanent advance should be given and hdd apart specially for the repayment of deposits; the office permanent advance may be augmented sufficiently.

Deposits for work done for Public Bodies or individuals

418. Sums received from a municipality or other body under R. 20 of Appendix 7 to these Rules are credited to this head.

Deposits of fees received by Government servants for work done for Private Bodies.

419. The following are examples of cases in which work undertaken for private bodies is done outside the ordinary duties of the Government servant concerned and the rules relating to the deposit of fees in such cases are contained in the Fundamental Rules of the Provincial Government [*vide* S. O. 111].

- (i) Fees for radiographic and electro-therapeutic work done at the Berry White Medical School at Dibrugarh;
- (ii) Fees for private bacteriological work done at Government Laboratories;
- (iii) Fees for private microscopical work done at the Veterinary Laboratories;
- (iv) Fees for analysis of foodstuffs;
- (v) Remuneration to examiners;
- (vi) Fees for operations performed on well-to-do patients at Government Hospitals;
- (vii) Additional fees for inspection of boilers On Sundays and certain holidays.

II- PUBLIC WORKS DEPOSITS

420. The following classes of transactions are passed through the account head "Public Works Deposits":

- (a) Cash deposits of subordinates as security;
- (b) Cash deposits of contractor as security;
- (c) Deposits for work to be done;
- (d) Sums due to contractors on closed accounts;
- (e) Miscellaneous deposits.

When interest bearing securities are deposited by subordinates and contractors, they do not pass through the regular accounts [*vide* Rr. 108, 109 and 115).

CHAPTER XVII

Bills and remittances

Reserve Bank of India-Remittances

I-INTRODUCTORY

421. The rules in this Chapter are designed primarily for the guidance of Treasury Officers in dealing with the payments into and withdrawals from Treasuries in connection with the facilities afforded by the Reserve Bank to Government Officers and others for the remittance of money from one place to another. These remittances are arranged for by the issue of telegraphic transfer, drafts, etc., on the Reserve Bank Account.

412. Remittances between places where the Reserve Bank has its own offices or is represented by its Imperial Bank Agencies, having full currency chest facilities, will

not pass through the Public Account. At places where the Reserve Bank is not so represented, all Treasuries and Sub-treasuries in India and Burma with currency chest facilities and such other Treasuries or Sub-treasuries as may be nominated by the Reserve Bank in this behalf, will be regarded as "Treasury Agencies" of the Reserve Bank for the issue and payment of telegraphic transfers and drafts drawn by or upon them. The connected receipts and payments in the Treasury Accounts, which will be carried initially against the balance of the Government owning the Treasury or the Sub-treasury, as the case may be, will be cleared by the Comptroller, Assam, by daily adjustments advised to the Central Account Office of the Reserve Bank in accordance with such directions as may be given by the Auditor-General of India from time to time with the approval of the Governor-General.

Note 1. Remittance facilities in Burma have been temporarily withdrawn-with effect from the 21st April 1942.

Note 2. The names of Treasuries and Sub-treasuries which, for the purpose of this rule, are regarded as Treasury Agencies of the Reserve Bank, will be found in the separate publication "List of Treasuries and Sub-treasuries in India" issued by the Government of India.

Note 3. For the purpose of the rules in this Chapter, the term "draft" includes also Reserve Bank Dividend Payment Orders referred to in R. 423.

423. The various types of remittances between one "Treasury Agency" and another or between "Treasury Agencies" and places, where the Reserve Bank is represented, will consist of __

(i) for Scheduled Banks-Indigenous Bankers, Co-operative Banks and societies; and for the general public

(a) Telegraphic Transfers,

(b) Reserve Bank Drafts,

(ii) On Government Account-Reserve Bank of India Government drafts to be superscribed "On Government Account only" ; ,

(iii) for the Reserve Bank's Domestic purposes

(a) Security Deposit Interest Drafts;

(b) Dividend Warrant Payment Orders.

The rates at which and the conditions and limitations under which telegraphic transfers and drafts on the several accounts can be issued by Treasury Agencies, will be regulated by such general or special instructions as may be issued by the Reserve Bank with the approval of the Governor General.

424. The procedure to be observed by Treasury Officers in respect of the issue and payment of telegraphic transfers and drafts on the Reserve Bank account will be governed by the following rules, but the Treasury Officers shall comply with any general or special instructions that may be issued to them in this behalf by the Currency Officer. .

425. Subject as hereinafter provided, the various forms to be used in connection with drawings on or by Treasury Agencies will be designed by the Reserve Bank.

The form of initial accounts to be kept by Treasury Agencies in respect of remittances drawn and encashed by them, and the method by which accounts of such remittances are to be rendered by them to the Accountant general, will be governed by such directions as may be given by the Auditor General with the approval of the Governor-General.

II-TELEGRAPHIC TRANSFERS

426. A person applying for a telegraphic transfer must pay the amount of such transfer together with the prescribed charges, including the cost of telegram, before the telegraphic transfer is issued.

The application shall be made in the form prescribed by the Reserve Bank, which may be obtained from the Treasury. The application form duly filled in will serve as a challan for the money tender. The Treasury Officer will retain the application for transmission to the Comptroller, Assam along with the daily Schedule of Reserve Bank of India Remittances Drawn [R. 456] and grant the remitter a receipt in Form I-A.

427. In issuing a telegraphic transfer, the following instructions shall be observed by the Treasury Officer:

- (i) The telegram to the officer making payment of the transfer should be sent in Code authorised by the Reserve Bank.
- (ii) A post copy of the telegram should be despatched to the paying office at the same time as the telegram is issued.

428. In paying a telegraphic transfer, the following instructions shall be observed:

- (i) The person claiming payment should be required produce the telegraphic advice from the place where the transfer has been issued.
- (ii) if the person to whom the transfer is payable is not known to him, the Treasury Officer should require identification by a well known and responsible person, who should certify that the payee is known to him;
- (iii) The payment of the transfer should be reported at once by a letter to the issuing officer;
- (iv) If the Treasury Officer has any reason to doubt, whether any person claiming payment is entitled to it he should telegraph to the issuing office for confirmation.
- (v) if the post copy of the telegram authorising payment is not received within three days of the date on which it should arrive, the treasury officer should communicate with the issuing officer and ask for his confirmation of the telegram.

429. The provisions of R. 453 apply *mutatis mutandis* to the payment of telegraph transfers as they apply to payment of drafts.

III--DRAFT-DRAWINGS AND ENCASHMENT

EXPLANATIONS

430. The person or officer that draws (*i. e.*, issue or grants) a draft is called the "drawer", the person or officer on which it is drawn and by which it is payable is called the "drawee"; the person or to whom a draft is granted is called the "remitter"; and the person or party to whom it is payable; is the "payee".

431. A draft on Government Account is not transferable and is only payable to or on the receipt of the person named therein as the payee or his lawful agent. Payment may, however, be made, if so desired, on the endorsement of the draft in favour of a recognised bank. All other drafts, unless the contrary intention appears from the Form itself, are transferable, the original payee being entitled to transfer his right by endorsement. This he may do by simply signing his name on the back, in which case it becomes payable to bearer, or he may write above his signature, "pay to C. D." or "pay to C. D. or order", in which case C. D. stands in the same position as the original payee did originally, and has the same power to transfer. The writing by which such a right is transferred is called an endorsement', the endorsement to "C. D. or order" is a special 'endorsement, and the person to whom a draft is successively transferred are endorsed, and the person in rightful possession of a draft is the holder.

Note 1. A bank, which is included in the Second Schedule to the Reserve Bank of India Act, 1934 may be treated as "recognised" within, the meaning of this rule. Other banks seeking recognition for the purpose of this rule should apply to the Secretary to the Government of Assam in the finance Department through the

Comptroller, Assam.

Note 2. A list of non-Scheduled banks recognised within the meaning of and for the purpose of this rule is given in Appendix .18.

FORM OF DRAFT, ETC.

432. Drafts shall be issued in special forms to be obtained from the currency officer under R. 460-B.

433. Immediately on receipt of a parcel of forms of drafts, they must be carefully examined by the treasury officer and a proper acknowledgment sent to the currency officer. The acknowledgment must certify that the forms have, been counted and found correct.

434. The forms of drafts and of advice [R. 443] shall be placed in store under the key of the treasury officer, who should each morning issue th~ book or books containing draft forms and the advice forms for the day's use. He must be careful not to issue a book of a later serial number before an earlier, and therefore should see that the store is so arranged as to prevent mistakes. Every evening the unused forms will be returned to him; and he should see that this series is unbroken; that no form is kept back unissued unless it is spoilt; and that, the number of draft forms expended in the day agrees with the total number listed in the Schedule of Reserve Bank of India Remittance drawn for the day [R. 456].

Spoilt forms shall be destroyed by the treasury officer after noting in the remarks column of the register of Reserve Bank of India, remittances drawn [R. 456] under his signature the printed numbers of the forms destroyed and certifying that the forms have been cancelled and destroyed.

In the case of the loss of blank forms of drafts from the treasuries the treasury officer himself should communicate the loss and particulars thereof to every other treasury officer concerned throughout India, the head offices and every branch of the

Reserve and Imperial Banks of India and Civil Accountant-Generals, as soon as the loss is brought to notice.

ISSUE OF DRAFTS

435. A person requiring a draft shall tender with the money a formal application in prescribed form, which may be obtained, from the treasury. The application form duly, filled in will serve as a challan for the money tendered. The application will be retained by the treasury officer for transmission where Comptroller, Assam along with the daily Schedule of Reserve Bank of India remittance drawn.

Note. A person applying for a 'Government' draft should certify on the application that the draft is wanted for *bona fide* public purpose and describe the object of the remittance; if the treasury officer doubts whether the object is really public purpose, he should state his doubt to the applicant or take the order of the district officer. Questionable grants should be reported to the currency officer with a view to the issue of instruction for future guidance.

436. (I) Subject hereinafter provided, "Government" drafts will be issued for remittances on behalf of the Provincial Government and for other *quasi-public* purposes set forth in Rr. 438 and 439 under the terms and conditions hereinafter specified.

(2) Two forms of "Government Drafts" will be issued

(i) Reserve Bank of India Government Drafts-to be drawn by or on places where the Reserve Bank is represented by its treasury agencies, and drafts to be drawn by the Reserve Bank on its own offices and branches of the Imperial Bank of India; and

(ii) Imperial Bank of India Government Drafts-to be drawn by the

Imperial Bank of India on its own offices and branches.

In either case the drafts will be superscribed, "on Government Account only".

437. (a) Drafts will be issued for a minimum amount of Rs. 25 except in special circumstances, such as sepoy remittance or that of a rating of the Royal Indian Navy below the rank of a leading seaman (or its equivalent) or for the remittances of the surplus of the estates of deserters subject to the Indian Army Act, or the Indian Navy Discipline Act. The limit of "Government" draft obtainable for private purposes of a Government officer is, in all cases but that of a sepoy or a rating of the Royal Indian Navy (specified above) proceeding on leave the amount of a month's pay and allowances of the remitter.

Note 1. The term "Sepoy" as used here includes non-combatant and Class I followers mentioned in Appendix XXVI - Regulation for the Army in India.

Note 2. When a Government servant makes his purposes or incurs expenditure in another district through an officer of that "other district", the amount to be paid by the former to the latter should be remitted by a Government draft. If, however, the amount is less than Rs. 50, the latter should treat it as a contingent expenditure of his own office.

(b) The maximum drawing on anyone day, which may not be exceeded without the express sanction of the currency officer, will be as follows:

(1) At or on a sub-treasury ... Rs 5000

(2) At or on a treasury (not being a sub-treasury) except
on the Reserve Bank ... Rs 25,000

At a treasury on the Reserve Bank ... without limit

By and on offices of the Reserve Bank
and offices and branches of the Imperial

Bank of India having currency chest facilities ... without limit

Note.. The limits on drawings on (1) and (2) above do not apply either to the

discharge value of Government loans by Government drafts Or to security deposit, interest drafts, of interest on Government Securities held on account of Government offices.

438. Government drafts may be issued in the following cases:

(I) *General.* To a Government officer, for a remittance to be made by him in his official capacity in payment of any service rendered or in pursuance of his official duties. The purpose for which the drafts are required must be clearly stated in the application.

Note. The facility of remittance by 'Government drafts' is also permitted to the Local Funds named below and to such additional funds as may be determined from time to time by Government subject to the condition that the remittance are for *bona fide* public purposes:

- (1) District Funds (including District and Local Boards' Funds) ;
- (2) District Chowkidari Rewards Funds;
- (3) Municipalities including small towns.

(2) *Public Works.* To Executive Engineers and Sub-Divisional Officers in the public works department for payment to be made outside their divisions but only on public service and not for private purposes or the convenience of contractors. When purchases are effected or work is done, by one division or province on account of another, the adjustment shall be made by book transfer.

(3) *Subscriptions for public or quasi public purpose.* When the Government desire to facilitate the collection of subscriptions for any public or *quasi* public purpose, they may allow the issue of one draft a month, to the local Secretary or treasurer of the fund or institution for the purpose of remitting subscription to the Central body.

(4) *Workmen's compensation.* To a Commissioner for workmen's compensation in favour of another Commissioner for the remittance of money remaining in his hands or invested by him for the benefits of any party to any proceedings pending before him but transferred to another Commissioner in accordance with S. 21 (2) of the Workmen's Compensation Act, 1923 (VIII of 1923).

(5) *Pay and allowances.* The remittance of pay and allowances is not ordinarily a *bona fide* public purpose, but a Government draft may be granted for the remittance of the pay and allowances of a Government servant deputed beyond the limits of the district in which his pay has to be drawn. Government drafts may also be issued for remittances covered by Subsidiary Orders 193 in the treasury rules and subsidiary orders made thereunder.

Officers of the public works department may, when presenting bills for pay and allowances of their establishments, obtain Government drafts on other treasury agencies for amounts which may have to be disbursed outside the civil district but

within their own jurisdiction.

--

(6) *Trust Funds.* To Government officers in favour of the Reserve Bank of India, Calcutta for the purchase of Government promissory notes out of funds held in trust, including Indian State transaction

(7) *Refund of Electoral deposits.* For the remittance of electoral deposits refunded to candidates for the legislative bodies (both Central and Provincial) who are residing in districts which are different from those where the deposits were; originally lodged.

(8) *Refund of earnest money.* For refund of earnest money to the unsuccessful tenderers for contract for printing and supply of standard Forms,

(9) *General public.* At treasury agencies for remittance to the office of Reserve Bank of India, at Calcutta, for the purchase of Government promissory notes. The minimum amount of a draft in such case is Rs. 5,000.

Note. In order to ensure that the Government Drafts are used for the purpose for which they are taken they should be issued payable to the office of the Reserve Bank of India at Calcutta and marked "for investment in Government Securities",

(10) *For remittance of fine creditable to a municipality or a local body in a district other than that in which the fine is realised.* The amount should be remitted to the treasury officer of the district concerned or direct to the Chairman, Secretary or Manager, according as the municipality, or the local body does or does not bank with a Government Treasury.

(11) *For remittance of the shares of land revenue due to the Zamindars of*

Meehpara, Bijni, Karaibari, Gauripur and Bagribari. For remittance by the Deputy Commissioners of Goalpara and Garo Hills of the shares of land revenue due to the Zamindars as a result of the Regulation 1 of 1878 by which the claims of the Zamindars to exercise any rights over the tracts of land situated on the Garo Hills side were extinguished other than the rights recognized in the agreement.

(12) *Local funds named in the note below Item (1) above.* (i) To the Chairman, or Secretary of the fund for any *bona fide* public purposes whatsoever;

(ii) To any Local Boards for investment of their surplus funds in any office of the Reserve Bank or a branch of the Imperial Bank of India or in any Co-operative Bank authorised by the Government for this purpose ;

(iii) To Co-operative Banks in which these surplus funds have been invested for remittance of interest or investments realised for payment to the Local Boards or Municipalities;

(iv) To municipalities including small towns for remittance of their surplus funds for investment to any Co-operative Bank.

(13) *School Boards.* For remittance of their surplus funds for investment to any Co-operative Bank.,

(14) *Payment of passage of civil officers.* To Comptroller, Assam for the payment of passages booked by Shipping Co. and Agents.

439. Remittance mentioned .in the last preceding rule will only be granted at *par* for transfer of funds within the province. Extra-Provincial transfers will be subject to exchange charges laid down in Para 3-E (I) (c) of the Booklet "Remittances facilities in India and Burma", published by the Reserve Bank of India.

Note. In cases where the Provincial Government desire extra-Provincial transfers to be made at *par* they will pay to the office of issue exchange at the prescribed rates, the expenditure on account of the exchange being met out of the

contingent grant of the office or department concerned.

440. Bank drafts may be issued to civil officers in the following cases, the premium at the rates laid down in Para 3-A(I) of the Booklet "Remittance Facilities in India and Burma", published by the Reserve Bank of India being payable in all cases whether the transfers are Intra Provincial or Extra Provincial:

(1) *Land revenue and cesses.* To persons having to pay land revenue and cesses in another district when the amount to be remitted exceeds Rs. 600. A single draft can be granted to one remitter for each installment; the particulars of the properties on account of which the money is remitted must be carefully detailed on the reverse and the form filled up thus----

Received from A B on account of CD, proprietor. The sum of Rs..... on account of land revenue demands to be transferred to his credit under land revenue [*vide* particulars on the reverse, at the.....treasury].

(2) *Excise.* For remittance to the contractors of the cost price of country spirit and Ganja supplied to Assam, subject to a minimum in such case, of Rs. 100.

441. Drafts shall be prepared and signed 'from time to time as they are applied for, immediately on the receipt of cash or its equivalent ; the business of signing them must not be postponed till the close of office, and on no account may the office be closed till all the drafts applied for have been issued. Each draft must be signed legibly with full signature of the treasury officer.

442. At the time of signature of a draft the register (form 3-A 25) in Account Code Vol. II, together with the application for the draft, the advice [R. 443] and the book of forms shall be laid together before the treasury officer. The treasury officer will initial each entry in the advice and the corresponding entry in the register at the same time as he signs the draft after he has satisfied himself that---

(i) the several documents agree;

- (ii) the authority for issue is sufficient;
- (iii) the date and office of issue and name or the payee are legibly and distinctly entered in the body of the draft;
- (iv) in addition to the amount being entered in figures, the amount; of whole rupees is entered a second time in words and fractions of a rupee in words or figures, that the words are written continuously without lifting the pen and that- when the, amount consists of rupees only and does not contain fractions of a rupee, the words end with the word "only" ; .
- (v) a sum, a little in excess of that for which the draft is granted is entered in words across the draft at right ,angles to the type;

Note 1. "Under thirty rupees" will mean that the draft is for a sum not less than s. 20, but less than Rs. 30, and "under eight hundred rupees" will mean that it is for less than Rs. 800, but not less than Rs. 700;

Note 2. The cross entry is not necessary if the amount in words is typed perforated by a special cheque writing machine.

ADVICE OF REMITTANCES DRAWN

443. An advice of all drawings effected on a particular treasury or the Bank on any particular date shall be sent to the treasury or the office drawn upon in the special form prescribed by the Reserve Bank. The ad vices must be completed" signed and dispatched by the Treasury Officer before the treasury closes on the day of issue.

Advices of drafts drawn on the Bank shall be sent direct to the Manager or Agent, as the case may be, of the Bank.

444. It alterations be made in a draft prior to issue, the corrections shall be noted in the advice, and each alteration, both in draft and advice, shall be authenticated the drawer's full signature in order to prevent hesitation or the part of the drawee. If the drawer should enter the amount so carelessly as to make a

stranger to alter it, and fraudulently to obtain payment of a large amount, the drawer, and not the drawee, must bear: the loss. But the Treasury Officer drawn on must remember and apply the numerous defusive checks provided for him in these rules.

REGULARITY OF SIGNATURE

Variation in the signature of drawer often entails much trouble on the paying officer, and the drawer shall be held responsible for any inconvenience or delay which may be caused to individuals in consequence of charge in or illegibility of, his signature or serious irregularity on the face of the draft, as the drawee would be justified in suspending payment in cases of doubt arising from such causes. An Indian officer-in-charge of a treasury shall sign his name in English or have it written in English characters below the signature in any Indian script.

446. Where any change of Treasury Officer occurs, a specimen of the signature of the relieving officer shall be forwarded by the outgoing officer to all offices usually drawn on.

The following form will be convenient -----

"The undersigned begs to notify to.....that he has on this day been relieved of the executive charge of the Treasury at..... .
by a specimen of whose signature is annexed".

Relieved Officer

Date.....

"Relieving Officer"

Note I. If it should be necessary for a treasury officer to draw on a treasury or an office not usually drawn upon, to which a specimen of his signature has not been sent under the provisions of this rule, he should at the time of issue of, draft, also forward a specimen of his signature under a special forwarding letter, which should

be pasted in a separate cover and not in the cover containing the advice.

Note 2. .In the case of an Indian Officer who signs in any Indian scripts, his name should be written in English characters in the notice, as well as after his signature.

Note 3. When an officer who was formerly in charge of a treasury resumes charge of it after a lapse of time, his signature need not again be circulated among treasuries and other offices.

ENCASHMENT OF DRAFTS

447. The advices received from the issuing treasuries or the Bank must be opened in the presence of the Treasury Officer, and each dated and initialed by him, after he has satisfied himself of its genuineness by examining the signature of the drawer, and, if necessary, the post mark. They shall then be sorted and arranged according to the offices from which they are received and posted chronologically in guard files in such a way that advices received from each drawing officer may be kept together. These files must be kept under lock and key.

Note. The Treasury Officer should particularly tally against the possibility of the fraud of altering after signature the amount shown in the Advice, by a comparison of the total amount reported in words in the heading with the real total of the figured amounts of an advice. Any alteration of any enery, whether of names or figures, in an advice requires the drawer's full signature, so that it is scarcely possible that any fraud should be attempted by altering the advice before he has signed it.

448. The advices arranged in the manner prescribed in the last preceding rule, will facilitate the examination and identification of drafts, presented for payment. The entries made in an Advice should be such as to place suitable obstacle to the

encashment of drafts forged or fraudulently altered, and their sequence should effectually bar the use a second time of a particular serial number, and suggest suspicion even of the Advice where high number follows a low one.

Necessary notes of references touching irregularities of cancellation, issue of certificates of non-payment, advices of seconds or thirds and of any other points of importance shall be made on the Advice.

449. (a) On a draft being presented for encashment the Treasury Officer must compute it with the Advice and satisfy himself carefully that it is in order, and that it is receipted on the back by a person entitled to give a legal quittance. It must be borne in mind that in the case of a Government Draft, the liability to the payee named in the draft can only be discharged by payment of the amount due thereunder to---

(1) The payee or his lawful agent on identification; or

(2) The payee's banker who should certify that the amount has been placed to the payee's credit; or

(3) A person holding a letter of Authority from the payee, whose signature must be known to the treasury officer, and if the letter directs the treasury officer to pay the money to a certain named person, the person must be identified to the treasury officer before payment can be made.

The only endorsement on such a draft should be payee's receipt or that of his lawful agent.

Note. The term "payees' Banker" in (2) above is restricted to such banks only as are recognised for the purpose of R. 431.

(b) In all other cases, where payment is not made on an endorsement in favour

of a recognised bank, the treasury officer must not only satisfy himself of the genuineness of the claimant's signature to the receipt on the back of the draft, but; if the claimant himself is not in attendance, must assure himself that the presenter of the draft is the agent or messenger of the legal holder duly authorised to receive payment. If the presenter is unknown to the treasury officials, or if known, should there be reasonable grounds for questioning his being in lawful possession of the draft, the treasury officer shall demand in writing from the legal holder, authorising the presenter to receive payment on his behalf. Similarly, in cases, where payment is made on an endorsement to a recognised bank, the treasury officer must assure himself that the presenter of the draft is the authorised agent or messenger of the Bank.

450. Drafts payable' at the district treasury cannot be endorsed for payment at a sub-treasury. But if the money payable for a draft is required at a sub-treasury and remittance cannot be effected in accordance with the procedure laid down in R. 460-B, a cash order may be issued to the payee for presentation at the sub-treasury. In such a case the payee must receive the draft as "Received payment by a cash order on... ..sub-treasury" and the treasury officer at the district treasury shall finally deal with the draft and take the same precautions regarding delivery of the cash order as are prescribed in the following rule in the case of payment in cash.

451. (1) Before issuing pay orders on a draft the treasury officer shall satisfy himself that the draft has been advised; that it corresponds in all particulars with the advise; that it bears the genuine signature of the drawer, that it has not been tampered with; and that it is not a cancelled or lapsed draft or one of which a duplicate has been paid.

(2) A draft may be paid---

(i) without advice, if there is no reason whatsoever to doubt its genuineness,

and if sufficient security is offered. In the case of well-known and reliable holders, this security may be dispensed with at the discretion of the treasury officer. The treasury officer shall in all such cases apply for the necessary advice without delay;

(ii) Even though differing from the advice, at the discretion of the treasury officer, provided there is no suspicion of fraudulent alteration, nor any possible doubt of the genuineness of the draft. Special caution must be exercised before paying on a draft an amount larger than that named in the advice.

DOUBTFUL DRAWINGS

452. In case of erasure, alteration or other serious cause for suspicion, the treasury officer shall before payment, refer to the drawer, the post office or the currency officer, as the case may require. Any material alteration of a draft, after it has been drawn or endorsed, affecting the date, sum, time or place of payment will invalidate it, but the mere correction of a mistake, such as by inserting the words "or order" in the endorsement of a draft, will have no such effect.

FORM OF RECEIPT

453. For the sufficiency of the receipt, it is necessary to see that it is not for a part only of the draft, and that it is given by the legal holder. On no account may a draft be paid by installments; receipt for the full amount must be given on the reverse, and the full amount must be paid.

(a) If the legal holder be dead, payment can be made only to his legal representative, a draft for less than Rs. 100, may, however, be paid without a certificate of administration. .

(b) If the receipt be signed by an agent or attorney, note of the existence, and of the record in the Treasury, of the power-of attorney, should be made on the draft.

(c) If more than one person be named in the draft, all must join in order to give

a valid endorsement or receipt.

(d) A draft payable to A B cannot be encashed on the receipt of his partner C D without production of a formal power of attorney; a draft payable to A B & Co. can be paid on the receipt, as A B & Co.. of any member of the firm.

(e) Drafts payable to an Incorporated Company or any other corporate body may be paid on the receipt of the official authorised, generally or specially, by its regulations or by power of attorney to receive moneys payable to such company or body.

In the case of drafts payable to an unincorporated body, payment may be made to a person holding authority to receive moneys payable to such body, but the Treasury Officer must first satisfy himself that the authority has' been duly conferred.

(f) A Government officer, when he sends a draft to a treasury, not for cash payment, but for credit of its amounts in the treasury accounts, must before he signs the receipt, add to the words "Received payment", the further words, "by transfer credit to". Omission to do this facilitates fraudulent appropriation of the money.

IV-RECORD OF DRAWINGS AND ENCASHMENTS

454. A record of telegraphic transfer! issued and drafts drawn by the treasury will be kept in a Register (Form T. A. 25) in accordance with the directions contained in this behalf in the Account Code, Volume II.

455. As each draft or telegraphic transfer is paid, it must be stamped "paid", the date of payment being at the same time noted in the advice under the initials of

the treasury officer. Entry must be made at the same time in the Register of Reserve Bank of India Remittances Encashed (Form T. A. 26) in accordance with the direction contained in Accounts Code, volume II.

On receipt of advice of cancellation of any draft, or on its lapse, the fact shall be noted in the advice originally received.

456. At the end of each day, separate Schedules for drawings and encashment during the day will be prepared in special forms prescribed by the Reserve Bank for submission to the Comptroller, Assam, in accordance with the directions contained in the Account Code, Volume II. The application forms for remittances drawn and also the receipted drafts and payees receipts in respect of telegraphic transfers encashed, shall accompany the schedule mentioned above.

457. The following are the crossed cheques, which the treasury officer shall each evening apply to the several documents connected with remittances drawn and encashed. The Registers of Remittances drawn and encashed and the connected schedules check one another directly, the total of each schedule must agree with the total receipts or total payments for the day as booked under the head "Reserve Bank of India Remittances" in the Cash Book, after allowing for receipts and payments, if any, at sub-treasuries which will be entered under a separate sub-head. The total of the several advices for the day must also agree with the total of column "Amount" in the schedule of drawings, and this agreement shall be at times checked by the treasury officer himself.

V-OTHER RULES ISSUB OF DUPLICATES

458. When satisfactory evidence has been given that a draft has been either lost or destroyed, and application is made within a reasonable period after issue but before it has lapsed [R.460-0], a duplicate may, without reference to the currency

officer, be granted to the party, who obtained the original, or to the payee, or to the legal representative of either, but to no person. If the draft should not have been presented for payment within three months, it will be necessary for the applicant to produce a certificate of nonpayment from the drawee but the issue of the certificate will be no bar to the payment of the lost draft, if presented before the duplicate is paid.

In the event of the loss of both original and duplicate, a triplicate may be issued on the same terms as the duplicate, the non-payment of others being certified. Neither duplicate nor triplicate can be issued without reference to the currency officer, if the draft has lapsed. Issue of duplicate or triplicate must be promptly advised to the drawee in order that proper note may be made on the advice originally received.

459. The duplicate and triplicate must be drawn in exactly the same terms as the original instrument with the same date, the same number, the same amount and the name of the same payee, so that, if a lost draft has been endorsed, the endorsee must apply for a duplicate through the original payee. It will be issued under the signature of the officer-in-charge of the treasury at the time, although he be not the person who signed the original draft.

Note. "Then it is necessary to issue duplicates, the word "Duplicate" should be prominently written in red ink on the face of ordinary draft forms and the relative advice forms. The duplicate should be issued only after the issuing officer has satisfied himself that the original has not been paid.

No duplicate or triplicate older than six months shall be paid without previous reference to the currency officer.

CANCELLATION AND REFUND

460. (I) No draft can be cancelled without surrender of the whole set. Thus, if a

duplicate or triplicate has been issued, the draft can be cancelled only if the original together with the duplicate (and the triplicate, if issued) be surrendered. Consequently no refund can be made on a lost draft; a duplicate must be obtained and payment taken at the treasury or office drawn on.

(2) All parts being surrendered, a draft may be cancelled and its amount refunded at the discretion of the treasury officer, on the application and receipt of the remitter in the case of a Government draft, and of the payee in the case of other drafts. If in the latter case, the receipt of the payee cannot be obtained, the remitter's application for cancellation, with explanation of the reasons for his request and of the difficulty in the way of obtaining the payees' signature, shall be submitted for orders of the Currency Officer. Although no difficulty should be made about cancellation of Government draft, it must be clearly understood that other classes of drafts can be cancelled only as an indulgence, and for sufficient cause shown. No exchange which has been levied can be refunded.

Note. If, alteration of the name only of the payee is required by the remitter, it will suffice for the drawer to alter the name in the draft under his full signature and to advise the drawee.

460-A. When a draft is cancelled, the fact of cancellation must be conspicuously noted across the face of the draft, at the same time intimation shall be sent to the office drawn on, in order that the fact may be recovered in the Advice originally received and necessary precautions taken against payment of the cancelled draft. The cancelled draft shall be duly receipted by the remitter *or* the payee, as the case may be.

Note. The amount refunded will be entered in the Register of Reserve Bank of India Remittances Encashed, and also in the proper columns *of* the Schedule of such encashment for the day *on* which the cancellation takes place, in accordance with the directions contained in this behalf in the Account Code, Volume II.

EXCHANGE OF DRAFTS

460-B. A Treasury Officer may issue a draft in exchange for one drawn on him-

- (i) if on Government account, only if the payee be a Government Officer and requires the draft to be exchanged for reasons to be stated in his application;
- (ii) in other cases, only if the holder has been removed to the neighborhood *of* another treasury or of an office or agency *of* the Bank.

Note 1. A draft is said to be exchanged when the holder being unable to appear and take payment in cash applies for a new *one*, endorsing the original" Received payment by draft on....."

If he can appear and take payment in cash, his obtaining a new draft with the cash paid on the old *one* is a matter to be disposed of under ordinary rules.

Note 2. When a draft is exchanged for another, the original draft will be treated

and charged as a draft presented *for* encashment and the amount again credited as received *for* the issue *of* a new draft.

UNPAID DRAFTS

460-C. Drafts which are outstanding for more than six months can be paid only after obtaining necessary confirmation *from* the Drawing Officer.

LAPSE OF DRAFTS

460-D. Drafts which are' not paid before the end of third account year after that in which they are issued shall be treated as lapsed and shall be so marked in the advice. Should anyone apply *for* payment of a lapsed draft he should be directed to address the Currency Officer for orders.

SUPPLY OF FORMS

460-E. Forms of drafts and all other forms prescribed by the Reserve Bank, for use in connection with the remittances dealt with in this Chapter will be supplied to the Treasury Officer by the Currency Officer under whose jurisdiction the treasury is situated. Indents for such supplies will be in FR Form No. 52 or in such other form as the Reserve Bank may prescribe and will ordinarily be for twelve months' supply.

VI- SPECIAL RULES FOR REMITTANCE OF POLICEMEN

460-F. In the case of policemen's remittances, the District Superintendent of Police will forward the drafts to the payees direct. Descriptive Rolls of the payees duly filled in and signed, will at the same time be sent to the Treasury Officer concerned.

Note. There is no objection if such a course is preferred or is required by departmental regulations, to the Superintendent of Police, sending the draft to the

District Superintendent of Police of the district in which the payee resides, who will deliver it to the payee after satisfying himself as to his identity.

460-G. The drafts are payable to the parties described in the roll, in case of doubtful identity, payment may be made on security at the discretion of the Treasury Officer.. .

460-H. These drafts, if not presented for payment at the expiration of six months from the date of issue, shall be considered as cancelled and if they are presented after that period, payment shall be refused. A draft which has thus become uncurrent may be returned by the payee to the drawer for the issue of a fresh draft or for the refund of the amount, as may be required.

Should such a draft, whether original or duplicate, be lost in transit, the Superintendent of Police will report the loss to the Currency Officer, who will decide the case specially on its merits, sanctioning refund so that the person indicated, if it appears right. When the draft is six months old and therefore void, there need be no hesitation in permitting refund on production of a non payment certificate from the treasury or office on which it was drawn.

Note. The drafts may be cancelled as provided for in R. 460.

CHAPTER XVIII

Miscellaneous subjects

Money Order issued on payment of Bills

461. (a) Officers of the Education Department will present the money orders at the treasury with passed bills, signed or countersigned by the proper authority [*vide* Appendix II to Treasury Rules] in payment of their values, and commission. The treasury will send the money orders for issue to the Post Office, with a certificate stating that the amount, including commission, has been credited to the Post Office in the treasury accounts. [*See* also Subsidiary Order 56 (o)]. The money orders will

then be issued by the post office and their amount adjusted with the treasury.

(b) The money orders should be presented at the local treasury with the relevant bills duly signed or countersigned and a chalan or chalans for the amount of the money order commission, which will, at the same time, be paid into the treasury in cash from the remitting officer's permanent advance. The treasury Officer will then send the money orders for issue to the Post Office with a certificate stating that the amount, including commission, has been credited to the Post Office in the treasury accounts. [See also Subsidiary Order 56 (0)]. There will be no cash transaction on the part of the remitting office except in respect of the money order commission.

462. The procedure laid down in connection with money orders issued in payment of bills of the Education Department should be adopted in remitting the pay and travelling allowances of Government. Sub-Assistant Surgeons, Compounders and menials serving in outlying State, dispensaries in Assam. [See Subsidiary Order 56 (0)]. These order do not apply to State dispensaries at Henema and Phekrokejama in the Naga Hills, where there are no post offices. The Civil Surgeons concerned will furnish the necessary list required by the Post Office, showing the amounts of money orders and the commission payable thereon.

463. Money orders in payment of the salaries of Pound establishments and Mandals are accepted by the Post Office if they are accompanied by a bill for the total value of the money orders to be issued and the commission payable thereon passed by a proper authority and endorsed in favour of the Post Master concerned and also passed for payment by the Treasury Officer before presentation .to the Post Office. {See also Subsidiary Order 56 (0)].

464. The following procedure should be adopted in connection with money orders to be issued in payment of bills by the Special Superintendent of Excise, Assam. The bills, with those for money -order commission which should be paid by

means of a contingent bill, should first be passed by the proper authority and after endorsement in favour of the Post Master of the issuing Post Office should be sent to the Treasury Officer along with the usual money order forms duly filled in. The Treasury Officer should after passing the bills for payment, send them to the Post office with the money order forms.. /See also Subsidiary Order 56 (0). After the bills have been receipted by the Post Master, they will be sent back to the Treasury for incorporation in the account. .

*Remittance by Postal Money Orders of Forest Revenue 10 Treasuries and of Advances
to Forest Disbursers*

465. (1) the postal peon entrusted with the delivery of the money orders will present to the Treasury' Accountant together with the money orders, a voucher or cheque for the total value thereof. If the amount stated in the voucher or cheque agrees with the total of the money orders, the Accountant will cut off the strip of each money order containing the coupon and the acknowledgment, sign and date the money orders as *payee* except those for amounts exceeding Rs. 500 which should be signed by the Treasury or Sub-Treasury Officer. The signed money orders will then be returned to the postman, the voucher together with the coupons and the acknowledgment being retained by the Accountant.

(2) on the same day the Treasury or Sub-Treasury Officer will adjust the amount of the voucher in his treasury account by transfer debiting it to the post office by credit to Forest Revenue, and will also send an advice list in Financial' Rule Form No. 53 together with the strips containing the money order coupons and

acknowledgments, to the Divisional Forest Officer on whose behalf the money orders have been sent. '

(3)Treasury Officers should take special care to see that the total amount of each advice list to the Divisional Forest Officer agrees with the amount of the treasury voucher received from the post office and debited in the treasury account to the Postal Department.

(4) Cheques issued to Disbursers by Divisional Forest Officers in favour of Postmasters will be cashed in the usual manner.

(5) The amount of each money order should be shown separately in the Treasury Schedule of forest receipts and in the advice list sent to the Divisional Forest Officer.

Enforcement of responsibility for losses sustained by Government through fraud or negligence of individuals

466. (1) Every Government servant should realize fully and clearly that he will be held personally responsible for any loss sustained by Government through fraud or negligence on his part, and that he will also be held personally responsible for any loss arising from fraud or negligence on the part of any other Government servant to the extent to which it may be shown that he contributed to the loss by his own action or negligence.

The cardinal principle governing the assessment of responsibility in such cases is that every public officer should exert the same vigilance in respect of public expenditure and public funds generally as a person of ordinary prudence would exercise in respect of expenditure and the custody of his own money.

(2) It is of the greatest importance to avoid delay in the investigation of any loss due to fraud, negligence, financial irregularity, etc. Should the administrative authority require the assistance of the audit officer in pursuing the investigation, he may call on that officer for all vouchers and other documents that may be relevant to the investigations; and if the investigation is complex and he needs the assistance of an expert audit officer to unravel it, he should apply forthwith for that assistance to Government who will then negotiate with the audit officer for the service of an investigating staff. Thereafter the administrative authority and the audit authority

will be personally responsible, within their respective spheres, for the expeditious conduct of the inquiry.

(3) In any case in which it appears that recourse to judicial proceedings is likely to be involved, competent legal advice should be taken as soon as the possibility emerges. In the case of losses involving a reasonable suspicion of fraud or other criminal offence, a prosecution should be attempted unless the legal advisers consider that the evidence available is not such as will secure a conviction. The reasons for not attempting a prosecution should be placed on record in all such cases.

(4) In cases where loss is due to delinquencies of subordinate officials and where it appears that this has been facilitated by laxity of supervision on the part of a superior officer, the latter should also be called strictly to account and his personal liability in the matter carefully assessed.

(5) The question of enforcing pecuniary liability should always be considered as well as the question of other forms of disciplinary action. In deciding the degree of the officer's pecuniary liability it will be necessary to look not only to the circumstances of the case but also to the financial circumstances of the officer, since it should be recognized that the penalty should not be such as to impair the Government servant's future efficiency.

In particular, if the loss has occurred through fraud every endeavor should be made to recover the whole amount lost from the guilty persons, and if laxity of supervision has facilitate the fraud, the supervising officer at fault may properly be penalized either directly by requiring him to make good is money a sufficient proportion of the loss, or indirectly by reduction or stoppage of his increments of pay.

It should always be considered whether the value of Government property or equipment lost, damaged, or destroyed by the carelessness of individuals entrusted with their care (*e.g.*, a policeman's rifle, touring officer's tents, a factory motor lorry? and engineer's instruments should not be recovered In full up to the limit of the officer's capacity to pay.

(6) Steps should be taken to ensure that an officer concerned in any loss or irregularity which is the subject of an enquiry, is not inadvertently allowed to retire on pension while the enquiry is in progress, and accordingly, when a pensionable Government servant is concerned in any irregularity or loss, the authority investigating the case should immediately inform the accounts or audit officer responsible for reporting on his title to pension, and the authority competent to sanction pension, and it will be the duty of the latter to make a note of the information and to see that pension is not sanctioned before either a conclusion is arrived at as regards the Government servant's culpability, or it has been decided by the sanctioning authority that the result of the investigation need not be awaited.

The fact, that officers who were guilty of frauds or irregularities have retired and have thus escaped punishment, should not be made a justification for absolving those who are also guilty but who still remain in service.

*Departmental enquiry in case of fraud and embezzlement of Government
money which Government servants are involved*

467. (1) Where fraud or embezzlement of Government fund has occurred and where a prosecution is, or is likely to be, instituted, there is a tendency for the head of the office or department to regard the institution of criminal proceedings as absolving him from the unpleasant and often laborious task of conducting immediately a thorough departmental enquiry. The procedural reluctance may be enhanced by an apprehension that an enquiry may prejudice the result of the trial in a court of law. Departmental enquiries should not necessarily be delayed pending decision of criminal cases, as at later stage the evidence might disappear and the departmental enquiry could not be brought to any conclusion at all.

2) Experience shows that departmental proceedings cannot as a rule proceed concurrently with a criminal prosecution. Much of the evidence in a case of fraud or embezzlement is documentary. As soon as the criminal proceedings begin the documents go to the court as exhibits, and there they must remain till the case is over and (if an appeal is filed) till the appeal is over. But it is essential that every thing should be done to carry the departmental proceedings before prosecution begins. As soon as sufficient evidence is available for the purpose in the course of investigation in case of fraud or embezzlement of Government funds whether such investigation is conducted departmentally or through police (including Special Police Establishment), action should be taken under the Assam Services and Disciplinary Proceedings, 1964 or other appropriate Disciplinary Rules, and disciplinary proceedings should be initiated forthwith. Such departmental proceedings need not interfere with the police investigation which may be continued where necessary. After the departmental proceedings are concluded and the penalty, if any, imposed as a result thereof, the question of prosecution should be considered in the light of such material, as may have become available as a result of the investigation.

(3) In suitable cases, criminal proceedings should thereafter be initiated. Before

initiating such proceedings, advice on evidence should be obtained from Government counsel. When the conduct of an officer discloses a grave offence of a criminal nature, criminal prosecution should be the rule and not the exception. When the competent authority is satisfied that there is no criminal case which can be reasonably instituted against such officer, criminal prosecution should not, of course, be resorted to. But prosecution should not be avoided merely on the ground that the case might lead to an acquittal.

(4) Should the decision of the trial court or of the appellate court, as the case may be, lead to the acquittal of the accused, it may be necessary to review the decision taken earlier as a result of the departmental proceedings. Consideration to be taken into account in such review would be whether the legal proceedings and the departmental proceedings covered precisely the same ground. If they did not, and the legal proceedings related only to one or two charges, *i. e.*, not the entire field of departmental proceedings it may not be found necessary to alter the decision already taken. Moreover, it should also be remembered that while the court may have held that the facts of the case, did not amount to an offence under the law, it may well be that the competent authority in the departmental proceedings might hold that the Government servant was guilty of a departmental misdemeanor and he had not behaved in the manner in which a person of his position was expected to behave.

NOTES

"In sub-R. (2) of R. 467 the words "as far as possible" has been omitted and the paragraph "As soon as sufficient investigation" has been substituted along with sub-R. (3) and the words "if the accused proceedings in court" have been also substituted by the words "If they did not was expected to behave" *vide* C. S. No. 244 [Ref. Memo No. FEG-2082/67 under order dated 21-2-1968].

(5) The proceedings contemplated in these instructions are those which are

regulated by the Civil Services (Classification, Control and Appeal) Rules. , Where action is taken under the public servants (Inquiries) (Act 'XXXVII of 1850), this ordinarily takes the place of a criminal prosecution as regards the person or: persons accused; but the procedure as regards other persons involved against whom the Act is not employed should be in accordance with the instructions given above.

NOTES

Financial checks and cross checks have been tightened over defalcation and losses by criminal misappropriation, criminal breach of trust and embezzkments by anti-social elements in the services. This is in accordance with the orders of Government of India on the subject at the instance of the Comptroller and Auditor-General of India.

Prosecution for the embezzlement of Government rent money

468. (1) All losses of the kind referred to in R. 103, I must be reported forthwith by the officer concerned, not only to the Audit Officer, but also to his immediate official superior. Reports must be submitted as soon as reasonable grounds exist for believing that a loss has occurred; they must not be delayed while detailed enquiries are made.

(2) Report submitted under (I) above must be forwarded forthwith to Government through the usual channel with such comments as may be considered necessary.

(3) As soon as a reasonable suspicion exists that a criminal offence has been committed, the senior officer of the department concerned present in the station will report to the District Magistrate and ask for a regular police investigation under the Code of Criminal Procedure, 1898.

(4) If the District Magistrate agrees that an investigation may be made, the senior officer of the department concerned present in the station will (a) request the District Magistrate to arrange for the investigation to proceed from day to day, (b) see that all witnesses and documents are made available to the investigating officer; and (c) associate with the investigating officer an officer of the department who is not personally concerned with the irregularity leading up to the loss, but who is fully cognizant of the rules and procedure of the office in which the loss has occurred.

(5) When the investigation is completed an officer of the department (accompanied by the officer who attended the investigation) must be made available for conference with the authority who will decide whether a prosecution should be instituted. If it is decided not to prosecute, the case must be reported through the usual channel to Government for orders.

(6) If it is decided to prosecute, the departmental representative will ascertain from the prosecuting officer whether having regard to the engagements of the prosecuting staff, and the state of work in the court which would ordinarily hear the case, it is necessary to move the District Magistrate to make special arrangements for a speedy trial and will request the prosecuting officer to make any application that he may think necessary.

(7) When the case is put into court by the Police, the senior officer of the department concerned present in the station will see that all witnesses serving in the department, and all documentary evidence in the control of the department, (preferably the officer who attended the investigation) to attend the proceedings in court and assist the prosecuting staff.

(8) If any prosecution results in the discharge or acquittal of any person or in the imposition of sentences which appear to be inadequate, the senior officer of the department concerned will at once consult the District Magistrate as to the advisability of instituting further proceedings in revision or appeal, as the case may be, and if the District Magistrate is of opinion that further proceedings are necessary, will request him to proceed as he would do in any other case.

Appeals against acquittals can be made only under the orders of Government.

(9) The senior officer of the department concerned present in the station will see that, in addition to the reports required under (1), (2) and (5) above prompts are submitted to Government through the usual channel regarding-----

- (a) the commencement of a police investigation;
- (b) the decision to prosecute in any particular case;
- (c) the result of any prosecution;
- (d) the decision to proceed further in revision or appeal in any case ;
- (e) the result of any proceedings in revision or appeal.

(10) Notwithstanding anything contained in (2) to (9) above the senior officer of the Department concerned present in the station may, if he thinks fit, refer any matter through the usual channel for the orders of Government before taking action.

Injuries to Government servants caused through the negligence of another person

469. In order that the question of instituting a claim for loss of services against the party alleged to be responsible for the injury may be considered by Government in consultation with their legal advisers, officers on deputation in the United Kingdom should report promptly to the India Office or the Office of the High Commissioner' for India the facts relating to an injury that may be sustained by them, whether on or off duty, owing to the negligence of a member or members of the public, a copy of the report being sent to the Provincial Government.

Cases of injuries similarly sustained in India in which the injured officers succeed in their action against, the persons answerable for the injuries caused should be reported to Government to enable it to decide whether it should prefer a claim for the expenditure incurred on pay, allowances, hospital expenses, etc.

*Demarcation of boundaries between British Territory anti Indian states
and Foreign States*

470. The Crown Representative in agreement with the Government of India and the Auditor-General has decided that the following principles should be adopted for determining the incidence of the cost of maintenance and demarcation of boundaries, and of boundary disputes, between Provinces, Indian states and Independent Foreign States.

I. The charges in connection with boundaries relate broadly to

(1) maintenance, and

(2) demarcation and disputes of boundaries.

II. The incidence of these; ,charges in the various classes of cases that may arise should be as under:

(A)Boundary between a *Foreign State*, and

(1) a Governor's Province;

(2) an Indian State;

(3) a Centrally Administered Area.

(a) Half the maintenance charges should be born by the Governor's Province, Indian state, or the Centre, as the case may be, the other half being recovered as far as practicable from the Foreign State (except Nepal) failing which the foreign State's share will be borne by Centre. For reasons of policy the Nepal Government's share will for the present, be borne by the Centre.

(b) Charges relating to demarcation of boundaries and, settlement of boundary dispute should be born by the Centre under item 3 of the Federal Legislative List, subject to such recovery as may be made from the Foreign State.

The boundary of a Foreign State marching with a Governor's Province or Indian State

is no doubt the boundary between the foreign State and Indian, but it is. also the boundary between the foreign State and the Province or any Indian state, in which the latter has a direct proprietary interest and, on considerations of equity the maintenance charges at least should be shared by the Province or Indian state

(B) Boundary between a *Centrally Administered Area* and

(I) a Governor Province;

(2) an Indian state.

(C) Boundary between an Indian state and a Governor's Province.

(D) Boundary between Governor's Provinces.

All charges relating to these boundaries should be shared by the parties concerned.

The maintenance and demarcation of boundaries have not been specifically mentioned in the Legislative Lists in the 7th Schedule to the Government of India Act, 1935, and except to the extent to which demarcation of boundaries and settlement of boundary disputes *with Foreign States* fall within the subject "External Affairs", the Conclusions reached above are subject to mutual agreement.

(Crown Representative's Department No. F. 31-Fed-11/37, dated the 18th January, 1938)

Trust Funds

471. Rules relating to Charitable Endowments and other Trust Funds are embodied in Appendix 13.

Supply of funds for expenditure in England

472. An extract from the Government of India Act, 1935 [S. 157] and another from the Auditor-General's Memorandum of Banking and Accounting Arrangements consequential to the introduction of Provincial Autonomy on the subject of supply of funds to the Secretary of State for India for expenditure in England are given in

Appendix 14.

Inspection of Treasurer and Departmental Offices by the Audit Department

473. The primary object of inspection by the Audit Department of treasuries and departmental offices is to assist the Heads of Departments and offices, in maintaining an efficient system of regularity and control of financial transactions committed to their charge and not to relieve them of their responsibilities in the matter of frequent check and supervision. An inspection by the Audit Department merely supplements inspections and supervision by administrative and executive authorities with a view to insure that the rules prescribed for the guidance of those authorities regarding the proper maintenance of accounts, the custody and handling of cash and stores and generally in all matters of financial control are being duly observed. Those who are entrusted with safeguarding the financial interest of Government should exercise their full quota of vigilance and not fall into a false sense of security by the idea of inspections by the Audit Department.

NOTES

Since the Comptroller and Auditor-General of India had been relieved of the responsibility of maintaining accounts for the State Government, the directions containing the concords, "relation of Audit with the Executive Government of Assam" had become infructuous and were deleted from the Financial Rules.

Inspection of offices of the Forest Department

474. Each Divisional Forest Office will, if possible, be inspected at least once a year by the Conservator or the officer-in-charge of his office and each Range office should be inspected by the Divisional Officer at least once a year [See paragraph 40

(2) of the Assam Forest Manual, Volume II].

475. *[Deleted]*.

DUTIES OF PUBLIC WORKS OFFICERS

Chief Engineer

476. (1) The Chief Engineer will support the Audit Officer in enforcing compliance with the regulations. He will have no authority over the Audit Officer in audit matters, but may freely apply to him for advice in accounts and finance. The Chief Engineer will keep the Audit Officer informed of all proceedings necessary for the latter to fulfill his functions.

(2) The Chief Engineer will prepare annually, the portion of the budget estimates relating to the works under his control, and as soon as possible after the close of each year, a report of the progress made during that period on the Public Works under his charge, giving a brief but clear account of the operations of the department.

(3) It will be the duty of the Chief Engineer to see that the budget allotment of the year are fully expended, in so far as it is consistent with general economy. He will be responsible for ensuring that any money which is not likely to be needed during the year is promptly surrendered, so as to allow of its appropriation for other purposes by the proper authority. .

Superintending Engineer

477. (1) The Superintending Engineer should satisfy himself of the efficiency of the executive' system throughout the several divisions and that the regulations are strictly maintained, both as regards works and accounts, that orders from superior authority are promptly and effectually carried out and that no avoidable delay is allowed to occur in the submission of completion reports.

(2) It will be the duty of Superintending Engineer to satisfy himself that matters relating to the primary accounts are attended to personally by the Divisional and Sub-divisional Officers.

(3) It is his duty to investigate excesses over sub-heads with a view to deciding whether or not a revised estimate will be required for the work, and when a revised estimate is required, he should see that it is submitted in due time.

(4) It will be his duty to watch and control the rates paid for work and he may require an Executive Engineer to report to him such details of expenditure, as he may desire.

(5) It is the duty of Superintending Engineer to make frequently tours of inspection. In these, he will not only minutely survey the various works but will carefully enquire into the general system of management prevailing. He will see that materials and other resources available are collected and brought into use in the most efficient and economical manner; that the accounts fairly represent the progress of the work; that the stores are properly verified, looked after, and disposed of; that the returns are properly maintained and that stores do not unduly accumulate.

(6) He is empowered to pass orders on the disposal of any useless or surplus stores (*including tools and plant*) [*vide* serial number 22 (b) (5) under "F-Other Expenditure, (*vi*) Public Works Department" in Appendix III to the Book of Financial Powers, Assam].

(7) He will thoroughly inspect and report on each Divisional Office at least once a year.

Executive Engineer

478. (I) An Executive Engineer is prohibited from commencing any work, or expending any public funds, without the sanction of competent authority, or from making any other than unimportant deviations from sanctioned designs in the course of execution, except in case of emergency.

(2) The Executive Engineer will submit his accounts punctually to the Audit Officer under the rules in force and will exercise efficient control over his divisional accountant. The Executive Engineer is responsible for the correctness of the original records of cash and stores, receipts and expenditure and for the submission of complete vouchers. The divisional accountant is responsible for the correct compilation of the accounts from the date supplied to him. [See R. 479].

(3) The Executive Engineer is primarily responsible for reporting without delay, supported if necessary by a works slip, the probability of any excesses over estimates, all important liabilities not brought to account being noted, and for the prompt revision of estimates when necessary.

(4) The Executive Engineer is responsible for the purchase (subject to the provisions of the stores rules [vide Appendix 10) manufacture, care and disposal of all stores in, or required for] his division.

(5) He may authorise the commencement of urgent or emergent re pair required to ensure the immediate safety of buildings or structures, or to keep open communications in anticipation of formal sanction, whether he has fund at his disposal or not.

(6) He may divert the provision for contingencies in an estimate to new works or repairs for the same project which are not provided for in the estimate, subject to a limit of Rs. 5,000.

(7) He may dispose of all temporary buildings or structures required for and charged to works. The sale and dismantlement of all other public buildings require the sanction of Government.

(8) He may sanction the petty local purchase of stationery subject to fund being available and to a limit of Rs. 20 in each case and up to Rs. 24 per sub-division annually for work establishment.

(9) He may authorise the drawal of sub-divisional and conveyance allowance sanctioned for particular posts.

Divisional Officer

479. (1) The Divisional Officer, as the primary disbursing officer of the division, is responsible not only for the financial regularity of the transactions of the whole division but also for the maintenance of the transactions correctly and in accordance with the rules in force.

(2) The Divisional Officer is further required to submit his accounts to the Comptroller who has to apply to them such audit checks as may from time to time, be prescribed by the Auditor-General of India.

Note 1. The accounts returns which have ordinarily to be submitted for audit and compilation are enumerated in the Account Code issued by the Auditor-General of India, but the Comptroller is authorised to call for additional accounts books papers and writing having relation thereto, should be considered them necessary for the elucidation hereof.

(3) The Divisional Officer is responsible that the accounts of his division are not allowed to fall into arrears but if arrears or confusion arise which in his opinion cannot be cleared without the assistance of the Comptroller he should at once apply for such assistance.

Divisional Accountant

480. To assist Divisional Officers in the discharge of their responsibilities referred to above, the Comptroller will post Divisional Accountant to each Divisional Office.

Note 1. The employment, as an accountant in a divisional office, of any person who does not belong to the establishment of Divisional Accountants is not permissible. But when a regular accountant is not available, and as a purely

temporary arrangement, the Comptroller has to entrust to a clerk the duties of a Divisional Accountant he will be appointed to officiate as a Divisional Accountant in the particular vacancy even though he be not eligible for such appointment under the rule.

Stationery and Forms

481. Stationery is supplied under the rules contained in the Calcutta Stationery Manual by the Controller of Printing, Stationery and Stamps, Calcutta. Indents for standardized forms will be submitted direct annually by the Chief and Executive Engineers. Non-standard forms may be printed locally at the local private printing presses where these charge reasonable prices and the papers to be printed are not confidential. Expenditure in such cases may be incurred up to Rs. 20 in each case and a total of Rs. 50 in the year and charged to the allotment under contingencies. Officers entrusted with stationery and forms for their official use must take proper precautions to keep them in the custody of a responsible person and to maintain a record of the receipts, issues and balances. Stock should be verified annually.

482 Standard forms of the Department cannot be altered without the previous sanction of Government, or in the case of Account forms of the Auditor-General of India, who, however, will consult the Provincial Government before Important changes or modifications are made in such forms, Local forms should not be introduced by any officer without the permission of Government.

483. Forms of deeds and other legal documents ordinarily required will be settled by the law officers of Government and furnished through the Chief Engineer, to whom all applications on such matters should be addressed.

Custody of cash

484. Public money in the custody of the department should be kept in strong treasure chests, secured by two locks of different patterns, the keys of which must be in the custody of different persons. In the absence of precise orders from Government, the Executive Engineer should make such arrangements for the Custody of the keys and the proper disbursement of all moneys, as he considers requisite. The duplicate keys of divisional and Sub-divisional chest should be placed, under the seal of the Divisional Officer, in the custody of the Treasury Officer concerned. A duplicate key register should be maintained and once a year, in the month of April the keys should be sent for, examined and returned under fresh seal a note being made in the register that they have been found correct. When a treasure-chest key is placed in the custody of a clerk lower subordinate or work charged person, an adequate security deposit must be obtained.

Cashier

485. The Executive Engineer will count the cash in the hands of each cashier at least once a month; in the case of out-stations, he or the Assistant Engineer will count it whenever he may visit them.

Note. The term "cash", as used in this rule, includes legal tender coin, currency and Bank notes, cheques payable on demand, Government Drafts and Bank Drafts. A small supply of half-anna and one-anna revenue stamps may when necessary for use as receipt stamps, be kept as part of the cash balance Government securities deposit receipts of banks, debentures and bonds, accepted as security deposit are not to be treated as cash.

Audit Inspections

486. The Comptroller arranges for the periodical test audit and local inspection of the accounts of divisional and sub-divisional offices, and the Divisional Officer is

reasonable that the initial accounts and other connected records are made available for inspecting officers are required, if possible, to discuss the drafts of their reports with the head of the office inspected before submitting them to the Comptroller and, for this purpose, it is desirable that the head of the police should be present at the inspection unless his presence is urgently required elsewhere.

Results of Audit

487. The results of audit are communicated to the Divisional *Officer* in the form of Audit Notes, Objection Statements and Inspection Reports, letters or memoranda. These should receive prompt attention, *vide* R. 94, and the replies of the Divisional Officer should be based, as far as possible, on his own knowledge. It is not enough to pass on the explanation of a subordinate: reports prepared in this manner have more, than once, by lulling suspicion, led to greater irregularity afterwards.

488. Objection Statements and Inspection Reports should be returned through the Superintending Engineer after the Divisional Officer has recorded his replies thereon. The Superintending Engineer will pass order in respect of matters which he is competent to deal with finally and record his remarks (with a note of the action taken) on all other Points, before referring the documents to the Comptroller.

Public Works Department works buildings

489. The officer in occupation of each building should make some person of his establishment answerable for its general condition.

490. Every public building should be provided with all necessary fixtures, the Executive Engineer being the authority to decide what falls in this category, the periodical repair of which should be carried out by the, Public Works Department, and charged to the annual repair estimate of the building. All petty repairs of fixtures, and the replacement of broken glass required in the intervals between periodical repairs, should be carried out by the officer in occupation of the building,

and charged to his contingent account.

491. The outlay on the supply and repair of furniture for travelers rest-houses, staging bungalows or circuit houses, will be treated as charges of the civil department Furniture for Public Works Department inspection bungalows should be supplied and repaired at the cost of the Public Works Department. The supply of furniture other than that chargeable to "Tools and Plant" requires the sanction of Government. Rent for furniture. When charged, will be assessed at 15 per cent, on the capital cost.

Note. Furniture new for officers, colleges, schools and hotels may, however, be supplied by the Public Works Department, and charged in their accounts, provide the authority competent to accord administrative approval authorities the inclusion of the cost of such furniture in the estimate concerned.

492. The administration of the furniture grants or the official residences of the Governor, Assam, including the upkeep of a stock list and the purchase, repair and maintenance of furniture, shall be conducted by the Military Secretary. The latter should furnish the Comptroller, Assam, with an annual certificate of verification in the form given below. During the second and fourth year of the incumbency of the Governor, and at least once in every three years the certificate of verification should be countersigned by a Gazetted Officer of the Public Works Department in token of his responsibility for the actual verification.

Form of Certificate of Verification

Certified that furniture in Government House.....has been inspected and checked with the stock lists maintained. I am satisfied (i) that all new supplies

Up-to date have been correctly brought on to the stock list; (ii) that the stock lists are correct in all respects; (iii) that the articles *in* stock agree with the stock lists: (iv) that the sale-proceeds have been properly accounted for, and (v) sanction of competent authority exists for writing off all articles struck off the stock lists.

493. The State does not undertake to maintain gardens attached to Government residential buildings (including leased buildings), other than those occupied by His Excellency the Governor. In the event, however, of no one being either in occupation of a residence or responsible for the rent, or if the officer responsible for the rent has received permission to reside elsewhere and the residence is unoccupied, the pay of a suitable establishment may be charged to the annual repair estimate of the building. The cost of planting shade trees in the compounds of residential buildings and of transplanting soil in a portion of the compound meant for garden, if the nature of the existing soil renders such transplantation necessary in order to form a garden, may be charged as capital expenditure on the property.

494. The provision and maintenance, at the cost of the State of tennis courts as adjuncts to the official residence of the head of the Provincial Government, for the general use of the tenant of the residence, his household and guest are permissible. Courts which are reserved for the special use of any particular member or members of the staff, or subordinate or office establishment attached to the household, are not covered by this general rule, and should not be provided or maintained at Government expense, without the special orders of the Government. Government may, at their discretion, sanction the provision and the maintenance of tennis courts at the official residences of Commissioners, and other high officials who have heavy obligations in the way of entertainment, as also for any other official residences for which tennis courts are considered necessary, provided that the authorised limit of

the capital cost of the residence admits of the further expenditure involved, and that the rent is increased so as to cover both interest on the outlay incurred and actual maintenance charges.

495. The charges which may be incurred in connection with the provision and maintenance of tennis court are:

- (i) Construction of the court and of retaining walls where necessary;
- (ii) Surfacing of the court with *bajri* grass, cement, etc. ;
- (iii) Provision and erection of posts and wire netting for the purpose of enclosing the court and of permanently fixed posts and apparatus for suspending lawn tennis nets;
- (iv) Provision and erection of fixtures and appurtenances for hanging screens;
- (v) Maintenance of the foregoing items.

The cost of providing and renewing tennis nets, the making of courts, and the provision of screens shall not be admitted as a charge against the State.

Purchase, sale, dismantlement of Public Buildings

496. No building may be purchased for public purposes without the orders of the Government to whom a survey and valuation report by the Executive Engineer should be submitted.

497. No permanent public buildings constructed from Central funds, the book value of which exceeds Rs. 10,000, may be sold or dismantled without the prior sanction of the Government of India. Permanent public buildings constructed from Central funds of which the book value is Rs. 10,000 or less, or subject to any restrictions imposed by the Government of India, and all public buildings of whatever value constructed from provincial funds, may be sold or dismantled under the orders

of the Provincial Government. Temporary buildings erected during the construction of a work may on the authority of the Executive Engineer be sold or dismantled on its completion, or when the purpose for which they were erected has been served. This rule does not apply to military buildings, regarding which see Army Regulations, India Volume XII.

Note. The: permission for the sale or write-off Central buildings up to Rs. 10,000 accorded under this rule should be treated as covering the sale of the land on which a building stands or which is clearly attached to a building (*e. g.*, the compound of a residence of office).

Hire of office accommodation for the Public Works Department

498. Office accommodation may be hired for officers of the Public Works Department if no Government building is available. The Chief Engineer may sanction the rent of offices hired for Executive Engineers, but the latter may sanction the rent for officers subordinate to them. When Executive Engineers or Sub-divisional Officers, for whose office no accommodation is provided in houses built on leased by Government, provide office accommodation in privately rented residences, they may under the orders of the Chief Engineer, draw, in their contingent bill, office rent proportional to the amount of the main building set aside solely for office use not exceeding half rent of the house. But in case an office is allowed to use as his residence a portion of a building solely rented for the purpose of office accommodation, rent should be realised on the basis of actual plinth area. The municipal tax assessed on the annual value of buildings in which office accommodation is provided, or on the appertaining to them, should be treated as separate from the rent. If it is the local rule or custom for the tax to be chargeable to the owner, the tax for entire building will be paid by Government; otherwise the officer concerned should pay the share of such tax corresponding with the share of

the rent payable by him and Government should be debited with the difference.

NOTES

Rent chargeable from the officer in occupation of accommodation in the office premises is now based on the plimhage used by him.

Letting

499. When a Government building is let to a private person or a local body, the standard rent shall be calculated on the cost of acquiring or constructing the building, including any capital expenditure incurred after acquisition or construction, together with the Cost or assessed value of the site and its preparation, and shall be a percentage of such capital cost equal to such rate of interest *plus* such allowance for maintenance and repairs as the Government may fix. The tenant will also be required to pay municipal and other taxes payable by Government and also meter hire and the cost of the water electric energy, etc. consumed. In special circumstances, for reasons which should be recorded, the Provincial Government may, by special order, waive or reduce the amount of rent to be recovered from such tenants.

When such a building is let to another Government (Central or Provincial), full departmental charges for establishment (including pension) and tools and plant should be taken into account both for the purpose of arriving at the capital cost and the additional charges to be included for ordinary and special maintenance and repairs. The rate of departmental charges shall be that in force at the time of calculation of rent.

Note. The provision of the rule will not apply in case of building occupied as residence by officers of other Government, with whom the Assam Government have entered into a reciprocal arrangement of charging only the rent payable by officer

under its own administrative control.

Taxes

500. (a) Municipal taxes on public buildings, other than Military buildings occupied as residences are payable by the department occupying them and are debitable to that department.

(b) Holding taxes on buildings occupied as residences, are paid by Government and considered as part of the cost of maintenance)

(c) Service taxes on buildings occupied as residences are payable by the occupants during the term of their occupancy, in addition to rent, and also when they are entitled to quarters rent-free, Government may assume liability for the payment of service taxes under certain conditions as stated in R. 502.

(d) Municipal taxes on Military buildings are paid by Government and charged to the Military budget.

Note. Drainage tax referred to in S. 59 (1) (f) of the Assam Municipal Act as payable by owner is considered to be tax of service character and recoverable from the occupant of a residential building in addition to rent.

501. The responsibility for the acceptance of the assessment of municipal taxes rest with the Executive Engineer and, on his acceptance payment will be arranged for by the department concerned. If the assessment appears unduly high, proceedings should be taken to obtain redress under municipal law. No municipal taxes are leviable on public buildings situated in Cantonments. When a lump sum is paid as tax for all Government buildings or for a number of Government buildings or for a number of Government buildings in a municipality, it shall, provided the buildings are in the occupation of more than one department of Government, be paid in the Civil Department debitable to "57- Miscellaneous", *vide* explanatory note on Item 72 of Appendix B of the Assam Contingency Manual.

502. Government may assume liability for the payment of service taxes in the following cases:

(a) To the full extent, when the pay and allowances of the occupants do not exceed Rs. 273 per mensem provided the buildings are occupied without payment of rent and the occupants are required to reside there solely for the better performance of their duties;

(b) Taxes which are levied as payment for definite amount of service rendered, *e. g.*, quantity of water or electric current supplied, as distinct from taxes levied on a percentage basis on the value of the holdings, is payable in full by officers whose pay and allowances exceed Rs. 270 a month.

NOTES

The benefit has been extended to officers drawing pay and allowances up to Rs. 270. Earlier it was restricted to those drawing up to Rs. 150 only. Those drawing Rs. 270 above are required to pay services charges on water and electric supply. They are distinct from taxes payable by the officers.

Rule 502 (b) prior to its amendment stood as under:

(b) To the extent of the excess over the amount which would payable on a rental equal to 10 per cent of the occupant's pay and allowances when officers whose monthly pay and allowances exceed Rs. 150 per mensem are, by reasons of the nature of their duties, required to occupy more expensive residences than they would if they were left to make their own arrangements. If, owing to changes of officers, there is likely to be difficulty in recovery. Government may fix a lump sum for recovery for each residence based on the above general principles.

Taxes which are levied as payment for definite amount of service rendered. *e. g.* the quantity of water or electric current supplied, as distinct from taxes levied on a percentage basis on the value of the holding, is payable in fun by officers whose pay

and allowances exceed Rs. 250 a month.

503. When Government assumes responsibility for the payment of a part of the service taxes as stated in R. 502 (b) and the balance is payable by the occupant, Government will pay the taxes in full and subsequently recover from the occupant, the share payable by him. The head of the office, however, will in each case be responsible for watching the recovery from Government servants of any amount due on account of the share of the service taxes paid in full by the Government in the first instance. An annual return in Financial Rule Form 53-A should be submitted to the Head of the Department by the first of May of each year showing the amount due by Government and paid and the amount recovered from the occupant.

NOTES

Form No. 53-A has now been prescribed for annual return of service charges recovered and recoverable from the civil services under the State Government.

504. An officer occupying part of a Government building will pay water lighting and conservancy rates, in the proportion which the area occupied by him bears to the area of the remainder of the building. The procedure laid down in R. 502 applies in cases where a building is shared between an officer and Government, provided the conditions stated therein are fulfilled.

Note. In cases where the whole or any portion of the service taxes is paid by Government on behalf of the occupant under R. 502 to 504, the charge will be borne by the department to which the Government servant is attached.

505. The service taxes on non-residential buildings such as Government hostels, quarters for inferior servants including Constables, Head Constables, Assistant Sub-Inspectors of Police, Head Warders and Warders of Jails, Mandals, or Patwaris, Supervisor, Kanungose, Interpreters, Compounders, Mohurrirs and Work charged establishment of Public Works Department (Whose pay does not

exceed Rs. 100 per mensem), etc. are payable by tile departments concerned.

506. The valuation of a Government building is prescribed by S. 71 of the Municipal Act. The ground rent must be reasonable. The Executive Engineer is responsible for testing the valuation in comparison with figures obtained from the Revenue Authorities. In cases where the municipal valuation exceeds the valuation as supplied by the Revenue Authorities, the Executive Engineer should lay protest as may be permissible under the Municipal Act and report the matter to Government.

Note. The cost of raising and leveling a site, where it can be definitely ascertained should be included in the cost of site for the purpose of estimating the ground rent.

Transfer of lands or buildings to another Department

507. When any land or building is transferred from one department to another under the State Government, the transfer shall be free of all charge, except when the property is transferred to or from a commercial department in which case the following charges shall be made,

- (a) No charge where the land is borne in the books at no value, and
- (b) Book value or market value, whichever is less, where the land is valued in the books.

Notice to Municipal Board when a Government building falls Vacant

508. Whenever a Government building (residential or non-residential) falls vacant, the occupant of the building or the head of the office to which the occupant belongs, should immediately give notice of the vacancy direct to the Chairman of the municipal board or town committee concerned, as the case may be, a copy of such notice being simultaneously sent to the Executive Engineer of the division concerned. Similar notice should be given on reoccupation of a building. The Executive Engineer

shall, within six months from the date of delivery of the notice of vacancy, claim remission of taxes in cases where the vacancy actually lasted for sixty consecutive days or more during any financial year.

If the vacancy continues into another financial year, a fresh notice must be given, *i. e.*, for each financial year during any part of which the building remains vacant.

Use of buildings by the Auxiliary Force

509. All buildings and ranges in the occupation of units of the Auxiliary Force, whether the property of Government or taken over by Government from units of the former Volunteer Force for the use of the Auxiliary Force will be maintained at the expense of the State and be subject to the rules governing the provision and upkeep of military buildings. The repairs will be carried out by the unit in occupation whenever, practicable, otherwise by the Public Works Department. New buildings and ranges required for the Auxiliary Force will be provided by Government rents, taxes, etc., for buildings occupied by the Auxiliary Force will be paid by Government, when authorised under Rules in Army Regulations for military building.

Register of Buildings

510. Every Executive Engineer will maintain a register in (Form No. 36 of Schedule LVI, Part I) of all buildings in the charge of the department within his division. In these registers the value of the land (actual or estimated) and of each separate structure will be shown separately. The price paid for a purchased property will be apportioned between the various items comprising the property *e.g.*, land, main building, servant's quarters, etc. The registers will also show the funds from which the building is to be maintained. The portion of the registers relating to churches should be kept in the prescribed Public Works Department form, the value of land and buildings being shown separately. The value of any portion of a building

abandoned or dismantled without replacement should be written off its capital value.

Residences for Government servants

511. Residence for Government servants may be built or purchased by Government when it is the recognised duty or established custom of Government to do so, or when it is necessary on public grounds for the officers reside in, or near the locality in which his duties have to be performed, or when it is shown to the satisfaction of Government that suitable accommodation for officers, whose appointments are permanent in respect of locality is not available in the vicinity, or is available only under circumstances which will be likely to place such officers in an undesirable position in relation to house proprietors.

512. If it is more convenient or economical to do so buildings may be leased with the express sanction of Government.

513. Leases should ordinarily provide that the lessor will execute all structural repairs before the building is occupied and will carry out such additions, alterations and repairs, as are necessary to render the building habitable and suitable for the purpose for which it is required. The prior consent of the owner in writing must be obtained to any addition or alteration made subsequent to the signing of the lease at the request of the occupant and at Government expense, unless the work is considered by the Government to be essential for sanitary reasons.

Rent Rules

514. The responsibility for the assessment and recovery of rents from officers occupying public buildings ordinarily rests with the Public Works Department. Rents will be assessed by Executive Engineers in accordance with the sanctions accorded by Government under Fundamental R. 45. Timely warning of impending changes or reassessments must be given to tenants by Executive Engineers. Collection will be

made by Executive Engineers under Rr. 121 to 137. Recoveries will be effected through the Treasury Officers or other disbursing officer when rents from Government servant occupying rentable Public Works Department buildings are recoverable from their pay bills. The Audit Department will give any assistance it can to Executive Engineers in the recovery of the amounts due, and they should at once report to that office when any difficulty or delay takes place. Treasury Officers are bound to effect, at once and unquestioned, the recoveries intimated by Executive Engineers. .

515. It is not permissible to allow Government servants or others to occupy Government buildings rent-free or at reduced rent on condition that they keep them in repair. This instruction is not, however, intended to prevent the Government from exercising their discretion in regard to the transfer of Government buildings, not immediately required for Government purposes, to, local bodies on terms which will ensure the buildings being kept in proper repair and secure the right of re-entry after reasonable notice.

NOTES

Recovery of Rent in cash. Certain Government servants are charged standard rent for the occupation of Government construction. Where they belong not to the Department to which an officer belongs and special orders are issued allotting them Government premises, Government may in their discretion require them to deposit rent in cash and report particulars of deposits to the authority that maintains the Government buildings.

516. Omitted, *vide* Correction Slip No. 10 and Finance Department Dy. No. Fin. 382-A of 1940.

516-A. The normal policy of Government is not to ensure its properties and no expenditure should be incurred without prior consent of the Finance Department on the insurance of any Government property.

NOTES

The rule requires prior sanction of Government for insuring their properties.

PART III

POWERS OF SANCTION AND TREASURY PROCEDURE

CHAPTER XIX

Powers or sanction

517. An the most important general rules on the subject of financial powers in respect of Provincial expenditure exercised by the Government of Assam and the authorities subordinate, thereto are contained in the Book of Financial Powers of this Government. The amount sanctioned should be expressed both in figures and words in the sanctioning of letters. Rules relating to sanction of grants-in-aids and watching the fulfillment of the purpose thereof in Appendix 15

Rules for Expenditure from the Discretionary Grants of his Excellency the Governor and the Hon'ble Ministers

518. (1) No expenditure from the allotments placed annually at the disposal of His Excellency the Governor and the Hon'ble Ministers for grants at their discretion to object deserving of assistance from public funds may be made which would be beyond the competence of the Provincial Government.

(2) Grant shall be limited to a maximum of Rs. 500 in anyone case.

(3) No portion of such grant to supplement the appropriation for contract Contingencies or for the employment of temporary staff.

(4) Save in exceptional cases, expenditure on which should in no case exceed 10 per cent of an individual grant, no grant should be made in the nature of purely personal or charitable payment, to individuals, as distinct from grants to charitable societies or institutions. '

(5) No grant should be expressed in the form of a recurring commitment.

(6) No grant should be made for the purpose of a religious nature exclusively for the benefit of any particular religion or sect.

(7) All expenditure from discretionary allotment is subject to audit.

Representations against Audit Objections

519. Government will not ordinarily consider any representations against audit objections, the Government servants concerned may make more than three months after the intimation were received by him. A copy of the audit objection should invariably accompany the representation.

Loss in Small Coins Depots and Currency Chests

520. Any loss in Small Coin Depot balances will usually be a charge on the Provincial Revenues. The sanction of the Government of India will be required if and when it is decided to write-off a loss to Central Revenues. Similarly, any loss in currency chest balances will be a charge on the Provincial revenues except in cases where the Reserve Bank of India accepts the liability.

Communication of Sanction

521. Except to the extent that power may have been delegated to departments under rules approved by the Finance Department, every order of an Administrative Department conveying a sanction to be enforced in audit should be communicated to the Comptroller by the Finance Department.

Sanctioning authorities should communicate to the Audit Department copies of all orders sanctioning expenditure. When the consent or sanction of the Finance

Department is required by the rule, such consent or sanction must be expressed in writing and communicated to the Comptroller. It will, however, be open to the Finance Department to prescribe, by general or special order, cases in which its consent may be presumed to have been given, but a copy of any such order must be communicated to the Comptroller.

522. All letters or memoranda conveying sanction to the grant of additions to pay, such as special pay and compensatory allowance should contain a brief but clear summary of the reasons for the grant of the addition so as to enable the Audit office to see that it is correctly classified as special pay or compensatory allowance, as the case may be.

In cases in which an official record in an open letter is considered undesirable; the reasons for the grant of such addition to pay should be communicated confidentially to the Audit Officer. A similar procedure should also be followed in all other cases in which the rules required that reasons for the grant of special concessions or allowances be recorded.

Note. Sanction to the grant of additions to pay of officers and establishment for work in connection with schemes likely to run for a number of years should in the first instance cover a period of, say, two or three, years according to expected duration of the scheme or its completion or abandonment as the case may be whichever is earlier. The sanction may be renewed, if necessary subject to similar provision being made in the renewal order.

The fact of completion or abandonment of a scheme should be immediately reported to the Comptroller directly by the officer-in-charge stating specifically the date from which the special pay or the compensatory allowance should cease.

Accretions to pay of officers and establishment arising out of schemes launched for a number of years requires sanction for such number of years as are expected a project to last, regard being had to their abandonment or completion, as the case may be.

523. Sanctions accorded by Government to grants of land and alienations of land revenue other than those in which assignments of land revenue are treated, as cash payments should be communicated to Comptroller in a consolidated monthly return giving the details necessary for enabling his office to audit the sanctions accorded.

524. All sanctions write off should be communicated to the Comptroller for scrutiny in each to case and for bringing to notice any defect of system which appears to require attention.

Note 1. This rule applies also to irrevocable loans and advances.

Note 2. In the case of offices the accounts of which are subject to the local audit by the Outside Audit Staff of the Comptroller, sanctions to write off unserviceable stores and furniture need not be communicated to him but should be preserved in the office for local scrutiny.

Date of effect of sanction

525. Subject to any special provisions as to the date of effect contained in the rules or orders themselves all statutory Rule made by the Secretary of State have effect from the date on which they are passed and executive orders issued by the Secretary of State take effect from the date of issue of the despatch, letter or telegram in which the sanction is conveyed.

In the case of sanction of Government and subordinate authorities the sanction will have effect, unless otherwise specified, from the date of the orders conveying

them. The general principal in all such cases is sanction to any given expenditure becomes operative as soon as funds have been appropriated to meet the expenditure and does not become operative until funds have been so appropriated.

Sanction to recurring expenditure, covering a specified term of years becomes operative when funds are appropriated to meet the expenditure of the first year and remains in operation for each year of the specified term subject to appropriation in such year.

Note, Rules made by the Secretary of State in exercise of the powers conferred upon him by the Government of India Act, 1935 have effect from the day on which they are so made unless the rules themselves contain an express provision whereby effect is to be given to them from some other specified date.

Lapse of Sanction

526. A sanction for any fresh charge which has not been acted on for a year must be held to have lapsed unless it is specifically renewed with necessary provision in the budget estimates.

Note 1. This rule does not apply to a case where an allowance sanctioned for a post or a class of Government servants has not been drawn by a particular incumbent of the post or a particular set of Government servants, nor does it apply to additions made gradually from year to year to a permanent establishment under a general scheme which has been sanctioned by a proper authority.

Note 2. *Vide* also R 247

Note 3. Sanctioned accorded by the Secretary of State in the absence of any indication to the contrary in the order itself, can only be held to lapse if and when it is superseded by an order of a later date.

Note 4. A sanction should be considered to have been acted on if payment in whole or in part has been made in pursuance of the sanction within twelve months

from the date of its issue. In the case of purchase of stores, a sanction shall be deemed to have been acted upon if tenders have been accepted (in case of local or direct purchase of stores) or the indent has been placed (in case of purchase through Central Stores Deptt). On the Central Purchase Organisation within the prescribed period of one year of the date of the issue of that sanction, even if the actual payment in whole or in part has not been made during the said period.

NOTES

Note 4 introduces a new element in sanction, which had been acted upon, and elucidates when it would be deemed to have been given effect to,

CHAPTER XX

Treasury procedure

Closing for the Day

527. Before signing the Treasurer's daily balance sheet, the Treasury Officer should roughly verify the balance in the sole charge of the Treasurer as shown in that sheet. He should also be careful to sign the Treasurer's balance sheet on the evening of the day itself to which it refers, but the signature and comparison of the Accountant's books need not be made till the following morning unless the office is to be closed for two or more days. The Accountant's balance-sheet must not be signed until it has been carefully agreed with the Treasurer's.

Note 1. The intention of the above rule is that ordinarily the Treasurer's balance-sheet should be compared and agreed with that of the Accountant before closing the treasury for the day, and it is only when pressure of work renders this impossible that the comparison may be postponed till the following morning. When

this is necessitated the certificate over the Treasury Officer's signature at foot of the Treasurer's balance-sheet should be altered in manuscript by canceling the words "agreed with the Accountant's daily balance-sheet and" before the form is signed by the Treasury Officer, which it must be before closing for the day. An additional certificate will then be added and signed by the Treasury Officer on the following morning, *viz.* "agreed with the Accountants". For the 31st March and first few days of April, it will be necessary for the Accountant to prepare a separate rough balance sheet on each of these days for comparison with that of Treasurer's as the completion of the Accountant's balance sheet for the 31st March has to await the receipt of the sub-treasury

Note 2. The Account's balance-sheet there is not one figure which the Treasury Officer has not ample means of verifying the opening entries agree with closing entries or the preceding day; the receipt and charge are taken from the cash book; the amounts shown as sub-treasury balance can be ascertained in a few moments from the daily sheets of sub-treasuries, and any change made since the previous day in the amount under remittance within the district must be supported by an entry in the sub-treasury sheets, or in the Treasurer's cash book. The balance in the district treasury is shown in the Treasurer's balance sheet; and in that part of it which is under joint locks no change can be made without the active intervention of the Treasury Officer himself.

Examination of Cash Account by the Treasury Officer

528. The Treasury Officer has on difficulty in applying an effective check upon the Cash Account when it is laid before him. Its opening and closing balances are not

deductions from accounts, but are statements of fact certified the District Officer to have been verified by actual enumeration or coin. Does the difference between the receipt as shown in the cashbook and the amount shown in the list of payments account for difference between these facts? Do the entries from the registers agree with the totals of the details of those books? If, at any time, the Treasury Officer be unable to compare all, at least he may compare some; notably, he should compare the entries in the *plus* and *minus* memoranda of deposits, stamps, etc., which the entries in the account e.g. the *plus and minus memorandum* shows a reduction in the stock of judicial stamps to the value of Rs. 500; if the credit in account be less, where is the receipt from another treasury for stamps supplied?

Return to the Comptroller

529. The District Officer must despatch punctually his first and second lists of payments with Schedules and vouchers, and the cash account with Schedules, and papers complete. The returns due for despatch on a holiday may be sent on one day (but not more than one day) late. Avoidable delay on the part of the Deputy Commissioner will be visited with severe displeasure and treated as a treasury irregularity. [See also T.R.4 (2)]

Notices for Working of Treasuries

530. Notice should be posted up conspicuously in the offices of the hour at which the treasury closes for receipts and payments of money. Treasuries and sub-treasuries must be kept open for transactions with the public on all days, which are not notified by the Government as holidays. The usual working hours will be from 10 a. m. to 4-30 p. m. but receipt and payments of money may be stopped at 2 p. m. everyday (except on the full working day of each month) and at last 12 p. m. on the last working day of each month. A half-holiday may be allowed on Saturday when the

state of work permits

Note 1. The treasuries at Kohima, and Aijal shall be opened on two days in each week the days being notified locally. The Manipur Treasury should be opened twice a week on the understanding that it may be opened more frequently should it be necessary to do so for public convenience. The sub-treasuries at Mokokchung, Aafiong and Lungleh should be opened once a week, but in order to enable the Sub-divisional Officer to do his touring the Deputy Commissioner or the Superintendent, Lushai Hills, may pass general and special orders restricting such opening, provided the sub-treasury is opened not less than once a month, and provided such restriction does not cause serious inconvenience to the public. Notice of the date of such openings should be sent to all local departmental officers, the Sadar Treasury, the Commissioner of Divisions and the Comptroller, Assam. The treasury at Tina shall be opened on three days in each week, *viz.*, on Monday, Wednesday and Friday.

Note 2. The Mangaldai, North Lakhimpur and Goalpara sub-treasuries, should be opened three days a week, *viz.*, Monday, Wednesday and Friday. In each case arrangements, should be made also to open the sub treasury on the first and last working days of the month, and on all days of excise sales or revenue *kist* dates. The Tezpur Treasury should be closed on every Saturday except when the Saturday happens to be the first or the last working day of the month and on such other occasions on which owing to urgency the Deputy Commissioner may direct the opening of the Treasury.

Note 3. The Barpeta sub treasury should be opened on three days of week, *viz.*, on Monday, Wednesday and Friday. The first day of each month should be an additional open day and if Monday, Wednesday or Friday be a holiday the sub treasury should be opened on the next opening day. Arrangements should also be made to open the Sub-Treasury on the last working day of the month and everyday in

the week at the time of excise sales and revenue kist dates whenever necessary.

Note 4. The Sadiya Treasury Chest, subordinate to the Dibrugarh Treasury, is to be opened on Tuesday and Friday, or, if either of these days is a holiday or the first of the month, on some other day to be notified in advance locally by the Political Officer; and on the first of the month, or if that be a holiday then the next working day, for the encashment of pay bills and cheques payable to self only for such pay, the bills to be presented not later than 12 noon the previous day. The following transactions are authorised:

- 1) Payment of Public Works Department Cheques.
- 2) Issue and cashing of Government Drafts.
- 3) Custody and issue to licensed vendors of Judicial and Non-Judicial stamps in addition to postage and Revenue Stamps.

Note 5. To facilitate the early presentation of pay and established bills, etc, at the Shillong branch of the bank, the Shillong Treasury shall open at 10 am on the first working day on every month.

530-A . In the event of an emergency or an occasion entailing mobilization – the deputy Commissioner, Sub-Divisional Officer concerned may keeps. The Treasury/ Sub Treasury open up to a consecutive days from a given date for transacting military official business only, or where Government Treasury Work is done by Imperial Bank of India, the agent may keep the branch open for transacting military official business only, with the convenience of Finance Department of State Government on receipt of written request from the Station Commander for the same.

NOTES

The emergency provisions have been made to meet the political situation in violence infested areas. .

531. The Treasury Officer should see that the notices which he is required to exhibit, under Standing Orders or other instructions received from time to time, such as those regarding the encashment of currency notes, the supply of small silver coin, nickel and copper, and that no favoritisms is shown in the conveniences which the Treasury can offer.

Cheques and Receipt Books

532. Cheque forms for use by officers of the Provincial Government and local bodies and, non-Government institutions in Assam are printed at the Provincial Government Press from which the Treasury Officer obtains his supplies. .

Note. This rule also applies to departmental Receipt Books' (Financial Rule Form No. I) Required for issue to officers of the Public -Works Department.

533. Forms of cheques should be bound in books with counterfoils. Each book should bear a number which should be repeated upon each form contained in it. together with a consecutive number of the form. Outside the book there should be an order to keep it under lock and key in the personal custody of the drawing officer, *vide* also R. 64.

534. Losses of cheque from treasuries should be reported to the Comptroller.

Register of Cheque and Receipt Books in the Public Works Department

535. (a) A Register of Cheque (and Receipt) Books is maintained in the Public Works Department Divisional Officer in Financial Rule Form No. 54, separate pages being reserved for cheque books and receipt books.

(b) Whenever on examining a Cash Book it is noticed by the Divisional Accountant that a cheque book or receipt books has been brought into use for the first time, he should enter it at once in the register as a new item. At the same time the date on which the corresponding book previously in use was completely written

up should be ascertained from the cashbook and noted in Column 4 of the register against the original entry relating to that book.

(c) The submission of the counterfoils of used up cheque and receipt books for record in the divisional office (*vide* R. 5) should be watched through this register, and as soon as the counterfoils are received they should be examined, and it should be seen in particular (i) that all items for which receipts were issued were duly brought to account in the cash-book and (ii) that the writings do not indicate any irregularity or disregard of rules requiring action on the part of the Divisional Officer.

536. Treasury Officer should furnish the Divisional Officer quarterly with a statement of cheque books and receipt books supplied by them to all Disbursing Officers of the division on their requisitions. This statement should on receipt be compared with the "register of Cheque (and Receipt) Books to' see that books are not obtained by Disbursing Officer unnecessarily in advance, or in excess of requirements, and the numbers of the books supplied but not brought into use should be entered in the register, the dates of supply being noted in red ink below the entries in Column 1.

537. The Register of Cheque (and Receipt) Books should be reviewed periodically and enquiries should be made of the Disbursing Officer concerned if there is any unusual delay on his parts in bringing a book into use. Even if the cause of the delay be known it will be found advisable to obtain any assurance from the Disbursing Officer that the book is in his personal custody and contains the full number of forms intact.

REPORT OF INSPECTION OF TREASURIES BY THE AUDIT DEPARTMENT

538. A brief report of each inspection will be drawn up and sent to the District Officer concerned. The report will be in two parts, one relating to currency, resource

and public debt matters and the other dealing with other points. The Comptroller will also send a copy of the first part of the report to the currency officer in whose jurisdiction the Treasury is situated. The District Officer will pass such orders as he considers necessary on the report and send a copy of the orders to Comptroller and a copy of the orders on the first part to the Currency Officer. The Currency Officer will forward his copy of the report and of the orders thereon to the Comptroller indicating whether so far as matters dealt with by the Reserve Bank are concerned, the action taken is adequate or whether any further action is required. The Comptroller may refer to the Commissioner of Divisions any matter brought to notice in the report which he considers should receive attention by the Commissioner or in respect of which he considers that the action taken by the District Officer is inadequate. He should report to the Provincial Government all important irregularities and points which are not settled by reference to the Commissioner. Any point of importance affecting the Central Government should be brought to the notice of that Government through the Auditor-General. If the Provincial Government desire, the general results of the inspections and the final orders passed thereon will be summarised by the Comptroller and submitted to them. The summary may be included in the Comptroller's annual review on the working of treasuries.

CHAPTER XXI

Treasuries of which the business is conducted by the Bank

General Remarks

539. The following rules for the guidance of Collectors and Treasury *Fi* Officers of the Bank in conducting the business of the Government treasuries include information on most point likely to arise; but in cases of doubt, and as general rule, the usage hitherto observed at the Treasury will be followed. The term "Collector" includes the officer-in-charge of the treasury by whatever designation

he may be called. . Agreements between the Government of Assam and the Reserve Bank of India are given in Appendix 16.

Accounts Maintained in the Bank

540. The books and accounts to be kept will consist of:.

The scroll cash book, being the primary record.

A daily account of the receipts and payments, made up for dispatch to the Collector;

An account in the general ledger, in the name of the Government of Assam.

A pass book, to be daily forwarded to and returned by the Collector.

541. In the scroll cashbook will be entered all receipts and disbursements on account of Government. The net amount only of documents paid on which deductions have been made, will appear in this book and the total of each side will form the daily entries in the general ledger.

Daily Returns

542. In the daily account such payments and receipts will be classified as may be directed by the Comptroller, in order that their arrangement may fit in with the forms prescribed for accounts kept at the treasuries. The daily accounts will be prepared every day and the Manager or Agent, as the case may be, after satisfying himself as to its accuracy, will docket and forward it to the Collector, with the register of daily receipts and payments and with all the appertaining vouchers at the close of the day. The nets amounts of payments only are to be entered, that is, when a deduction is made, from the amount of a bill, the daily account will show only the amount paid after deduction, and not the agreed amount of the demand.

Note 1. It is of important that these documents be secured in a locked box when sent by the Manager or Agent, as the case may be, to the Collector; in order

that there may be no possibility of any alteration or abstraction of any paper before they reach the hands of the Collector.

Note 2. With the concurrence of the Comptroller the daily account may be submitted on the morning following the date to which they refer, instead of at the close of the same day.

543. Care should be taken that vouchers sent to the Collector are conspicuously marked by the Manager or Agent, as the case may be, with the word *paid*. Inattention to this rule might lead to documents being paid twice, in the event of their falling into unscrupulous hands.

544. The register of daily receipts and payments has five columns for (1) the date, (2) that total receipts for the day, (3) the total payments of the day, (4) the initials of the Manager or Agent, as the case may be, and (5) the initials of the Collector. It will be written up and forwarded with the daily account to the Collector (*vide* R. 542), the entries being certified by the initials of the Manager or Agent in the 4th column. The Collector will check receipts and disbursements columns of the daily account, agree their totals with the figures entered in the register and examine the vouchers, and after initialing in the 5th column of the register in token of his verification, will return the register to the Manager or Agent the same day or the following morning.

Comparison of the Receipt of Public Officers

545. Any monthly comparison of the receipts in the Bank between the Departmental and Treasury Officers will be certified by the Treasury Officer.

Issue of Bank Draft on non-Bank Treasuries

546. On the authority of the Collector the Bank will receive sums tendered for bills and grant acknowledgments for the same. On presentation of these acknowledgements to the Collector he will issue the drafts.

Issue of Government Drafts

547. Government drafts will be issued in accordance with rule contained in Chapter XVII above.

(l) The Manager or agent has the same authority to cancel, exchange, and issue duplicates of Government Drafts which is exercised by a Treasury Officer and should follow the same (Rr. 436-443 and 453-456).

Civil Charges

548. All charges for pay and allowances and contingent expenses of officer of the civil establishments-that is, Judicial, Revenue, Medical Education, Police, etc., will be presented to the Collector in the first instance *for* examination. The Collector if he approves and passes the charge will be recorded in a register of payment orders issued, and will be numbered, dated and signed. The bill will then be returned to the person presenting it and will be paid at the Bank in accordance with the Collector's order the Bank being responsible only for strict adherence to this order and *for* obtaining upon the bill a proper discharge from the payee. This discharge must be in addition to the signature at the foot of the bill.

Note 1. When payment is desired wholly or partly in Government Draft a formal application should accompany the bill and the manner in which payment desired should also be indicated in the drawer's receipt on the bill. If the Collector is satisfied that the grant of Government Draft is permissible, he will specify clearly in the pay order the manner in which payment should be made.

[Note 2. All bills, cheques and other documents passed by the Treasury Officer and the Accountant-General for payment at the Bank, as well as interest payment orders, etc., being non-negotiable instruments, warrant special precaution on the part of the bank is the matter of identification of the payee. All such claims have

normally to be presented by the payee personally, but where payment is desired to be made to an endorsee (other than a banker) or a messenger. The bank will not, however, disburse payments of such claims unless Bank is satisfied about the identity of the person receiving payment as attested by the drawing officer in accordance with S. O. 89 (e) and S.O. 53 (2). Before making the payment the Bank shall verify that the signature of the Drawing Officer attesting the payee's signature tallies with that on the bill as passed by the Treasury officer.)¹

Note 3. Payment of cheques including Public Debt Office Interest Warrants which are governed by the Negotiable Instruments Act will be made in accordance with the provisions of that Act and any generally recognized practice established among bankers by customs.

Departmental Payments

549. Officers of the Forest Department draw funds by cheques against the drawing account of the Divisional Forest Officers opened with the Bank. The Bank should be informed of any limitations on the powers of Drawing Officers.

550. (a) Officers of the Public Works Department draw funds either by bills or by cheques.

(b) Bills will be cashed by the Bank only on payment orders endorsed thereon by the Treasury Officer.

(c) In respect of cheques no letters of credit will be issued by the Comptroller, but an officer-in-charge of a Public Works Division may regulate the drawings of his Sub-divisional Officers by letters of credit issued by himself.

(d) Letters of credit issued by officers-in-charge of divisions may be acted on without authority, the Bank observing the prescribed limitations. Cheques not covered by letters of credit will, if otherwise in order, be cashed within such limitations, *if any*, as may be fixed on the powers of the Drawing Officer.

Refunds

551. Refunds of revenue, fines, etc., will be made by the Bank on bills bearing a payment order signed by the Treasury Officer.

Discount on sale of Postage and other Stamps

552. Discount and sale of postage and other stamps is allowed by deduction from the amount paid in purchaser. The net amount will be received and brought to account, the receipted chalan being the payer's authority for receipt of the stamps from the Treasury Officer.

Interest on Public Debt

553. Government Promissory Notes for provincial debts, on which interest may be due, will be presented to the Treasury Officer of the district who having made the necessary examination and record under the rules in the Government Securities Manual will give the holder an order on the Bank in the following form:

Pay to.....Rs... .. being interest for half year ...at .per cent., due
:.. on Government

Promissory No... ..of.....for rupees.....

..... Collector

Collector

Deposit Repayments

554. (a) Repayments of deposits standing at credit of individuals in the Collector's or Magistrate's or Judge's accounts will be made on the order of the officer on whose registers they are, and by whom the usual check registers will be kept. Persons claiming repayments of such deposits must therefore apply to the officer who received them, who, after examining the check register and making the necessary record, will give the applicant an order for payment at the Bank. A Magistrate or Judge's order must be taken to the Collector for counter-signature before being

presented at the Bank unless the Bank keeps a personal ledger account for the deposits of each Court.

(b) Each Court should duly intimate from time to time to the Bank the amount of lapsed deposits to be deducted from the Personal Ledger Pass Book.

Bill Payment.

555. Drafts will be paid in accordance with rules in Chapter XVII above.

Treasure

556. The rules regarding (1) receipt and issue of coin and. currency notes, (2) remittance of treasure from the Bank and the entertainment of extrapotdars, if necessary, for the purpose, and (3) testing of remittances made to the Bank from Government treasuries, are laid down in the Appendices to the Treasury Rules. .

Currency of Payment Orders

557. Payment orders are valid only for a time, not exceeding ten days fixed by the Collector; if presented after the allotted time they will be refused payment by the Bank, until revalidated by the Collector.

Closing of the Bank

558. The Bank will not be closed for the transaction of Government business except in accordance with clause 10 of the Agreement. (See Appendix 16).

Registers of Chalans issued and Orders for Payment

559. The above rule state in what cases the Bank receives or pays money without the previous order of the District Officer and in what cases the previous order of the District Officer is necessary. It is also prescribed that the District Officer must maintain two registers in which to note these orders, *viz.*, a register of chalans issued and a register of order for payment. The former of these may be worked by departments, the chalan of land revenue being passed and registered by the Land Revenue Department of the District Officer's , those of excise revenue by the Excise Department, and so forth.

Treasury Returns

560. All treasury returns, with the exception of those the Bank is instructed to furnish in this Chapter or under express orders of the Comptroller, should be

prepared in the treasury-and not in the Bank.

CHAPTER XXII

Local Funds

NOTES

'Universities' come within the meaning of, [*Vide* EMI-409/42].

"Employees State Insurance Corporation" come within the meaning of *vide* FA. 14/50].

.....

Definitions

561. The expression "'Local Fund" denotes

(1) Revenues administered by bodies which by law or rule having the force of law come under the control of Government, whether in regard to the proceedings generally, or to specific matters such sanctioning of their budgets, sanction to the creation of filling up of. particular appointments, the enactment of leave, pension by similar rules;

(2) The revenues of any body which may be specially notified by the Governor as such.

Receipts and Payments

562. Unless the Provincial Government shall otherwise direct, the balance standing at the credit of the Local Fund of a Local Board shall be kept in the Government treasury, or the Bank in or near to the local jurisdiction of the Local Board :

Provided that the Board may invest any moneys not required for immediate use either in Government securities or in any other form of security approved by the Provincial Government:

Provided also that a Local Board may retain as permanent advances or imprest, in its own custody or in the custody of its servants such sums as the Provincial Government may sanction in each case, for the purpose of meeting petty cash expenditure. .

563. Unless the Provincial Government shall otherwise direct, the municipal fund shall be paid into a Government treasury or the Bank in or near to the municipality:.

Provided that the Board may invest any money not required far immediate use either in Government securities or in any other form of security Which may be approved of by the Provincial Government.

564. The income of a Small Town shall be formed into a Town Funds which may be kept in a Government treasury or in the Post Office Saving Bank or with any person who give proper security far repayment an demand and who is approved by the Deputy Commissioner.

Service Stamps

565. Service stamps may not be used by a Local Fund Officer or any Government Officer acting in a capacity connected with a Local Fund such as President or Secretary of Local Fund Committee, but service labels may be used on the correspondence of a Public Officer acting as such, even though the correspondence may relate to the affairs of a Local Fund.

(l) Telegraphic messages, the charges for which are to be borne by local funds should be classed as Private and not as State.

Verification of Balances

566. The balances at credit of each fund should be verified at the end of the year by the Treasury Officer in communication with the Comptroller on the one side, and the officer or committee administering the fund on the other. The balance on the Comptroller's books is the balance acknowledged by the Government, and the Treasury Officer is required to follow it and not the local accounts, as his standard.

Work done on behalf of Local Bodies

567. Unless any of the following arrangement has been authorised by the Government, a Local Fund is required to pay in advance the estimated amount of charges to be incurred or cost of services to be rendered by Government on account of the Fund:

(a) Payments as made by Government may be charged the balances of the deposits of the Local Fund in Government books;

(b) Recovery from the Local Fund may be postponed till the time when Government has to make payment for the charges. .

(c) Payments may be made as advances from the Government funds in the first instance, pending recovery from the Local Fund.

CHAPTER XXIII

Public debt

SECTION I-PERMANENT AND TEMPORARY LOANS

568. When under the terms of a loan notification issued by the Government subscriptions to any new loan are receivable at the Treasury the procedure to be observed by the Treasury Officer in receiving such subscription and crediting them into the Public Account shall be regulated by the provisions of Chapter VII of the Government Securities Manual and by such supplementary instructions, if any, as may be issued by the Government in this behalf.

569. The procedure to be followed by the Treasury Officers and the Public Debt Officers in making payments in respect of the principal of any loan when it falls due shall be governed by the rules contained in Chapter VIII of the Government Securities Manual and Supplementary Instructions, if any, issued by the Government in this behalf. .

SECTION II-FLOATING DEBT

Treasury bills

570. Unless the Government direct otherwise Treasury Bills will be issued from and repaid at the offices of the Reserve Bank at Calcutta, Bombay and Madras and at the branches of its Banking Department at Cawnpore, Lahore and Karachi. subject as hereinafter provided the procedure to be observed by the Bank in connection with

the Governed by such instructions as may be issued by the Government to the Bank.

571. Treasury bills can only be paid on maturity at the office or the branch of the Reserve Bank from which they were issued. After payment the discharged bill shall be transmitted to the Comptroller Assam in the same way as other paid vouchers.

Ways and means advances

572. When ways and means advances are taken by the Government from the Bank, the request to the Bank shall be accompanied by a demand promissory note for the amount on behalf of the Governor.

573. When an advance is repaid, the Bank shall cancel the pronote and make a note on the Promissory Note if it is a part payment. The Note on final cancellation will be relevened to Government.

574. Interest on the advance will be deleted by the Bank at the time of re-payment.

APPENDIX I

THE COMPTROLLER AND AUDITOR GENERAL'S (DUTIES,
POWERS AND CONDITIONS OF SERVICE) ACT, 1971

(No. 56 of 1971)

(15th December. 1971)

(The following Act of Parliament received the assent .of the President on the 15th December 1971, and was published in the Gazette of India, Ext. Part. II S. 1, No. 70, dated December 15,1971 Agrahayana 14, 1893).

An Act to determine the conditions of service of tile Comptroller and
Auditor-General of India and to prescribe his duties and powers and for
matters connected therewith or incidental thereto

Be it enacted by Parliament in the Twenty-Second year of the Republic of India
as follows:

THE COMPTROLLER AND AUDITOR-GENERAL'S (DUTIES, POWERS AND CONDITIONS OF SERVICE) ACT, 1971

(as of May 31, 1989) (15th December, 1971)

(as amended in 1976, 1984, 1987 and 1994)

An Act to determine the conditions of service of the Comptroller and Auditor-General of India and to prescribe his duties and powers and for that matters connected therewith or incidental thereto.

Be it enacted by parliament in the Twenty-second year of the Republic of India as follows:-

CHAPTER 1

PRELIMINARY

1. Short title

This Act may be called the Comptroller and Auditor-General's (Duties, Powers and Conditions of Service) Act, 1971.

2. Definitions

In this Act, unless the context otherwise requires,

(a) "accounts", in relation to commercial undertakings of a Government, includes trading, manufacturing and profit and loss accounts and balance-sheets and other subsidiary accounts;

(b) "appropriation accounts" means accounts which relate the expenditure brought to account during a financial year, to the several items specified in the law made in accordance with the provisions of the Constitution or of the Government of Union Territories Act, 1963, (20 of 1963) for the appropriation of moneys out of the Consolidated Fund of India or of a State, or of a Union territory having a Legislative Assembly, as the case may be;

(c) "Comptroller and Auditor-General" means the Comptroller and Auditor-General of India appointed under article 148 of the Constitution;

(d) "State" means a State specified in the First Schedule to the Constitution;

(e) "Union" includes a Union territory, whether having a Legislative Assembly or not.

CHAPTER II

SALARY AND OTHER CONDITIONS OF SERVICE OF THE COMPTROLLER AND AUDITOR-GENERAL

Salary

3. There shall be paid to the Comptroller and Auditor-General a salary which is equal to the salary of the Judge of the Supreme Court:

Provided that if a person who, immediately before the date of assuming office as the Comptroller and Auditor-General, was in receipt of, or, being eligible so to do, had elected to draw, a pension (other than a disability or wound pension) in respect of any previous service under the Government of the Union or any of its predecessor Governments, or under the Government of a State or any of its predecessor Governments, his salary in respect of service as Comptroller and Auditor-General shall be reduced:

(a) by the amount of that pension; and

(b) if he had, before assuming office, received, in lieu of a portion of the pension due to him in respect of such previous service, the commuted value thereof, by the amount of that portion of the pension; and

(c) if he had, before assuming office, received, or become eligible for receiving, a retirement gratuity in respect of such previous service, by the pension equivalent of that gratuity.

Term of Office

4. The Comptroller and Auditor-General shall hold office for a term of six years from the date

on which he assumes such office:

Provided that where he attains the age of sixty-five years before the expiry of the said term of six years, he shall vacate such office on the date on which he attains the said age.

Provided further that he may, at any time, by writing under his hand addressed to the President, resign his office.

Explanation: For the purpose of this section, the term of six years in respect of the Comptroller and Auditor-General holding office immediately before the commencement of this Act, shall be computed from the date on which he had assumed office.

Leave

5. (1) A person who, immediately before the date of assuming office as the Comptroller and Auditor-General, was in the service of Government may be granted during his tenure of office but not thereafter, leave in accordance with the rules for the time being applicable to the Service to which he belonged before such date and he shall be entitled to carry forward the amount of leave standing at his credit on such date, notwithstanding anything contained in section 6.

(2) Any other person who is appointed as the Comptroller and Auditor-General may be granted leave in accordance with such rules as are for the time being applicable to a member of the Indian Administrative Service.

(3) The power to grant or refuse leave to the Comptroller and Auditor-General and to revoke or curtail leave granted to him, shall vest in the President.

Pension

6. (1) A person who, immediately before the date of assuming office as the Comptroller and Auditor-General, was in the service of Government shall be deemed to have retired from service

on the date on which he enters upon office as the Comptroller and Auditor-General but his service as Comptroller and Auditor-General shall be reckoned as continuing approved service counting for pension in the Service to which he belonged.

(2) Every person who enters upon office as the Comptroller and Auditor-General shall, on demitting the said office, be eligible to a pension of a sum of fifteen thousand rupees per annum which sum shall include: the aggregate of all pensions payable to him and the commuted portion, if any, of his pension, and the pension equivalent of the retirement gratuity if any, which may have been admissible to him under the rules for the time being applicable to the Service to which he belonged:

Provided that if such a person is or becomes eligible, at any time, under the rules for the time being governing the Service to which he belonged, to a pension higher than the said sum of fifteen thousand rupees, he shall be eligible to draw, as pension, the said higher amount.

(3) A person who, immediately before the date of assuming office as the Comptroller and Auditor-General, was in receipt of, or, had become eligible for receiving, a pension in respect of any previous service under Government, shall, on demitting office as the Comptroller and Auditor-General, be eligible to a pension of fifteen thousand rupees per annum which sum shall include the aggregate of all pensions payable to him and the commuted portion, if any, of his pension, and the pension equivalent of the retirement gratuity, if any, which may have been admissible to him under the rules for the time being applicable to the Service to which he belonged:

Provided that if such a person is or becomes eligible, at any time, under the rules for the time being governing the service to which he belonged, to a pension higher than the said sum of fifteen thousand rupees, on he shall be eligible to draw, as pension, the said higher amount.

(4) Any other person who is appointed as the Comptroller and Auditor-General shall, on demitting the said office, be eligible to a pension of fifteen thousand rupees per annum.

(5) The person holding office immediately before the commencement of this Act as the Comptroller and Auditor-General shall be eligible to draw, at his option, pension at the rate at which it would be admissible to him if this Act had not come into force or at the rate specified in this section.

(6) A person who demits office as the Comptroller and Auditor-General by resignation shall, on such demission, be eligible to a pension at the rate of two thousand rupees per annum for each completed year of his service as the Comptroller and Auditor General:

Provided that in the case of a person referred to in sub-section (1) or sub-section (3), the aggregate amount of pension admissible under this sub-section together with the amount of pension including the commuted portion, if any, of his pension, and the pension equivalent of the retirement gratuity if any which may have been admissible to him under the rules for the time being applicable to the Service to which he belonged immediately before he assumed office as the Comptroller and Auditor-General, shall not exceed fifteen thousand rupees per annum or the higher pension referred to in proviso to sub-section (2) or sub-section (3), as the case may be.

(6A) Notwithstanding, anything contained in the foregoing provisions of this section a person referred to in sub-section (1) who demits office (whether in any manner specified in sub-section (8) or by resignation) as the Comptroller and Auditor-General after the commencement of the Comptroller and Auditor-General's (Duties, Powers and Conditions of Service) Amendment Act, 1984, shall, on such demission, be entitled to: -

(a) the pension to which he would have been entitled under the rules of the Service to which he belonged by reckoning his service as the Comptroller and Auditor-General as continuing approved service counting for pension in such Service; and

(b) a special pension of seven hundred rupees per annum in respect of each completed year of service as the Comptroller and Auditor-General;

(6B) Notwithstanding anything contained in the foregoing provisions of this section, a person referred to in sub-section (3) who demits office (whether in any manner specified in sub-section (8) or by resignation) as the Comptroller and Auditor-General after the commencement of the Comptroller and Auditor-General's (Duties, Powers and Conditions of Service) Amendment Act, 1984, shall, on such demission be entitled to:

- (a) the pension payable to him in respect of any previous service under Government; and
- (b) a special pension of seven hundred rupees per annum in respect of each completed year of service as the Comptroller and Auditor-General.

(6C) Notwithstanding anything contained in the foregoing provisions of this section, a person who demits office (whether in any manner specified in sub-section 8 (or by resignation) as the Comptroller and Auditor-General after the commencement of the Comptroller and Auditor-General's (Duties, Powers and Conditions of Service) Amendment Act, 1987 shall, on such-demission, be entitled to-

- (a) a pension which is equal to the pension payable to a Judge of the Supreme Court,-
 - (i) if such person is a person referred to in sub-section (1) or sub-section (3), in accordance with the provisions of part III of the Schedule to the Supreme Court Judges (Conditions of Services) Act, 1958 (41 of 1958) (hereafter in this Act referred to as the Supreme Court Judges Act), as amended from time to time.
 - (ii) If such person is a person referred to in subsection (4), in accordance with the provisions of Part I of the Schedule to the Supreme Court Judges Act, as amended from time to time.
- (b) Such pension (including commutation of pension), family pension and gratuity as are admissible to a Judge of Supreme Court under the Supreme Court Judges Act and the rules made thereunder, as amended from time to time.

(6D) Notwithstanding anything contained in the foregoing provisions of this section, a person who demitted office (whether in any manner specified in sub section (8) or by resignation) as

the Comptroller and Auditor-General, at any time before the 16th day of December, 1987, shall be entitled to the pension specified in sub section (6C) on and from that date.

(7) If a person who demits office as the Comptroller and Auditor-General is not eligible to any pension under this section but is eligible to a pension under the rules for the time being applicable to the Service to which he belonged immediately before he assumed office as the Comptroller and Auditor-General he shall, notwithstanding anything contained in this section, be eligible to draw such pension as is admissible to him under the said rules.

(8) *Except* where he demits office by resignation, a person holding office of the Comptroller and Auditor-General shall be deemed, for the purposes of this Act, to have demitted such office as such if, and only if-

(a) he has completed the term of office specified in section 4, or

(b) he has attained the age of sixty-five years, or

(c) his demission of office is medically certified to be necessitated by ill-health.

7. Omitted.

Right to Subscribe to General Provident Fund

8. Every person holding office as the Comptroller and Auditor-General shall be entitled to subscribe to the General Provident Fund (Central Services).

Other Conditions of Service

9. Save as otherwise provided in this Act, the conditions of service relating to travelling allowance, provision of rent free residence and exemption from payment of income-tax on the value of such rent-free residence, conveyance facilities, sumptuary allowance, medical facilities and such other conditions of service as are for the time being applicable to a Judge of the Supreme Court under Chapter IV of the Supreme Court Judges Act, and the rules are made thereunder, shall, so far as may be, apply to a serving or retired Comptroller and Auditor-

General as the case may be.

Provided that nothing in this section shall have effect so as to give a person, who immediately before the date of assuming office as the Comptroller and Auditor-General, was in the service of Govt. less favorable terms in respect of any of the matters aforesaid than those to which he would be entitled as a member of the Service to which he belonged, his service as Comptroller and Auditor-General being treated for the purpose of this proviso as continuing service in the Service to which he belonged.

CHAPTER III

DUTIES AND POWERS OF

THE COMPTROLLER AND AUDITOR-GENERAL

Comptroller and Auditor-General to compile accounts of Union and States

10. (1) The Comptroller and Auditor-General shall be responsible-

(a) for compiling the accounts of the Union and of each State from the initial and subsidiary account rendered to the audit and accounts offices under his control by treasuries, offices or departments responsible for the keeping of such accounts; and

(b) for keeping such accounts in relation to any of the matters specified in clause (a) as may be necessary:

Provided that the President may, after consultation with the Comptroller and Auditor-General, by order relieve him from the responsibility for compiling-

(i) the said accounts of the Union (either at once or gradually by the issue of several orders); or

(ii) the accounts of any particular services or departments of the Union:

Provided further that the Governor of a State may with the previous approval of the President and after consultation with the Comptroller and Auditor-General, by order, relieve him from the responsibility for compiling-

- (i) the said accounts of the State (either at once or gradually by the issue of several orders); or
- (ii) the accounts of any particular services or departments of the State:

Provided also that the President may, after consultation with the Comptroller and Auditor-General, by order, relieve him from the responsibility for keeping the accounts of any particular class or character.

(2) Where, under any arrangement, a person other than the Comptroller and Auditor-General has, before the commencement of this Act, been responsible-

(i) for compiling the accounts of any particular service or department of the Union or of a State, or

(ii) for keeping the accounts of any particular class or character,

such arrangement shall, notwithstanding anything contained in sub-section (1), continue to be in force unless, after consultation with the Comptroller and Auditor-General, it is revoked in the case referred to in clause (i), by an order of the President or the Governor of the State, as the case may be, and in the case referred to in clause (ii) by an order of the President.

Comptroller and Auditor-General to prepare and submit accounts to the President, Governors of States and Administrators of Union Territories having Legislative Assemblies

11. The Comptroller and Auditor-General shall from the accounts compiled by him or by the Government or any other person responsible in that behalf prepare in each year accounts (including, in the case of accounts compiled by him, appropriation accounts) showing under the respective heads the annual receipts and disbursements for the purpose of the Union, of each State and of each Union territory having a Legislative Assembly, and shall submit those accounts to the President or the Governor of a State or Administrator of the Union territory having a Legislative Assembly, as the case may be on or before such dates as he may, with the concurrence of the Government concerned, determine:

Provided that the President may, after consultation with the Comptroller and Auditor-General,

by order, relieve him from the responsibility for the preparation and submission of the accounts relating to annual receipts and disbursements for the purpose of the Union or of a Union territory having a Legislative Assembly;

Provided further that the Governor of a State may, with the previous approval of the President and after consultation with the Comptroller and Auditor-General, by order, relieve him from the responsibility for the preparation and submission of the accounts relating to annual receipts and disbursements for the purpose of the State.

Comptroller and Auditor-General to give information and render assistance to the Union and States

12. The Comptroller and Auditor-General shall, in so far as the accounts, for the compilation or keeping of which he is responsible, enable him so to do, give to the Union government, to the State Governments or to the Governments of Union Territories having Legislative Assemblies, as the case may be, such information as they may, from time to time, require, and render such assistance in the preparation of their annual financial statements as they may reasonably ask for.

General Provisions Relating to Audit

13. It shall be the duty of the Comptroller and Auditor-General-

(a) to audit all expenditure from the Consolidated Fund of India and of each State and of each Union territory having a Legislative Assembly and to ascertain whether the moneys shown in the accounts as having been disbursed were legally available for and applicable to the service or purpose to which they have been applied or charged and whether the expenditure conforms to the authority which governs it;

(b) to audit all transactions of the Union and of the States relating to Contingency Funds and Public Accounts;

(c) to audit all trading, manufacturing, profit and loss accounts and balance-sheets and other

subsidiary accounts kept in any department of the Union or of a State;

and in each case to report on the expenditure, transactions or accounts so audited by him.

Audit of receipts and expenditure of bodies or authorities substantially financed from Union or

State Revenues

14.(1) Where any body or authority is substantially financed by grants or loans from the Consolidated Fund of India or of any State or of any Union territory having a Legislative Assembly, the Comptroller and Auditor-General shall, subject to the provisions of any law for the time being in force applicable to the body or authority, as the case may be, audit all receipts and expenditure of that body or authority and to report on the receipts and expenditure audited by him.

Explanation: Where the grant or loan to a body or authority from the Consolidated Fund of India or of any State or of any Union territory having a Legislative Assembly in a financial year is not less than rupees twenty-five lakhs and the amount of such grant or loan is not less than seventy-five percent of the total expenditure of that body or authority, such body or authority shall be, deemed, for the purposes of this sub-section, to be substantially financed by such grants or loans as the case may be.

(2) Notwithstanding anything contained in sub-section (1) the Comptroller and Auditor-General may with the previous approval of the President or the Governor of a State or the Administrator of a Union territory having a Legislative Assembly, as the case may be, audit all receipts and expenditure of any body or authority where the grants or loans to such body or authority from the Consolidated Fund of India or of any State or of any Union territory having a Legislative Assembly, as the case may be in a financial year is not less than rupees one crore.

(3) Where the receipts and expenditure of any body or authority are by virtue of the fulfilment of the, conditions specified in sub-section (1) or sub-section (2) audited by the Comptroller and Auditor-General in a financial year, he shall continue to audit the receipts and expenditure of

that body or authority for a further period of two years notwithstanding that the conditions specified in sub-section (1) or sub-section (2) are not fulfilled during any of the two subsequent years.

Functions of Comptroller and Auditor-General in the Case of Grants or Loans given to other

Authorities or Bodies

15. (1) Where any grant or loan is given for any specific purpose from the Consolidated Fund of India or of any State or of any Union territory having a Legislative Assembly to any authority or body, not being a foreign State or international organisation, the Comptroller and Auditor-General shall scrutinise the procedures by which the sanctioning authority satisfies itself as to the fulfillment of the conditions subject to which such grants or loans were given and shall for this purpose have right of access, after giving reasonable previous notice, to the books and accounts of that authority or body:

Provided that the President, the Governor of a State or the Administrator of a Union territory having a Legislative Assembly, as the case may be, may, where he is of opinion that it is necessary so to do in the public interest, by order, relieve the Comptroller and Auditor-General after consultation with him, from making any such scrutiny in respect of any body or authority receiving such grant or loan.

(2) Except where he is authorised so to do by the President, the Governor of a State or the Administrator of Union territory having a Legislative Assembly, as the case may be, the Comptroller and Auditor-General shall not have, while exercising the powers conferred on him by sub-section (1), right of access to the books and accounts of any corporation to which any such grant or loan as is referred to in subsection (1) is given if the law by or under which such corporation has been established provides for the audit of the accounts of such corporation by an agency other than the Comptroller and Auditor-General:

Provided that no such authorisation shall be made except after consultation with the

Comptroller and Auditor-General and except after giving the concerned corporation a reasonable opportunity of making representations with regard to the proposal to give to the Comptroller and Auditor-General right of access to its books and accounts.

Audit of Receipts of Union or of States

16. It shall be the duty of the Comptroller and Auditor-General to audit all receipts which are payable into the Consolidated Fund of India and of each State and of each Union territory having a Legislative Assembly and to satisfy himself that the rules and procedures in that behalf are designed to secure an effective check on the assessment, collection and proper allocation of revenue and are being duly observed and to make for this purpose such examination of the accounts as he thinks fit and report thereon.

Audit of accounts of stores and stock

17. The Comptroller and Auditor-General shall have authority to audit and report on the accounts of stores and stock kept in any office or department of the Union or of a State.

Powers of Comptroller and Auditor-General in connection with audit of accounts

18. (1) The Comptroller and Auditor-General shall in connection with the performance of his duties under this Act, have authority-

(a) to inspect any office of accounts under the control of the union or of a State, including treasuries, and such offices responsible for the keeping of initial or subsidiary accounts, as submit accounts to him;

(b) to require that any accounts, books, papers and other documents which deal with or form the basis of or an otherwise relevant to the transactions to which his duties in respect of audit extend, shall be sent to such place as he may appoint for his inspection;

(c) to put such questions or make such observations as he may consider necessary, to the person in charge of the office and to call for such information as he may require for the preparation of any account or report which it is his duty to prepare.

(2) The person in charge of any office or department, the accounts of which have to be inspected and audited by the Comptroller and Auditor-General, shall afford all facilities for such inspection and comply with requests for information in as complete a form as possible and with all reasonable expedition.

Audit of Government companies and corporations

19. (1) The duties and powers of the Comptroller and Auditor-General in relation to the audit of the accounts of Government companies shall be performed and exercised by him in accordance with the provisions of the Companies Act, 1956 (1 of 1956).

(2) The duties and powers of the Comptroller and Auditor-General in relation to the audit of the accounts of corporations (not being companies) established by or under law made by Parliament shall be performed and exercised by him in accordance with the provisions of the respective legislations.

(3) The Governor of a State or the Administrator of a Union territory having a Legislative Assembly may, where he is of opinion that it is necessary in the public interest so to do, request the Comptroller and Auditor-General to audit the accounts of a corporation established by law made by the Legislature of the State or of the Union territory, as the case may be, and where such request has been made, the Comptroller and Auditor-General shall audit the accounts of such corporation and shall have, for the purposes of such audit, right of access to the books and accounts of such corporation:

Provided that no such request shall be made except after consultation with the Comptroller, and Auditor-General and except after giving reasonable opportunity to the corporation to make representations with regard to the proposal for such audit.

Laying of reports in relation to accounts of Government companies and corporation

19A. (1) The reports of the Comptroller and Auditor-General, in relation to audit of accounts of a Government company or a corporation referred to in section 19, shall be submitted to the

Government or Governments concerned.

(2) The Central Government shall cause every report received by it under sub-section (1) to be laid, as soon as may be after it is received, before each House of Parliament

(3) The State Government shall cause every report received by it under sub-section (1) to be laid, as soon as may be after it is received, before the Legislature of the State.

Explanation : For the purposes of this section "Government or "State Government" in relation to a Union Territory having a Legislative Assembly, means the Administrator of the Union territory.

Audit of accounts of certain authorities or bodies

20. (1) Save as otherwise provided in section 19, where the audit of the accounts of any body or authority has not been entrusted to the Comptroller and Auditor-General by or under any law made by Parliament, he shall, if requested so to do by the President, or the Governor of a State or the Administrator of a Union territory having a Legislative Assembly, as the case may be, undertake the audit of the accounts of such body or authority on such terms and conditions as may be agreed upon between him and the concerned Government and shall have, for the purposes of such audit, right of access to the books and accounts of that body or authority: Provided that no such request shall be made except after consultation with the Comptroller and Auditor-General.

(2) The Comptroller and Auditor-General may propose to the President or the Governor of a State or the Administrator of a Union territory having a Legislative Assembly, as the case may be, that he may authorised to undertake the audit of accounts of any body or authority, the audit of the account of which has not been entrusted to him by law, if he is of opinion that such audit is necessary because a substantial amount has been invested in, or advanced to, such body or authority by the Central or State Government or by the Government of a Union territory having a Legislative Assembly, and on such request being made, the President or the

Governor or, the Administrator, as the case may be, may empower the Comptroller and Auditor-General to undertake the audit of the accounts of such body or authority.

(3) The audit referred to in sub-section (1) or sub-section (2) shall not be entrusted to the Comptroller and Auditor-General except where the President or the Governor of a State or the Administrator of a Union territory having a Legislative Assembly, as the case may be, is satisfied that it is expedient so to do in the public-interest and except after giving a reasonable opportunity to the concerned body or authority to make representations with regard to the proposal for such audit.

CHAPTER IV

MISCELLANEOUS

Delegation of Power of Comptroller and Auditor-General

21. Any power exercisable by the Comptroller and Auditor-General under the provisions of this Act, or any other law may be exercised by such officer of his department as may be authorised by him in this behalf by general or special order.

Provided that except during the absence of the Comptroller and Auditor-General on leave or otherwise, no officer shall be authorised to submit on behalf of the Comptroller and Auditor-General any report which the Comptroller and Auditor-General is required by the Constitution or the Government of Union Territories Act, 1963 (20 of 1963) to submit to the President or the Governor of a State or the Administrator of a Union territory having a Legislative Assembly, as the case may be.

Power to Make Rules

22. (1) The Central Government may, after consultation with the Comptroller and Auditor-

General, by notification in the official Gazette, make rules for carrying out the provisions of this Act in so far as they relate to the maintenance of accounts.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the manner in which initial and subsidiary accounts shall be kept by the treasuries, offices and departments rendering accounts to audit and accounts offices;

(b) the manner in which the accounts of the Union or of a State or of any particular service or department or of any particular class or character, in respect of which the Comptroller and Auditor-General has been relieved from the responsibility of compiling or keeping the accounts, shall be compiled or kept;

(c) the manner in which the accounts of stores and stock shall be kept in any office or department of the Union or of a State, as the case may be;

(d) any other matter which is required to be, or may be, prescribed by rules

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty day's which may be comprised in one Session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid both Houses agree in making any modification in the rule or both Houses agree that the rules should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power to make regulations

23. The Comptroller and Auditor-General is hereby authorised to make regulations for carrying into effect the provisions of this Act in so far as they related to the scope and extent of audit, including laying down for the guidance of the Government Departments the general principles

of Government accounting and the broad principles in regard to audit of receipts and expenditure.

Power to dispense with detailed audit

24. The Comptroller and Auditor-General is hereby authorised to dispense with, when circumstances so warrant, any part of detailed audit of any accounts or class of transactions and to apply such limited check in relation to such accounts or transactions as he may determine.

Repeal

25. The Comptroller and Auditor-General (Conditions of Service) Act 1953,(21 of 1953) is hereby repealed.

Removal of doubts

26. For removal of doubts, it is hereby declared that on the commencement of this Act the Government of India (Audit and Accounts) Order, 1936, as adapted by the India (Provisional Constitution) Order, 1947, shall cease to be in force except as respects anything done or any action taken thereunder.

APPENDIX 3

**Rules for the receipt, custody and delivery by Government
Treasuries of sealed packets containing duplicate keys
of strong rooms and chests of treasuries conducting
business with the Bank**

[See Finance Rule 61 (e)]

1. If the Manager or Agent of the Bank at which Treasury work is conducted wishes to deposit the duplicate keys of the Treasury strong room or currency chest in the Government Treasury, the Manager or Agent, as the case may be, shall personally deliver a sealed packet purporting to contain such duplicate keys to the Treasury Officer-in-charge of the Sadar Treasury and obtain his receipt.

2. The receipt of the Treasury Officer shall merely acknowledge the receipt of a

sealed packet and before signing the receipt the Treasury Officer shall satisfy himself that the seals are intact.

3. On receipt of the sealed packet, the Treasury Officer will place the same in double locks and enter the transaction in register, preferably the register of valuables. Such register will contain a column for description in which the Treasury Officer will not with his own hand the number of seals and date of consignment to double locks.

NOTES

New rule prohibits destructions of record before settlement and finalization and acceptance of accounts.

4. The sealed packet shall not be taken out of double locks except on personal application by the Manager or Agent and by the Khazanchee (or Head-Shroff or Head Cash-keeper) (or his duly appointed Naib). On such joint application the Treasury Officer shall deliver -the packet to the Manager or Agent and Khazanchee (or Head Shroff or Head Cash-keeper) (or his Naib) only and then on receiving back the receipt given by him for the sealed packet under R. 1, as well as obtaining the joint receipt of, the Manager of Agent and Khazanchee (or Head Shroff or Head Cash-keeper) (or his Naib) for the packet.

5. The Manager or Agent, as the case may be, shall periodically and in any case at periods of not less than six months, verify the presence of the sealed packet in the

double locks of the Treasury and shall satisfy himself that seals are intact.

6. The Treasury Officer shall periodically verify, and in any case at periods of not less than six months, the presence of the sealed packet and satisfy himself that the seals are intact. He shall also verify its presence whenever there is a change in the charge of the Treasury. In the latter case the 'Out-going and in-coming Treasury Officers shall personally hand over and take charge of the sealed packet and shall sign the register mentioned at R. 30 this effect.

APPENDIX 4

Rules regarding Destructions of accounts records

[See Financial Rule 116]

The destruction of records (including correspondence) connected with accounts is governed by the following rules and such other subsidiary rules consistent therewith as may be prescribed by the Government of Assam with the concurrence of the Accountant-General.

So long as an objection is outstanding and the accounts have not been completely checked and accepted in audit, they and the supporting documents should not be destroyed even though the period of preservation prescribed in the Departmental Rules may expired.

(a) The following should not be destroyed:

Records connected with expenditure which is 'within the statute of limitation;

Records connected with expenditure on projects schemes or works not completed, although beyond the period of limitation;

Records connected with claims to service and personal matters affecting persons in the service;

Orders and sanctions of a permanent character, until revised.

(b) The following should be preserved for not less than the period specified against them:

Description of Records	Period of preservation years
1	2
Acquaintance Rolls for pay and other allowance	35
Register of contingent expenditure	5
Detailed Budget estimates of an office	5
Traveling allowance bills and acquaintance rolls relating thereto	3
Service books	5 after death or retirement whichever is earlier
Leave accounts of non-gazetted Government servants	3 after death or retirement
Statement of monthly progressive expenditure and correspondence relating to discrepancy in figures	2
Mortality return of pensioners	5
Pay bills	35

1	2
Pay and Receipt Cheque Book	5
Daily Cash Book	10
Abstract of Acquaintance Rolls	10
Register of pay held over	6
Station Cash Account	6
Register of promissory notes enforced for payment of interest at a Treasury	20 years
Memorandum of advice of re-enfaced notes	1 year
Detailed list of notes enfaced for payment of interest	1 year
Register payment of Interest	1 year
Payment Order of invest on promissory notes at a Sub-Treasury	20 years or until interest ceases to be paid from the Treasury

Note. These rules will also apply to the Public Works Department

c) A minimum period after which any record may be destroyed has been prescribed. Heads of Departments and Divisional or District Officers may order to writing destruction of such records in their own and subordinate offices, on the expiry of that period counting from the last day of latest official year covered by the record.

(d) Heads of Department are competent to sanction the destruction of such other records in their own and subordinate offices as may be considered useless, but a list of such records as property appertain to the accounts audited by the Indian Audit

Department should be forwarded to the Comptroller for his concurrence in their destruction before the destruction is ordered by the Head of Department'

(e) Full details should be maintained permanently in each office of all records destroyed from time to time.

Note. The words Annual Establishment return (Book of Establishment)35 years have been deleted and the figure "6" occurring against the item 'Pay Bill' has been substituted by the figure '35' *vide* C. S. No. 213 [Ref. Memo No. FEG.-69/62/7, dated 28-8-1962].

GENERAL

14. Where under these directions payment is *required* to be made by *one* department of a Government to another, such payment may; if the case. so requires *or* if otherwise deemed necessary, include adequate charge for supervision *or* other indirect expenditure connected with the service or supply for which payment is made.

15. Payment of amount due by one Government *or* department of Government to another shall ordinarily be made by book transfer except when such transfers do not suit the methods of accounts *or* of business adopted by the receiving Government *or* Department.

16. These directions have received the concurrence of the Crown Representative in so far as the transactions affect his department.

17. Any question of doubt *or* dispute arising in connection with the interpretation of these directions may be decided by the Auditor-General of India, with the approval of the Governor-General and/or the Crown Representative, as the case may be.

ANNEXURE

For list of departments and undertakings at present recognised by Government as Commercial, vide Note under Direction 5.

(The list does not purport to be exhaustive and may be modified by Government where necessary in consultation with the Accountant-General).

*

*

*

*

*

Nil

* * * * *

APPENDIX 6

Rules relating to money orders, other than revenue money orders, in favour of Government and local bodies entitled to bank at Treasuries or Sub-Treasuries

[See Financial Rule 132]

Procedure in the Office of Issue

* * * * *

PART II

Procedure in the post office of payment

N. B. The rules in Part II apply only to post offices (head *or* sub) at the headquarters of districts and sub-divisions.

11. Money orders will be paid by book transfer---

(1) *for* rent, if in favour of a District Officer, Sub-divisional Officer'

Certificate Officer *or* other Gazetted Officer, excepting the Khas Tahsildars, Tahsildars and Managers who are Deputy *or* Sub Deputy Collectors;

(2) on other account than rent, if in favour of the Magistrate or Deputy Commissioner or in favour of the Deputy Collector or *other* officer-in-charge of any department under the Magistrate or Deputy Commissioner, or in favour of the Sub-divisional Officer, or any officer-in-charge of any Department under the Sub-divisional Officer;

(3) upon a written requisition received by the Post Office from the Treasury or

Sub-Treasury Officer, if in favour of any other Government Officer in his official capacity;

(4) if in favour of any local body (other than a Cantonment Committee) entitled to bank at the Treasury or Sub-Treasury.

* * * * *

14. The postman will take the duplicate list or lists of the money orders and the Treasury or Sub-Treasury voucher to the Accountant and will receive back from him the money orders without the coupons and the acknowledgments, except in the case of "rent" money orders paid by book transfer from which the coupons only will be detached by the Accountant and not the acknowledgments: The postman will be careful to see that he receives back all the money orders, and that they are all duly receipted by the Accountant, and in the case of money orders for amounts exceeding Rs. 500 by the Treasury or Sub-Treasury Officer also.

* * * * *

PART III

Procedure in the Treasurer or Sub-Treasury

19. When any officer of Government, not specified in R. 11, requests that money orders in his favour may be paid by book transfer, a written requisition to that effect will be addressed by the Treasury or Sub-Treasury Officer to the Postmaster at the Treasury or Sub-Treasury station.

20. On receipt of the list or lists of money orders and Treasury or, Sub Treasury voucher [see R. 14], the Accountant will check and compare the documents. If there is any error they will return all the documents to the Post Office with a note of the error or errors. When the documents are correct, the Accountant will cut off from the money order from the coupon in the case of rent money orders and the strip containing the coupon and acknowledgment in the case of all other orders; he will sign and date the money orders as payee and return them to the Post Office not later than 3-30 p. m. In the case of money orders for amounts exceeding Rs. 500 the Treasury or Sub-Treasury Officer also should sign and date the money orders as payee. The Accountant will retain the coupon of rent money orders, the coupons and acknowledgments of all other money orders, the duplicate lists of money orders (Form 2-G.M. 0.) and the Treasury or Sub-Treasury voucher. He will date and initial the coupons and will send them at once with the acknowledgments to the department or local body concerned.

21. The Treasury or Sub-Treasury Officer will on the same day adjust the amount of the Treasury or Sub-Treasury voucher by transfer, debiting the amount to the Post Office and crediting the -amounts of the several money orders. in lump under each detailed head of account as shown in the advice list received from the departments concerned in the Form 4-0. M. O. [see R. 20].

In the case of Sub-Treasuries the duplicate list or lists together with the advice list of money orders will be forwarded to the District Treasury with the Sub-Treasury 'daily sheet'.

22. In the case of officers and local bodies to whom daily advice lists are Bent or other receipts on their accounts, the total amount of each money order avdice list will be entered in the daily advice list.

The Treasury or Sub-Treasury Officer will be responsible that the total of the

amounts of the money order advice lists is equal to the amount of the Treasury or Sub-Treasury voucher received from the Post Office and debited to the Postal Department.

23. No money order received from the Post Office may be refused.

PART IV

Procedure in the offices of the payee of the money orders

24. When an officer of Government, not separately specified in R. 11 desires that money orders in his favour be paid by book transfer, he will make a written request to that effect to the Treasury or Sub-Treasury Officer for communication to the Postmaster.

25. On receipt of the coupons or stamps of coupons and acknowledgments, the usual entries will be made in detail in the prescribed registers and an advice list in the Form 4-G. M. O. should be sent to the Treasury or Sub-Treasury on the same day not later than 2 p. m. If for any reason the detailed head of account in respect of any money order cannot be at once determined, the money order should be entered in the advice list with such particulars as are available and action should be taken at once to ascertain further particulars, on receipt of which the proper head of account should be communicated to the Treasury or Sub-Treasury. In the case of all orders than rent money orders the prescribed receipts will be sent to the remitters by post, the postage being prepaid by service or ordinary stamps, according as the department or local body is or is not entitled to use service stamps.

FORM 4-G. M. O

Advice list of.....

Money order received in

the Treasury/Sub-Treasury.....onand credited to..... on
the same day by Book Transfer.

Post Office of issue	Number money order	of Amount money order	of Detailed head of accounts with particulars of every item credited under the head	Total of each detailed head for the day
1	2	3	4	5
Rs. a. p.			Rs. a. p.	

Total number of money orders

Total amount of money orders (in words)

.....

Signature of the Officer-in-charge
of the Department

District

Dated.....19 ...

Items relating to the same detailed head of account although pertaining to different money orders should be grouped together in column 4.

26. The prescribed form of receipt - should be sent to each remitter at the latest on the first open day after receipt of the coupons and acknowledgments in the Treasury or Sub-Treasury.

27. If the amount of money order is more than is due from the remitter the excess should be entered as an advance on account of future dues, or be dealt with in such other way as the rules of the Department or local body may prescribe; if the amount is less than is due, it should be credited as a payment in part; if the period on account of which the remittance is made is specified the amount should be credited on account of the period: if the period is not specified, the remittance should be set off against those dues which have been longest outstanding.

APPENDIX 7

Rules for the grant of refund of the value of stamps

[See Financial Rule 178]

1. *Refund of impressed Court-fee stamps and of Court-fee adhesive labels.* When any person is possessed of impressed or imposed Court-fee stamps for which he has no immediate use or which have been spoiled or rendered unfit or useless for the purpose intended, or when any person is possessed of two or more (or in the case of denominations below Rs. 5, four or more) Court fee adhesive labels, which have never been detached from each other, and for which he has no immediate use, the District Officer or Sub-divisional Officer, shall on application, repay to him the value of such stamps or label in money deducting one anna in the rupee or fraction of a rupee upon such person delivering up the same to be cancelled, and proving to the sanctioning authority's satisfaction that they were purchased by him which has a *bona fide* intention to use them; that he has paid the full price thereof and that they were so purchased, or in the case of impressed Court-fee stamps so purchased, spoiled or rendered useless within the period of six months preceding the date on which they were so delivered:

Provided that the sanctioning authority may, in, special cases, allow refunds when application is made within one year from the date of purchase of the stamps or labels, or also in the case of impressed Court-fee stamps, within one year from the date on which the stamps were spoiled or rendered useless.

2. *Refund of value of stamps to vendors less one anna .in the rupee.* (I) In the following cases, the full value of the stamps returned into store less one anna in the rupee or fraction of a rupee, shall be paid by the office named in R. 1 to the stamp vendors:

- (a) when the vendor resign his licence;
- (b) when licence is revoked for any fault of the licensee;
- (c) when the stamps are returned on the death of the vendor;
- (d) when the stamps are returned on the application of the vendor for leave to restore any stamps.

(2) *Refund of value of stamps to vendor less discount.* In the following cases, the full value of the stamps returned into store, less only the discount allowed on their sale, shall be paid by the officers named in R. 1 to licensed vendors:

- (a) when the stamps are returned on expiry of the licence;
- (b) when they are recalled by Government;
- (c) when the licence is revoked for any cause other than the fault of the licensee:

Stamps may be exchanged. Provided that a licensed vendor may exchange unsold stamps which are fit for use for other stamps of the same kind;

Provided that no adhesive stamps shall be received back into store, unless, in cases where the value of each label is not less than Rs. 5. there are at least two such labels which have never been detached from each other: and in cases where the value of each label is less than Rs. 5, unless there are at least four such labels, which have never been detached from each other.

3. *Refund of adhesive tables attached to impressed sheets of Court-stamps.*

When adhesive labels are attached to impressed sheet of Court-fee stamps in accordance with the directions contained in Rr. 5 and 6 of the Statutory. Rules issued by the Government of Assam, such labels shall be regarded as impressed stamps for the purposes of under these rules.

4. *Refund of value of the stamps on the plaint presented to any civil or revenue court.* When a plaint disclosing a reasonable case on the merits is presented to any Civil or Revenue Court, in such a form that the Presiding Judge or Officer, without summoning the defendant, rejects it, not for any substantial defect, but on account of any entirely technical error in form only, and so its to leave the plaintiff free to prosecute precisely the same case in another form against the same defendant or defendants, the value of the stamps on the plaint shall be refunded on presentation of an application to the District Officer of the district in which the Court is situated, together with a certificate from the Judge or Officer who rejected the plaint, that it was rejected under the circumstances above described; and that the value of the stamp should, in his opinion, be refunded.

5. *Refund when to be made.* - Refunds shall, if possible, be made on the day of application.

6. The procedure for dealing with application for refund of Court-fee stamps and the method of disposing of such applications including the Registers to be maintained shall be the same as that for the renewal of spoilt or useless stamps as laid down in the Statutory Rules of the Provincial Government.

APPENDIX 8

RULES FOR THE PAYMENT OF COMPENSATION **FOR**

LAND TAKEN UP UNDER THE LAND' ACQUISITION ACT I OF 1894.

[See Financial Rule 188]

Land Acquisition Officers

1 After all preliminaries in respect of estimate etc., that may be required under departmental rules in force for the time being, have been duly carried out, the land will be taken up under the Act either by the Collector or by some special officer who is placed at the disposal of the Public Works Department, and invested with the powers of a Collector under the Act; the procedure differs in the two cases.

Procedure of Special Officers appointed under the Act

2. Officers who are specially employed for this work, being invested with the powers of a Collector under the Act and placed at the disposal of the Public Works Department, are regarded as Public Works disbursers and are supplied with funds in the manner prescribed for the works outlay of Public Officers, the expenditure being accounted for under the rules applicable to the Public Works Department. The following procedure shall be observed by such officer.

*See Assam Stamp Manual.

3. When an 'award' is made under S. 1-1 of the Act, the officer shall have a statement prepared in the appended form (Form A) showing the amounts payable to each person under the award, and shall, on the day the award is made forward a copy of a statement, siglled by himself to the Account Officer with whom is in account. Before signing the copy, the officer should carefully satisfy himself that it correctly shows the amounts due under the award and should himself enter the total of column 6 of the statement in words both in the original and copy. A subsidiary statement in Form AA, giving particulars regarding the acceptance by the persons concerned, of the award statement should also be furnished to the Account Officer as soon as possible If the subsidiary statement is not complete. on the day that the ~ward is made the necessary entries in column 7 of Statement. A will be made in the office of the Account Officer on the receipt of the statement in Form AA.

4. In cases where an award 'has beer made by Court under S. 260fthe Act. a second award statement should be prepared in the accompanying form (Form B) by the Land Acquisition Officer as soon as the decision of the Court is ascertained, and a copy thereof forwarded to the Account Officer. On receipt of this statement, the Account Officer will proceed to check the entries in columns I to 4 with the original award by the officer.

5. Any change in the appointment of the officer's award made by a Court under S. 30 of the Act, should also similarly, be communicated to the Account Officer for the necessary correction in the award statement. And if S. 31 (3) of the Act, it has been arranged to grant a compensation otherwise than in cash, the nature of such compensation should be clearly specified in the column of remarks in the award statement.

6. In giving notice of the award under S. 12 (2) and tendering payment under S. 31 (I) to such of the persons interested as were not present personally or by their

representatives when the award was made, the officer shall require them to appear personally or by representatives by a certain date, to receive payment of the compensation awarded to them, intimating also that no interest will be allowed to them if they fail to appear, if they do not appear and do not apply for a reference to the Civil Court under S. 18 the officer shall after any further endeavor to secure their attendance that may seem desirable cause the amounts due to be paid in the treasury as revenue deposits payable to the persons to whom they are respectively due, and vouched for in the accompanying form (Form E). The officer shall also give notice to the payees of such deposits, specifying the Treasury in which the deposited amount in the Treasury will at once be charged off as Public Works expenditure, and when the persons interested under the award ultimately claim payment the amounts will be paid to them in the same manner as ordinary revenue deposits.. The officer should, as far as possible, arrange to make the payments due, in or near the village to which the payees belong in order that the number of undisbursed sums to be placed in deposit on account of non-attendance may be reduced to a minimum. Whenever payment is claimed through a representative, whether before or, after deposit of the amount awarded, such representative must show legal authority for receiving the compensation on behalf of his principal.

Note. In the case of petty payment if the payees do not appear on the day fixed for payment and do not apply for a reference to the Civil Court under S. 18, the officer shall issue notices to them informing them that if they do not attend by a certain date, the compensation awarded them will be remitted by money order, the amount of the money order fee being deducted.

The following rules may be observed in making such payments by money order:

(i) No sums exceeding Rs. 50 in each separate case may be paid by money order.

(ii) No compensation due on account of land which is owned jointly by the proprietors of a village or sub-division of a village may be paid by money order.

(iii) In each money order so issued, the purpose of the remittance should be stated briefly in the acknowledgment portion thereof in continuation of the printed entry "Received the sum specified .. above on ", sufficient space being left below the manuscript entry thus made for the signature or thumb-impression of the payee.

On receipt of the money order acknowledgment duly signed by the payee, it should be attached to the usual receipt in Form C, in which the full amount of the compensation should be clearly shown; the receipt will then be disposed of in the usual way. The Accounts Departments will accept such voucher with the money order acknowledgment as a valid receipt for the full amount entered therein.

7. In making direct payments to the persons interested under the award, the officer shall take receipt of each person to whom money is paid on a separate voucher in the accompanying form [Form C], containing a reference to the item showing the amount due to that person in the award statement. In cases where payments are made to a number of persons under a single award, all acquaintance roll in Form CC, may be substituted for separate receipts in Form. C. The officer shall forward the separate receipts of the payee of the acquaintance roll, as the case may be, to the Account Officer with whom he is in account, when forwarding to him the accounts of the month in which the payments are made.

8. All payments into Court for deposit under the Act should be made by means of cheques in favour of the presiding officer of the Court payable by order of the Court

to credit of Civil Court Deposits. The cheques should be accompanied by receipts in triplicate, in Form D, duly filled up, of which one will be retained by the Court for record, and the other two returned duly signed to the Collector, who will keep one copy and forward the other to the Account Officer with the accounts of the month in which the payments are made.

The amount deposited in the Court will be charged off as- expenditure in the Public Works accounts of the Collector and the ultimate payments to the person interested under the award shall be arranged for by the Court under the rules for the payment of Civil Court Deposits.

9. When a Court has awarded any compensation in excess of the officer's award the further payment due should be made into the Court by means of a cheque, and the procedure described in the preceding paragraph should be followed, Form D being used with the necessary charges to give full particulars of the order of the Court.

10. Government may authorize any particular Land Acquisition Officer to make all or any of his payments by cheques, provided no inconvenience is caused thereby to the payee in consequence of the property being situated at a distance from the Treasury.

Payments under the Act after the Special Officer is relieved of his Special Duties

11. In any case in which a reference is made to the Civil Court and the award of the Court is not made till after the special officer has been relieved of his special duties, the further payments due under the award shall be made by the Collector, who will observe the same procedure as if the reference to the Civil Court had been made by himself, as prescribed in paragraphs 8 to 9 above.

Procedure of Collector or other Civil Officer not specially employed for

Land Acquisition

12. When the land is taken up by the Collector or Civil Officer, not specially employed for the work, such Collector or Civil Officer, is not a Public Works disburseur, but draws money for payment due under his award from the Civil Treasury. In such a case he should obtain from the Treasury at the end of the month a list of bills drawn by him, showing (1) number of vouchers, (2) date of payment. (3) nature of the bill, and (4) amount of the bill. Such Collector or Civil Officer shall, as soon as he makes the award, or as soon as he ascertains that an award has been made by the Civil Court, prepare a statement in Form A or B or in both, as the case may be, showing the amounts due, and forward a copy thereof to the Account Officer concerned in the manner prescribed in paragraphs 3 and 4. Additions and alterations in the award statement should also be communicated to the Account Officer as prescribed in paragraph 5 and a Subsidiary Statement in Form AA should, if necessary, be furnished as laid down in paragraph 3. The procedure laid down in paragraph 6 should also be observed by such Collector or Civil Officer.

13. In making the payments due under the award, the Collector shall take from each person to whom payment is made a receipt in Form C containing a reference to the particular entry in the award showing the amount due to the payee. In the case of payments to a number of persons under a single award, an acquittance roll may be substituted for separate receipts as laid down in paragraph 7. These receipts will be the Treasury Officer's vouchers for the payments and shall be forwarded by him with the accounts of the month to the Accounts Officer. For payments into civil courts the procedure laid down in paragraphs 8 and 9 should be observed.

14. The Treasury Officer has no concern with the award or with the award statement; he makes the payment on the authority of the Collector, or other officer assessing compensation. The Collector may either draw the amount to be disbursed

to each payee separately in which case-he should countersign the receipt in Form C, and make it payable at the Treasury to the payee, altering the words "paid" by money order/cheque to "pay"; or he may draw the total amount to be disbursed by him under the award on his own receipt as an advance and after making the payments forward the receipts of the payees to Treasury Officer in adjustment of, the advance. In the former case, an advice list of the forms passed for payment should be sent to Treasury Officer, who in turn should send weekly an advice of orders paid.

Audit by Account Officers

15. Whether the payment is made by a special officer or by the Collector (or other Civil Officer) the Audit of the Account Officer shall consist in seeing that every payment is supported by a receipt in Form C, CC, D or E, and that the amount paid on such receipt is the amount payable under the award as shown in the statement of which he will have received copies under the preceding orders. The Account Officer will also note in the last column of Form A the date on which possession is taken as reported to him by the Executive Engineer or other officer.

[16. Notwithstanding anything contained in the above Rules and in Annexure 'A' to this Appendix, the Secretary to the Government of Assam in the Irrigation Department and Chief Engineer & Additional Chief Engineer of Irrigation Department will be the competent authorities to entrust works in connection with Minor Irrigation such as, installation of shallow Tube Wells/Deep Tube Well/Low Lift Irrigation Projects, etc. to the Assam State Minor Irrigation, Development Corporation Ltd., irrespective of the estimated cost of works. They shall also be competent to entrust the works on contract basis to the said Corporation by negotiation without calling for tenders. In the case of works entrusted to the Corporation., they shall also be competent to accord administrative approval if the plan and estimates prepared by

the Corporation are on the basis of current schedule of rates of the Irrigation Department's Divisions within the jurisdiction of which the work is undertaken with reasonable variations which the nature of work and the special circumstances prevailing may call for and to exempt the Corporation from furnishing security deposit.

The takes effect from the date of issue.

Note :-(I)-NEGOTIATION.

Negotiation means the allotment of work by the Secretary to the Government of Assam in the Irrigation Department to the A.S.M.I.D.C. Ltd. at the rates included in the detailed estimates framed by the A.S.M.I.D.C. Ltd. on the basis of the current schedule of rates of Irrigation Divisions with necessary variations including overhead charges as assessed by the A.S.M.I.D.C.

Note :-(II)--MODE OF PAYMENT.

After allotment of work and execution of deed of contract, 90% of the value of the work to be executed during the financial year may be paid by the Department to the A.S.M.I.D.C. Ltd. and final payment made after the completion certificate from the A.S.M.I.D.C. Ltd. is obtained and work physically verified to the satisfaction of the Department.] .

2[17. Notwithstanding anything contained in the above Rules and in Annexure 'A' to this Appendix, all the State Government Development Departments should offer all concentrated works costing more than Rs. 10 lakhs to the Assam Government Construction Corporation Ltd, and only in the event of AGCC Ltd. not being in a position to take up the works, tenders should be floated for entrustment of execution to other agencies.

For awarding works to AGCC Ltd. on negotiation reasonable rates are to be determined by a Committee consisting of Special Secretary or Secretary, P.W.D.,

Managing Director, AGCC Ltd., Director' of concerned Department and Secretary or representative of Finance Department. The Committee, while aiming at reasonable rate will take into account 15% overhead as has been allowed earlier by Finance Department.

Concerned Department awarding works will accept/honour bills to the AGCC Ltd., recorded. by their Technical staff and duly checked by an Officer of the AGCC not below the rank of Deputy Project Superintendent without subjecting it to Department scrutiny if they so desire, subject however to the condition that in case of excess payment detected afterwards the AGCC will refund the amount forthwith.

For all works which are delayed in their completion for no fault on the part of the AGCC Ltd. price escalation will be given to them and the rate of such escalation will be determined by a Committee consisting of Special Secretary or Secretary P.W.D.,

1. Subs. by C. S. No 260. dated 4-8-1981
2. Subs. by C. S. No. 263. dated 4-12-1987

Managing Director, AGCC, Director of the concerned Department and Secretary or a representative of Finance Department.

For fixing the rate of supplementary items if analysis of rates is required 10% towards profit and 15% towards overhead will be allowed in case of Assam Government Constitution Corporation Ltd. A 10% price preference will be given for all works for allotment to Assam Government Construction Corporation Ltd. entering competition over lowest tendered rate or schedule rate whichever is higher."

This takes effect from the date of issue.

Procedure when no money compensation

18. In cases in which compensation is granted in the shape of either land in exchange or remission of revenue as provided in S. 31 (3) of the Act, and the land is

acquired for Government purposes, no adjustment of the value of the land given in exchange will be required unless it is separately purchased by Government. If, however, the land is acquired for a body financially independent of Government, the value of the Government land given in exchange ,and the capitalized value of the abatement of land revenue should be charged against advances of funds (paragraph 20) made by that body.

Investment of compensation money deposit in court

19. Investments under Ss. 32 and 33 of the Act of money deposited in Court ,should be arranged for, in the case of purchase of 'Government securities in communication between the Court and Reserve Bank of India, and purchase of land should be effected under the Court's order through the Collector or other Revenue Authority of the Province. The Reserve Bank of India will inform the Court that the sum should be remitted to enable it to make the investment, and this amount will be paid from the deposits in Court.

Audit adjustment and recovery of payments on behalf of bodies financially independent of Government

20. In any case in which land is acquired for a municipality or other body financially independent of government, Government may direct that the payments, instead of being made in the same manner as the ordinary payments of such body, shall be made as if the land were being acquired for Government purposes. If Government issue such an order, the Collector or other officer who makes payment on account of the land acquired shall draw funds from the treasury and. make payment in the manner laid down in these rules, using the forms prescribed, and shall render his accounts to the Account Officer. The municipality or other body will deposit the estimated cost of the compensation, including the capitalized value of the abatement of land revenue, if any, and all charges on account of establishment

(including contribution for leave and pension charges of any permanent gazetted or other staff) and contingencies to the credit of Government in advance on such dates and in such installments as the Government may direct, further deposits with Government being required as soon as the Account Officer reports that the payments made exceed the account received in advance. The Account Officer will deal with the accounts and payments as prescribed in these rules, debiting the payments against the advances received for the municipality or other body.

Note. Unless there be something repugnant in the subject or context, the rules given in this Appendix for the acquisition of land for the Public Works Department apply *mutatis mutandis* to other departments 'of Government also.

1. These sums should be credited in the treasury accounts to a special deposit head under ' Civil Deposits "Deposits for work done for public bodies or individuals", while any charges should be supported by the prescribed vouchers, unless these cannot be furnished at once, in which case the Account Officer will place them under objection till the necessary vouchers have been obtained. If the awarding officer should at any time have in hand any sum in excess of his immediate" requirements, he should repay it into the treasury for credit of the special deposit head; any balance of the sum originally credited which is not claimed at the expiration of a year from date of the award will be paid into a count by the officer in accordance with R. 3.

FORM A

No. and date of Statement

 Date of award
 ...
 Name of work for which land has been acquired
 No. and date of declaration in Gazette viz., No.

 Statement showing compensation awarded by under section..... Act I of 1984 to all
 the persons
 Interested in the plot of land situated in the village of in estate No. ... on the
 Revenue Roll of the District of Pargana

1	2	3	4	5	6	7	8	9*	10*
Serial No.	Name of persons to whom payment is due under the award	Area of land	Abatement of Land Revenue	A valuation of any buildings that may be taken upon the land	Total amount due to each persons, including the amount shown in Col. 5, the amount awarded for the land, interest costs and any other amounts due to the payee in connection with the acquisition of the land	Distribution of the amount in Col. 6, taken from the subsidiary statement AA	Remarks	No. and date of the <u>voucher</u>	Date on which possession of the land was handed over to the departmental authorities for whom it is acquired
			Rs. a. p.	Rs a. p.	Rs. a. p.				----- Reference to the report starting date

*To be filled in the Account Office.

Note 1. Each award statement should be confined to the lands to be taken under one declaration, *i.e.*, awards given for lands acquired under more than one declaration should not be incorporated in one statement, but as many separate statements submitted as there are declarations.

Note 2. Regarding Col. 7 see Note to Form AA.

FORM AA

Particulars regarding the acceptance by the persons concerned or entered in Award

Statement No.

Dated

Name of work for which land has been acquired
.....

No. and date of declaration in Gazette, viz., No. dated page

1	2	3			
Serial No. in the statement of award under S. 11 of the Act.	Name of person to whom payment is made under the award	Particulars of amount entered in Col. 6 of the Award Statement			
		a	b	c	d
		Amount accepted with out protest	Amount accepted under protest	Amount refused and the Court in which it is deposited	Amount undisbursed owing to non-attendance and the treasury in which it is deposited
		Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.

Note. In nothing these particulars in the award statement it may be sufficient to enter the letter *a, b, c, d* as the case may be, in Col.7 of the statement when the whole amount of the award is shown in one of the four sub-Cols. *a, b, c* or *d* in this statement.

FORM B

No. and date of statement

 Name of work for which land has been acquired

 No. and date of declaration in Gazette, viz., No. dated page... ..

Statement showing the amount of compensation awarded by the Court of under S. 26 of Act I of 1948

1	2	3	4	5	6	7	8
Serial No. in the statement of award under S. 11 of the Act	Name of persons to whom payment is due under the award	Amount originally awarded	Amount paid by Collector under the original award	Total amount awarded by the Court	Future payments due	Remarks	No. and date of voucher

FORM C

No. of Voucher
 Name of work for which the land has been acquired... ..
 No. and date of declaration in. Gazette, viz., No... dated...
 Serial No..... in Award Statement No... .. dated...
 Name of payee... ..
 I... .. of... ..

FORM C

No. of Voucher
 Name of work for which the land has been acquired... ..
 No. and date of declaration in. Gazette, viz., No... dated...
 Serial No..... in Award Statement No... .. dated...
 Name of payee... ..
 I... .. of... ..

.....
ParganaZila
.....
do hereby acknowledge to have received
Rs... ..
on account of cost of land taken up by
Government as
detailed on reverse.

.....

Signature of Payee

Locality

Note. The receipt should be in English, but when the payee is unable to write in English, he may give a receipt in the vernacular.

...
ParganaZila
.....
do hereby acknowledge to have received Rs... ..
.....
on account of cost of land taken up by
Government as
detailed on reverse.

... ..

.....

Signature of Payee

Locality

Note. The receipt should be in English, but when the payee is unable to write in English, he may give a receipt in the vernacular.

(REVISED OF FORM C)

Details of land, etc., their values Mauza ----- Pargana----- Zila ----- ----- Land----- Bighas ----- Cottas ----- Chittacks -- ----- Value : Rupees----- Annas ----- pies-- -----	|	Details of land, etc., their values Mauza ----- Pargana----- Zila ----- ----- Land----- Bighas ----- Cottas ----- Chittacks --- ----- Value : Rupees----- Annas ----- pies-- -----
--	--	---

FORM CC

Consolidated Voucher for payment made during ----- 19----, in accordance with Award Statement No. ----- dated ----- on account of land acquired for ----- in the District of -----Tashil -----Mauza -----

1 Serial No. in Award Statement	2 Name of payee	3 Area of land	4 Amount paid	5 Signature of the payee and date or payment
------------------------------------	--------------------	-------------------	------------------	---

Rs. a. p.

Total

Paid by money order/by cheque, to the above persons the total sum of rupees* ----- annas* ----- pies* only

*In words

Dated the 19

Signature of Officer

FORM D

Name of work for which land has been acquired-----

To the Judge of the Court at ---

The sum of Rs. ----- on account of compensation for land taken up for the above purpose payable as detailed below, is tendered for deposit in Court under S. 31 (2) of the Act I of 1894.

Serial No. in Award Statement No.	Name of parties	Area of land	Amount payable to each.....	Remarks
		Acres	Rs. a.	

p.

Total
Land Acquaintance Officer
Dated -----19
Received the above amount for credit to Civil Court Deposits.

Judge

Note. This form should be used when the amounts of compensation due are sent to a civil court for deposit.

FORM D

Name of work for which land has been acquired-----

To the Judge of the Court at -

The sum of Rs. ----- on account of compensation for land taken up for the above purpose payable as detailed below, is tendered for deposit in Court under S. 31 (2) of the Act I of 1894.

Serial No. in Award Statement No.	Name of parties	Area of land	Amount payable to each.....	Remarks
		Acres	Rs.	

a. p.

Total
Land Acquaintance Officer
Dated -----19
Received the above amount for credit to Civil Court Deposits.

Judge

Note. This form should be used when the amounts of compensation due are sent to a civil court for deposit.

FORM D

Name of work for which land has been acquired-----

To the Judge of the Court at ---

The sum of Rs. ----- on account of compensation for land taken up for the above purpose payable as detailed below, is tendered for deposit in Court under S. 31 (2) of the Act I of 1894.

Serial No. in Award Statement No.	Name of parties	Area of land	Amount payable to each.....	Remarks
		Acres	Rs. a.	

p.

Total
Land Acquaintance Officer
Dated -----19
Received the above amount for credit to Civil Court Deposits.

Judge

Note. This form should be used when the amounts of compensation due are sent to a civil court for deposit.

FORM E

Name of work for which land has been acquired
 To the Officer-in-charge of Treasury
 Please received for transfer to credit revenue deposits
 the sum of Rs.on account of compensation
 for land taken up for the above purpose as detailed
 below :

Name of work for which land has been acquired
 To the Officer-in-charge of Treasury
 Please received for transfer to credit revenue deposits
 the sum of Rs.on account of compensation for
 land taken up for the above purpose as detailed
 below :

Serial No. in Award Statement No.	Name of persons to whom due	Area of land	Amount payable to each	Remarks
		Acres	Rs. a. p.	

Total				

Serial No. in Award Statement No.	Name of persons to whom due	Area of land	Amount payable to each	Remarks
		Acres	Rs. a. p.	

Total				

Dated19 Land Acquisition

Officer

Received the above amount and credited to revenue deposits

Treasury Officer

Dated19 Land Acquisition

Officer

Received the above amount and credited to revenue deposits

Treasury Officer

Note. This form should be used when the amount of compensation due are sent to treasury in the absence of proprietors, who have failed to present themselves for payment.

Note. This form should be used when the amount of compensation due are sent to treasury in the absence of proprietors, who have failed to present themselves for payment.

APPENDIX 9

RULES REGULATING DEPARTMENTAL CONSTRUCTION OF PUBLIC BUILDINGS

[See Financial Rule 189]

"N. B. Without the previous sanction of the Public Works Department, no additions or alterations to buildings which are on the books of the Public Works Department can be made and no structures can be erected, in the premises appertaining to such buildings".

1. The rules are intended for the guidance of Heads of Department and other officers undertaking department construction of buildings other than those in the Forest and Public Works Departments,

2. It is a fundamental rule that no works shall be commenced without a detailed plan and an estimate and allotment of funds, estimates should, therefore, be framed in all cases by departmental officers and submitted to Heads of Departments, who will accord sanction after the scrutiny as to rates, etc. Projects exceeding Rs. 10,000 should, however, be submitted for the administrative approval of Government in the administrative department concerned and should be accompanied by a report, a plan and an estimate of cost. Projects relating to residential buildings will be governed by the rules laid down in Serial No.5, Appendix II to the Book of Financial Powers, Assam. Copies of all sanctions should be forwarded to the Comptroller, Assam, the amount sanctioned for residential and non-residential works being shown separately where a project consists of both clauses of works.

Departmental construction of works of major importance should not be undertaken except in really urgent cases and then only when the estimated cost of the work is not likely to exceed Rs. 10,000 in all such cases the orders of the Governor assigning the construction of the work to the department concerned should be obtained with the concurrence of the Finance Department and communicated to the Comptroller.

3. When a work is executed departmentally, muster rolls should be maintained in Assam Financial Rule, Form No. 33. Part III of the Form may be dispensed with, but the Disbursing Officer will satisfy himself that the value of the labour does not compare unfavorably with the output of the work. The muster roll should be written up daily by the officer in' immediate charge of the work, the payments being made or witnessed by the officer of the highest standing available, who should certify to the payments individually or by groups. They should be made as expeditiously as possible; the amount paid each day being noted in words and figures at the foot of the muster roll. The cost of materials obtained departmentally should be drawn in contingent bills.

4. When a work is to be done by a contractor, a deed of contract should be executed in accordance with the general principles laid down in Annexure A to these rules. The system of lump sum contracts should, where possible, be restored to.

5. Money may be drawn from the treasury as in the case of contingent expenditure, but Forms Nos. 25, 27 and 32 of the Assam Financial Rules should be used in which to make payments to contractors and suppliers;

Form Nos. 30 and 31 being used in the case of works executed on lump sum

contracts. Cash advances to contractors (*i. e.*, not covered by value of work done) should be given only when absolutely necessary in the interest of the work and with the sanction in each case of the Head of the Department. Such advances should be limited to Rs. 501) in each case and should be sanctioned only after the sanctioning authority has satisfied himself of the amount of the advance required with due regard to the progress made by the contractor and the value of work remaining to be done, and should be finally recovered within three months from the date of the advance either in cash or from the bills for work done. In the latter case recoveries should not be postponed until the third month, but should be made proportionately from the intermediate bills as the work proceeds. Subsequent advances may be granted subject to the same conditions, but not until the previous one has been completely recovered. The advance may be paid on Financial Rule, Form No. 27, Account II, or in Form No. 30 in the case of a lump sum contract. A copy of the orders sanctioning the advance should accompany the bill. Adequate precautions should be taken to secure Government against loss owing to the grant of such advances. .

6. For immediate payment it will not ordinarily be necessary to take detailed measurements. The quantity of work done under the several items may, for the purpose of payment, estimated by a rough measurement, and 90 per cent of the value of work determined on such estimation may be paid to the contractor, the payments being detailed in Columns I to 3 in the case of Form No. 27.

The final bill, however, which should be drawn up on completion of the work, should be based on detailed measurements which should be recorded in a measurement book prescribed for the public works department. The book should be carefully preserved and should be available for inspection and check by the audit

staff.

Note. In the case of items of works which if not measured immediately after they are executed, may suffer alteration and thus not be susceptible of measurement afterwards, detailed measurements should be taken and recorded in the measurement book even for intermediate payments. The payment of such items should not, therefore, be estimated by a rough measurement. When a lump sum contract is resorted to, it will be necessary to take detailed measurement only in regard to additions and alterations not covered by the contract.

Instructions for recording measurements and writing up measurement books will be found in Annexure B to these rules.

7. To enable disbursing officers to watch the recoveries of advances granted to contactors and also to see that double payments are not made owing to an amount escaping recovery when paying the contractor's bill for work done, a ledger account should be maintained in Financial Rule, Form No. 38. A separate folio or set of folios should be reserved for all transactions with each contractor to whom an advance is granted. The value of materials, if any, issued to a contractor should be debited to his account in the ledger and the recovery should be similarly watched. A copy of the ledger account embodying the month's transactions with each contractor should be submitted to the Comptroller, Assam, in the beginning of the month following that to which the transaction relates.

8. A progressive record of the expenditure incurred month by month or each work should be maintained to enable the Disbursing Officer to exercise his control'

over the expenditure incurred in comparison with the estimated provision and the budget grant. This record may suitably be maintained in a page of the Contingent Register; but in the case of a fairly large project consisting of several subsidiary works with possible one or two residential quarters the record of the expenditure to be of any practical value should show the amount spent on each individual work in addition to showing the progressive expenditure on the project as a whole. The expenditure on each residential quarter should be separately detailed in the bill forms referred to in R. 5.

9. No money on account of construction may be drawn before it is required and retained in hand after the 31st of March. All moneys drawn but remaining unexpended on that date must be refunded into the treasury before the close of the year.

10. In no case should a final bill including a bill in Financial Rule (Form No. 25) be prepared and paid before a work is actually completed. A. completion certificate signed by a responsible officer (the local head of the department) should attach to the final bill. In a work or project of considerable importance it may be found advisable before paying the final bill to have the work inspected by an officer of the Public Works Department, not below the rank of a Sub-divisional Officer.

11. If there be residential building in the project which is to be occupied on payment of rent, the standard rent thereof should be fixed immediately on completion of the work in accordance with Fundamental Rule 45~A and steps should be taken to

see that the rent is duly realised from the official to whom the quarters are allotted.

12. Before finally closing the account of the works, the surplus and serviceable dismantled materials, if any, should be disposed of to the best advantage of Government, *i. e.*, whether by sale or otherwise.

13. These rules do not apply to works and repairs not exceeding Rs. 5,000 each to which the rules in the Assam Contingency Manual will continue to apply; but Art. 66 (iv) of the Audit Code under which a group of works which forms one project should be considered as one work ~or the purpose of sanction should be borne in mind.

14. Additions and alterations to buildings should be classed as 'original works'. Minor additions and alterations not exceeding Ks, 500 in value may, however, at the discretion of the Head of the Department, be treated as 'repairs'; provided that if such works relate to residential buildings the cost is taken into account in determining the capital cost and in calculating the rent in accordance with the rules issued by the Provincial Government.

15. Notwithstanding anything contained in the above Rules and in Annexure 'A' to this Appendix, Head of Departments and other officers undertaking departmental construction of buildings and such other roads, bridges and culverts, *etc.* as are not under the control of the P.W.D. are competent to entrust such works to the Assam Government Construction Corporation Ltd., irrespective of the estimated cost of works. They shall also be competent to entrust the works on contract basis to the said corporation by negotiation without calling for tenders. In the case of works

entrusted to the corporation, they shall also be competent to accord administrative approval if the plans and estimates prepared by the corporation are on the basis of current Schedules of rates of the 'Public Works Department's Division within the jurisdiction of which the work is undertaken with reasonable variation which the nature of the work and the special circumstances prevailing may call for and to exempt the corporation from furnishing security deposit.

[This takes effect from the date of issue.]

Note I. *Negotiation.* "Negotiation" means allotment of works by the competent authority of the department of A. G. C. C. at the rates included in the detailed estimates framed by the A. G. C. C. on the basis of the current Schedule of rates of P. W. D. Division with necessary variation including overhead charges as assessed by the A. G. C. C.

Note II. *Made of payment.* After allotment of work and execution of deed of contract, 9 % of the value of work executed during the financial year may be paid by the department to the A. G. C. C. and final payment made after the completion certificate from A. G. C. C. is obtained.

NOTES

The new sub-R. (15) With two Notes of Appendix 8 has been inserted *vide* C.S. No.260. [Reference Memo No. FEG 2994/66/ (Dy), dated 4-10-1967]

ANNEXURE A

General principle applicable to contracts

1. When a work is to be executed by contract, sealed tenders should be invited.

The notice should state-----

(I) the place where, and the time when, the contract documents can be

seen and blank forms of tenders obtained;

Note. Contract documents consist of drawings, specification of work to be done and materials to be used, Schedule of quantities and the conditions of contract to be complied with.

- (2) the place where, and the time when, and date on which tender are to be submitted and are to be opened;
- (3) the amount of earnest money to accompany the tenders and the amount and nature of the security deposit required in the case of the accepted tender;
- (4) with whom or with what authority the acceptance of the tender will rest.

2. The agreement should invariably be in writing and should be precisely and definitely expressed, should state the quantity and quality of the work to be done, the specifications to be complied with, the time within which the work is to be observed the security to be lodged, and the terms upon which the payments will be made and penalties exacted, with any provisions necessary for safeguarding Government property entrusted to the contractor. In the case of Scheduled contract, the contractor will be paid at fixed rates for the different items *of* work, and the sum he is to receive depending on the quantities and kind *of* work done *or* material supplied. Where, however, a lump sum contract is entered-into, the contractor engages to execute the work with all its contingencies for a fixed sum, and a Schedule *of* rates should be agreed upon by which to regulate the price to be paid *or* to be deducted for additions and alterations not covered by the contract.

3. The amount *of* earnest money to be deposited should be sufficiently large to be a security against any possible loss. Usually the lowest tender should be accepted,

but where this is not done, the reasons should be recorded confidentially. In selecting the tender, the financial status *of* the individual or the firm should be taken into consideration in addition to all other relevant factors. Authority should always be reserved to reject any or all *of* tenders received without the assignment *of* a reason and this should be expressly stated in the advertisement. No tender should be accepted from any person directly connected with Government service, or which involves an uncertain or indefinite liability or any condition *of* an unusual character.

4. The terms *of* contract once entered into should not be varied without the previous consent *of* the accepting authority, and nothing should be done tending to nullify or vitiated a contract. All contract deeds should be executed on a standard form.

ANNEXURE B

General Instructions for recording measurements and writing up measurement books

Instructions for recording measurements and writing up measurement books are generally embodied in the fly leaf *of* the measurement book (Financial Rule Form No. 24). The following are important points to which attention should be paid:

(a) The measurement book is a most important record, since it is the basis *of* all accounts *of* quantities, whether *of* work done by daily labour or by contract, or *of* materials received. As all payments for work or supplies are based on the quantities recorded in the measurement book, it is incumbent upon the person taking the measurements *to* record the quantities clearly and accurately. It must be an original record *of* actual measurements or counts. The descriptions must be lucid so as to admit *of* easy identification and check. The pages *of* the book should be machine numbered, and no page should on any account, be

torn out, nor should an entry be erased or effaced, so as to be illegible. Mistakes must be corrected by crossing out the incorrect and re-writing the new entries, and the correction thus made should be initialed. Entries should, if possible, be made in ink; when this is *not* possible and entries have to be made in pencil, the pencil entries should not be inked over but left untouched. The entries in the "contents or area" column must invariably be made in ink. In the first instance, entries should be made continuously; no lines, pages or portions of pages should be left blank. In the event of cancellation of a measurement, it should be attested by dated initials of the officer making the cancellation, and the reason therefore should be recorded. Any page left blank inadvertently should be cancelled by diagonal lines, the cancellation being supported by dated initials. A reliable record is the object to be aimed at, specially as it may have to be produced as evidence in a Court of Law.

(b) Measurements should be recorded, where possible, by a section officer, and at least 10 per cent of the entries should be test checked by a superior officer before payment. All measurements should be neatly taken at the site of work and recorded in the first instance in the measurement book, and nowhere else.

(c) Each set of measurements should commence with entries stating (i) the name and situation of the work, (ii) the name of the contractor, (iii) the number and the date of agreement, and (iv) the date of measurement and should end with the dated initials of the person taking the measurements.

(d) In entering measurements, all work done up-to-date *will* be included. The abstract will follow the entry of measurements, the rates will be specified and the cost will be worked out. Below the abstract and cost thus worked out, there will be a pass order which will be signed and dated by the Disbursing Officer.

The amount passed should be stated in words and figures, any correction being attested by the Disbursing Officer.

(e) If measurements are taken in connection with a running contract account on which work has been previously measured, the officer taking the measurements will be responsible that reference to the last set of measurements is invariably recorded, as the value of work done in the previous bill will have to be deducted from the up-to-date total of the present bill for the purpose of the past order referred to in (d) above. If the work has been completed, or the measurements taken or the first and final measurements to be paid for in Financial Rule Form No 25, the fact should be prominently noted at the top of the commencing entries in the measurement book.

(f) After the bill has been prepared from the entries in the measurement book, the pages containing the detailed measurements should be scored out by diagonal red ink lines and when the payment has been made a reference to the number and date of the voucher of payment should be given in the abstract of the measurements. The entries in the bill and in the measurement book should be checked arithmetically before making the payment.

(g) The measurement books should be numbered serially, and a register of them should be maintained showing the serial number of each book, the name of the officer to whom issued, the date of issue and the date of its return. Each measurement book should be provided with an index which should be kept up-to-date.

APPENDIX 11

Rules for supply of articles required to be purchased' for the public service

(See Financial Rule 198]

Preamble. The policy of the Government of Assam is to make' their purchases of stores for the public service in such a way as to encourage the development of the industries of the country to the utmost possible extent consistent with economy and efficiency, and the following rules which are, applicable to the purchase of stores (other than printing and stationery stores) for the Government of Assam are-, prescribed in accordance with this policy. These rules supersede all previous orders on the subject and the Government of Assam will not sanction any departure from them except for reasons of a very special nature,

Note. These rules are general procedure rules only and do not override the particular provisions contained in the Assam Contingency Manual.

In order to give effect to, he above policy preference in making purchases will be given in the, following order:

First: to articles which are produced in India in the form of raw materials or are manufactured in India from raw materials produced in India, provided that the quality is sufficiently good for the purpose;

Secondly: to articles wholly or partly manufactured in India from imported materials; provided that the quality is sufficiently good for the purpose;

Thirdly: to articles or foreign manufacture held in stock in India; provided that they are of suitable type and requisite quality;

Fourthly: to articles manufactured abroad which need to be specially imported.

Department of the Government of Assam, or officers specially authorised in this behalf, may, when they are satisfied that such a measure is justified, allow a limited degree of preference in respect of price to articles produced or manufactured in India either wholly or in part. This limited degree of preference may be exercised in favour of goods produced or manufactured in Assam, when' such goods compare favourably, as regards both quality and price, with goods manufactured in other parts of India.

Rule 1. Save as provided in R. 7, all articles required to be purchased for the .public service shall be purchased on the condition that delivery shall be made in India for payment in India.

Rule 2. Tenders shall be invited in India, and abroad also when considered desirable, for the supply of at'-articles which are purchased under Rr. 1 to 4, unless the value of the order to be placed is small or sufficient reasons to be recorded exists which indicate that it is not in the public interest to call for tenders. No tender which fails to comply with the' condition as to delivery and payment prescribed in R. 1 shall be accepted.

Rule 3. All articles, whether manufactured in India or abroad, shall be liable to inspection before acceptance, and articles for which specifications and/or tests have been prescribed by competent authority shall be required to conform to such specifications' and/or to satisfy the prescribed test or tests which may be carried out during manufacture or before or after dispatch from the suppliers' premises.

Rule 4. Important plant, machinery and iron and steel work shall be obtained only from firms approved by the Chief Comptroller of Stores, Indian Stores Department, as specified in the list issued by him from time to time.

Rule 5. In the case of important construction works Jet out on contract articles required for the construction of such works may be supplied by the contracting firm; provided that which specifications and/or tests have been prescribed for such articles they shall conform to such specifications and/or shall satisfy such tests.

Rule 6. Nothing in these rules shall be deemed to prohibit the purchase of articles by one Department or Railway from another.

Rule 7. The articles enumerated in Annexure A or any other articles of a special or unusual character, may, when suitable and economical purchases cannot be made in accordance with the preceding rules, be obtained without reference to those rules subject to the following conditions:

(a) where the value of the purchase exceeds Rs. 1,500 the purchasing officer shall place on record his reasons for not effecting the purchase in accordance with the preceding rules;

(b) the purchasing officer may at his direction either obtain the articles that he requires by indent on the Indian Stores Department London, or purchase it direct from manufacturers or dealers abroad. Where resort is had to direct purchase from manufacturers or dealers abroad, tenders shall, whenever practicable, be first obtained;

(c) when articles are purchased abroad under this rule through the agency of the Indian Stores Department, London, payment shall be made by that department. The entry of accounts classification should invariably be made on the indents sent to the Director General in these cases. In other cases payment shall be made

(i) in countries other than Great Britain and Northern Ireland, direct to the suppliers by the purchasing officer';

(ii) in Great Britain and Northern Ireland, through the High Commissioner for India.

The payment in this case will be made after pre-audit by the Accounts Officer to whom the firm's bill should be sent in original as soon as all the formalities necessary in connection with the receipt, inspection and verification of articles have been completed. Particular care should be taken to ensure that no double payment is authorised in respect of the same claim. The Accounts Officer when making the remittance to the High Commissioner should also endorse a copy of his communication to the officer concerned. The value of the purchases should be debited against the Indian budget provision.

Note 1. Special care should be exercised by the purchasing officer in differentiating the articles purchased through the agency of the Director General of

Stores, Indian Stores Department, London, from those merely delivered to or shipped through his agency In the former case, payment cannot be made from India; whereas in the latter case the procedure prescribed above should be observed.

Note 2. In. cases where orders for stores are placed on a free on board basis and stores are inspected by the Director General, Indian Stores Department, London, in the country of manufacture and actually delivered to him for dispatch the purchasing officer in India may authorise the suppliers to submit their bills to the Director General, Indian Stores Department, London, who after certifying that the stores referred to in the bills have been inspected by him and dispatched under his arrangements will pass the bills to the High Commissioner for payment. The amount paid by the High Commissioner will be debited to the Account Officer concerned in India through the Remittance Account in the usual manner, supported by the suppliers' bills duly certified by the Director General, Indian Stores Department, London.

Note 3. The Military Secretary to His Excellency the Governor of Assam may make direct payments of suppliers' bills subject to the condition that particular case should be taken to ensure that no double payment is made in respect of the same claim.

ANNEXURE A **(See Rule 7)**

- (i) Seeds;
- (ii) Cinchona bark;
- (iii) Articles for experimental purposes;
- (iv) China, glass, cutlery, plate, crockery and perishable fabrics, including linen for residences which are furnished by Government;
- v). Copper, zinc and other non-ferrous metals produced in Australia or America;
- (vi) Timber produced in Australia or North America;
- (vii) Such articles as the Superintendents of Vaccine Depots may require for the preparation of vaccine lymph;
- (viii) Chemicals and scientific instruments;
- (ix) Preserved and tinned foodstuffs;
- (x) Surgical instruments and hospital and operating theatre equipment.

APPENDIX 12 **Rules for the hire of tools and plant**

[See Financial Rule 225]

The following rules govern the hire of tools, plant and machinery in the public works department stores including divisional stores, to other quasicommercial department of Government local bodies and private persons

(1) Light and petty tools such as carpenter's, blacksmiths' or fitters' tools should only be hired out to-----

(a) contractors employed on Government work in terms of R. (5), or

(b) local bodies or private persons in the circumstances stated in R.

(12).

With the above exceptions only heavy plant and machinery should be let out on hire.

(2) Motor rollers and steam rollers may be lent on a daily charge of rupees sixteen per day, to cover all charges excluding the supply and cost of fuel which is to be supplied and paid for by the hirer.

But when they are required for Government work by Public Works Department contractors, they *are* to be loaned to them free of charge. In such cases, the Public Works Department will supply a driver and fireman (or handyman) and also where necessary, a Chowkidar and will supply free of charge all lubricating oil, grease, jute, cotton waste, etc., necessary for the efficient maintenance of the machine.

The contractor must supply all fuel, petrol and kerosene oil.

The concessions are made with a view to reducing the rates *for* consolidation of metal for Public Works Departments roads and, will take effect *from* 1st April, 1929.

(a) Tractors with their road maintenance machines may be lent to quasi-commercial departments of Government and to local bodies on a daily charge of rupees ten per day to cover all charges excluding the supply and cost of petrol (or fuel oil for diesel engined machines) which is to be supplied and paid for by the hirer.

(b) When lent to Tea or Wards Estates or any other private person, the charge will be rupees twenty per day, the hirer supplying and paying for petrol (or fuel oil) as above.

(3) Ordinarily, when Public Works Department plant and machinery are likely to be required by other quasi-commercial departments of Government local bodies, contractors private persons etc., for a continuous period of three years, the articles required should be purchased outright by the Government instead of being hired, and on completion of the work, if no longer required the same can be returned to the officer-in-charge of the stores, who after examination, may, if they are still serviceable, take them over at a valuation.

(4) The hire charges payable under these rules should be recovered monthly in advance except in the case of quasi-commercial departments, local bodies and contractors doing Government work, in which cases they may be recovered monthly in arrears.

In addition to advance hire charges, the hirer shall be required to deposit as security, in accordance with the agreement prescribed under R. (6) such sum as the Executive Engineer may decide.

(5) No hire for the tools and plant lent out from Government stores need be charged to contractors for Government work, on condition that the rates for these works are settled with them on the basis of the free supply of tools and plant by Government.

(6) A formal agreement in the following form should be entered into by the Executive Engineers or the Sub-divisional Officer, for all plant, machinery and tools hired out to local bodies' contractors and private parties.

(7) In addition to the rent payable under these rules, the person hiring' the tools, plant and machinery shall also pay

- (i) all transit and incidental charges in connection with the dispatch of the tools, plant and machinery from the stores and return thereto;
- (ii) the cost of replacing missing or broken parts of or repairs necessitated by any definite or specific damage.

(8) For the purpose of fixing the rates of hire, *vide* R. (9), heavy plant and machinery shall be divided into two classes:

Class' A. Plants and machinery which, in fairly constant use, is likely to have a life of 20 years for example, portable steams engines, slow speed oil engines of the Hornsby, Crossley and similar types, centrifugal pumps, direct acting steam pumps. Pul-someters, gear driving pumps, steam hoists, hand or power cranes, pile drivers single acting steam pile hammers and their equipment;

Class B. Plant and machinery which in fairly constant use, is likely to have a life of ten years. For example, tramway plant including trucks, locomotives and types of wagons, air-compressors, boring tools, pile drivers, rock drills stone crushers, mortar mills, concrete mixers, high speed double acting steam pile hammers, high speed vertical oil or petrol engines direct coupled to pumps, steam wagons and tractors, motor road rollers, lorries and trailers.

(9) The hire charges for heavy plant and machinery other than tractors, steam and motor road rollers lent to other quasi-commercial departments or Government, local bodies and to, contractors for use on Government works shall be fixed to cover interest, depreciation repairs on return or overhauling all repairs while the plant is running will be borne by the hirer--storage and handlings charges and the annual rates for the present are fixed at:

<i>Class A</i> -18 per cent	On the original cost or the appraised value
<i>Classes B</i> -25	} where cost is not known or the probable cost of renewal.

(10) The monthly rate shall be equal to 1/12th or the annual rate as calculated above, and shall be charged for each, complete month during, which the plant, is out on hire. The daily rate of hire shall be 1/20th part or the month's rate as calculated

above and shall be charged for an broken' periods of less than a complete month during which the plant is out on hire subject to, the maximum of the monthly rate. In all cases, the period' of hire shall commence from the date the plant and machinery is formally made over to the hirer to the date they are returned and formally received back by the department at the specified place.

(11) When heavy plant and machinery is lent to private parties or to .contractors for use on works other than Government works the rent charges sha.11 be double the rate prescribed in R. (9) above, except in the case of boring tools for which the ordinary rate of 25 per cent shall be charged.

(2) In cases of real emergency, *mamuties*, crowbars, axes, baskets and other tools of like nature may be hired to a local body or a private person, but such tools must be returned to the stores as soon as possible after the emergency ceases. The hire to be charged will be at the rate of 24 per cent per annum on original cost of the tools.

FORM

Agreement for hiring Government Tools and Plant

An agreement made theday of.....19.....Between.
The Governor of Assam hereinafter called the Governor or one part and.....
..... hereinafter called the hire of the other part;

Whereas the hirer has applied to the Governor for the hire of the tools and plant described in the Schedule hereto [and has deposited with the Governor the sum of Rs. as security for due performance and observance of the terms, conditions and stipulation herein obtained!

Now it is hereby agreed as follows:

1. The Governor shall let to the hirer and -the hirer shall take and hire from the Governor, from, the date thereof the tools and plant which are specified in the Schedule hereto for the period of.....months from this day.

2. The hirer shall pay to the Governor in advance/in arrears a rent for the hire of the said tools and plant the sum of Rs to cash....., monthly on the.....day of each month during the continuance of the hiring, which will be from the time the said tools, and plant' are formally made over to the hirer until they are received back by the Department at

Note. The hire of Rs. 10 per day for motor and steam rollers does not include any charges for fuel which shall be paid for in cash by the hirer who shall also replenish at this expense any stock of fuel which may be in the roller at the commencement of the hiring.

3. The hirer shall keep the said tools and plant in good order and condition and make good, damage (fair wear and tear being excepted) whether by accident of fire or otherwise, and shall at the determination of the period of hiring pay to the Governor the cost of replacing or repairing such of the tools and plant or parts thereof as may be broken, missing or specially damaged or lost during the continuance of the hiring as explained in Cl. 2 (*supra*). The cost of repairing damages will be that actually incurred for the purpose including the usual indirect and centage charges while the cost of replacement will be either the original book value or the current make value, whichever is higher. The certificate of the Divisional Officer or the Sub-divisional

Officer as to the actual cost incurred shall be final and conclusive against the hirer.

4. It shall be lawful for the said Governor to reimburse the cost of replacing or repairing as aforesaid from out and of the said deposit and the balance thereof shall be returnable to the hirer on the due fulfillment of the terms of the agreement.

5. It shall be lawful for the Governor and his authorized officers at all reasonable times to view the state and condition of the said tools and plant.

6. The Governor may, at any time by giving seven days notice in writing to the hirer determine this agreement and may on the expiration of the said notice enter upon the premises where the said tools and plant or any of them may then be and remove and carry away the same and the hirer shall not claim compensation for such action (except the refund of the proportionate rent for the unexpired portion of the period for which rent has already* been recovered in advance).

7. Upon breach by the hirer of any of the stipulations in the agreement the Governor shall be at liberty without any previous notice to determine this agreement and take possession of the said tools and plant.

8. Upon the determination of this agreement whether by *effluxio* time or otherwise the Governor shall be at liberty to enter any house premises or place where the said tools and plant may have been lodged, remove and carry away the said tools and plant and for that purpose to do all things reasonably necessary for such removal without liability for any damage thereby caused and without prejudice to the rights of the Governor in respect of any rent or sums of money accrued or accruing due from the hirer of this agreement.

In witness whereof.....acting by and under the direction of the Government of Assam and the hirer have hereunto set their hands and seals the day and year first above written.

* **Note.** Strike out the words in brackets in Cl. 6, if the hire is paid in arrears.]

SCHEDULE

Description of tools and plant hired

Signed sealed and delivered by the above named
in the presence of.....

Signed sealed and delivered by the above named
in the presence of.....

Note. When tools and plant are hired out to local bodies and to contractors carrying out Government work, the portion enclosed within brackets in the preamble to the agreement and also Cl.4 of the agreement should be omitted.

APPENDIX 13

Rules for the Distribution of Establishment and Tools and Plant Charges

[See Financial Rule 289]

4. The cost or special tools, and plant, *i. e.*, tools, plants, machinery, etc, obtained to" meet, the special requirements of the particular work or project, and of a nature not usually to be found in the general stores of the province, should be treated as a direct charge to the work or project, and not classified under the minor head "Tools and Plant". Similarly, tools, plant and machinery required for a workshop of a quasi-commercial character should' be charge" direct to the accounts of it.

1. In cases of doubt the Chief Engineer will decide whether any item of tools and plant should be classified as ordinary or special.

2. The 'cost of Tools and Plant required for use on Famine Relief should be treated as "Special" and classified in 'accordance with paragraph 4 above.

5. Recovery of the cost of establishment and tools and plant should be made at percentage rates in the following cases:

- (a) work done for' Public Works divisions of other provinces;
- (b) work done occasionally for Railways, Military Works Services, Indian Posts and Telegraphs Department or the Archaeological Department;
- (c) work done for all other departments, when the cost is chargeable to those Departments;
- (d) work done occasioning by the civil work branch for the Irrigation branch of the province, or, *via versa*, when the two branches are separate and distinct;
- (e) non-Government works.

6. The percentage are fixed, separately for establishment and tools and plant-charges and re-adjusted, if necessary; at quinquennial intervals by the Provincial Government, in consultation with the Comptroller the rates being." based on the actual average cost (per 100rupees of outlay on works) in the province or branch concerned during the previous five years, subject to the following maxima:

For establishment	11 1/2 per cent
For tools and plant.....	21/2 per cent
Audit.....	1 per cent
Pension.....	1 per cent

7. As an exception to paragraph 6, the establishment charges on new supplies and repairs of barrack furniture of the Military Works Services is fixed at ten per cent on the outlay.

8. The prescribed percentages can be remitted, with the sanction of Government in the case of non-government work costing less than Rs. 1,000 Remission of charge is not permissible in other cases, as such aid as it may be desired to give to a local body in the construction of a work in which it is interested, is usually given separately in the form of a cash grant-in-aid.

10. The percentages referred to in paragraphs 6 and 7 are leviable on the actual outlay booked in the accounts, *i. e.*, on the net outlay in case there are any refunds or writes-back. No item of expenditure should be excluded from the levy on the plea that it involved little or on departmental supervision, etc, but the prescribed a percentage charges for tools and plant should not be levied in the cases of non-Government work on which tools and plant of the Department are not used.

Note. Under this rule, even the cost of land acquired through the Civil Department is not exempt when it is adjusted in the Divisional Accounts as part of the cost of a non-Government work, but, if the estimate for the work does not include the cost of: the acquisition of the land and this cost is not passed through the Public Works accounts, no percentage, charge is leviable on account of it.

11. * * * *

*

Note. An additional charge of 1 *pet* cent should be recovered in respect of works of the classes referred, to in item (b) excluding the work of the Archeological Department and in item (e) in paragraph 5, to cover the cost of audit and accounts establishment and credited respectively to the heads "26Audit" and "XLVI-Miscellaneous-Fees for Government Audit."

12. The following rules govern the recovery of percentage for works done by the Public Works Department on behalf of other departments of Government

(i) in all cases where the Public Works Department act solely as professional adviser, no percentage charges are recoverable;

(ii) where work is actually carried out and supervised by the Public Works Department, percentages laid down in paragraphs 5 (c) and 6 will be levied;

(iii) when either rough or detailed plans and estimates and specifications are prepared and drawn by the Public Works Department for works in connection with the buildings, etc, not borne on the books of the Public Works Department and where professional advice only is otherwise required, a charge of 21/2 per cent should be levied on the total amount of the estimate.

Note. The recovery of the charge of '21 percent referred to in paragraph 12 (iii) above should be credited to the minor head "Establishment".

APPENDIX 14

Rules for Charitable Endowments and other trusts
[See Financial Rule 47]]

Note. The Comptroller, Assam performs the duties referred to in these rules not

as subordinate of the Auditor-General but as the Agent of the Government of Assam.

Charitable Endowment

1. The duties of the Legal Remembrancer Assam, as Treasurer Charitable Endowments are prescribed in Act VI of 1890 as amended by the Devolution XXXVIII of 1920 and in the rules under it, which are printed as an Annexure hereto.

2. When a copy of a vesting order is received by the Legal Remembrancer Assam, he should at once place himself in communication with the persons who appear there from to be holders of the documents of title relating to the property or of the securities mentioned in the order, and request them to forward the title deeds or securities in a registered cover and to insure the cover for Rs. 100. These do not require to be endorsed, as the vesting order operates to transfer the securities to the Treasurer.

3. The securities held by the Reserve Bank of India on behalf of the Treasurer of Charitable Endowments will be held on separate account from those held on the Legal Remembrancer, Assam,

(a) If a vesting order is received in respect of securities already held by the Legal Remembrancer, he will transfer them from his' general register to the register of charitable Endowments and if they are in the custody of the Reserve Bank of India, he will submit a demand for their transfer.

4. The floating funds of an Endowment may, with the sanction of Government be kept as a Local Fund; or the same authority may prescribe other depositories, *e. g.*, the Postal Savings Bank of private Banks.

Miscellaneous Trusts Accounts

45. The Legal Remembrancer Assam is sometimes required to act as a Trustee and depository of public or quasi-public funds which are neither receipts and disbursements of Government, nor Charitable Endowment Government securities in Trusts.

6. If possible the Legal Remembrancer should endeavor to have such Trusts vested in him as Treasurer of Charitable Endowments; but if that course for any reason be not possible, he should keep an account-book for there miscellaneous Trust accounts in his personal custody, posting the transitions---which are necessarily very few-in the ordinary form of day-book and ledger.

7. The accounts to be debited are-----

(1) Personal Custody-Cash.

(2) Personal Custody-Securities-for cash or securities-held' in personal custody of the Legal Remembrancer.

(3) Reserve Bank of India--for any deposited with the Bank.

(4) Trust Deposits-----for any which are passed on for treatment under the ordinary rules of Chapter IX of the Government Securities Manual.

(5) Safe, Custody Register-for any which are passed on for treatment under paragraphs 101 and 108 of the Government Securities Manual.

8. The accounts to be credited are---A ledger head for each Trust, of for each, class of Trusts as convenient.

9. There should be a descriptive index of all these ledger heads, that is, a short statement of the nature and obligation of the Trust, with reference to any documents bearing upon it so that the Legal Remembrancer on receiving charge may know by reference to it exactly what his obligations are in these matters:

(i) The receipt and disposal of interest should not, be recorded in these accounts which are meant for the principal of the Trusts only.

10. These accounts should be balanced and closed every 31st day of March. They should also be balanced and closed when the Legal Remembrancer makes over charge of his office to his successors or substitute, a balance sheet being appended to the charge report and signed both by the officer receiving and the officer giving over charge.

ANNEXURE

1. *Cases in which there should ordinarily be previous publication of vesting orders and schemes.* It being the wish of the Government that the Government should not interfere under the Charitable Endowments Act, 1890, as amended by the Devolution Act XXXVIII of, 1920 (hereinafter referred to as the Act), in cases of doubt of dispute, and that the jurisdiction of the courts in such cases should in practice be left unaffected by the. Act, the cases with which the Government will have to deal may be divided into two classes, namely (1) cases of trusts whether already established or proposed to be established, out of which, it may be confidently predicted that contention cannot arise, and (2) cases out of which confidently may possible arise, however, remote or unlikely the contingency. To the first class will belong such cases as those of endowments in Government, securities in general aid of the funds of specified dispensaries' or schools. To the second class will belong most cases in which private persons apply for a vesting order or a scheme or modification of a scheme and all cases in which it is proposed to depart in any respect from the ascertained wishes or presume intention or the founder of an endowment. In cases belonging to the first, class, previous publication of proposed vesting orders and of proposed schemes and modifications of schemes will ordinarily be unnecessary in cases belonging to the second class there should ordinarily be previous publication of such documents.

2. *Mode of previous publication of vesting orders and of schemes.* (1) When the Government, having regard to the last foregoing rule, is of opinion that a proposed vesting order or proposed scheme or modification of scheme should not be made or settled without previous publication; it shall publish a draft of the proposed order, scheme modification, or a proper abstract thereof, signed by one of its Secretaries, for the information of persons likely to be affected thereby.

(2). The publication should be made in the *Official-Gazette* and in such other manner as the Government may prescribe.

(3) There shall be published, with the draft or abstract, a notice specifying a date at or after which the proposed order, scheme or modification will be taken into

further consideration.

(4) The Government shall consider any objection or suggestion which it may receive from any person before such date with respect to the proposed order, scheme or modification.

3. *Incidence of cost of vesting orders and of schemes.* The cost of the previous publication under the last foregoing rule of any proposed order, scheme or modification of a scheme, and any other costs incurred or to be incurred in the making or settlement of the order or of the scheme or modification, shall be paid by the applicants for the order, scheme, or modification, and, if the Government so direct, may be paid by them out of any money in their possession pertaining to the trust to which their application relates.

4. *Account of trusts consisting of immovable property.* In the case of property vested in a Treasurer of Charitable Endowments other than securities for money, the person acting in the administration of trust, and having under S. 8, sub-So (3) of the Act the possession, management, and control of the property and the application of the income thereof shall, in books to be kept by them, regularly enter or cause to be entered full and true accounts, of all moneys received and paid respectively on account of the trust, and shall, 90 the demand of the Government, submit annually to such public servant as the Government may from time to time appoint in this behalf, in such form and at such time as the Government may from time to time prescribe, an abstract of those accounts and such returns as to another matters relating to the administration of the trust ~i the Government may, from time to time see fit to require.

5. The followings are prescribed as the, fees to be paid to the Government in respect of any property vested under the Act in the Treasurer of Charitable Endowments:

(1) In the case of property other than sureties for money, the actual charges incurred by the Treasurer in the discharge of his functions in respect of the property.

(2) The Treasurer may deduct any fees payable to the Government on account of any endowment from any money in his hands on account of such endowment if he holds no such moneys, the amount should be claimed from the administrators.

6. All copies of vesting orders received by the Treasurer w^m be filed together and will be numbered in consecutive order of their receipt; when a sufficient number have been received, they will be bound in volumes. A Dote will be made on each vesting order of any entries in the registered prescribed below relating to the property vesting in the Treasurer under the order.

Accounts of Securities for money

7. On the receipt of any securities for money, or on their purchase by himself, the Treasurer will record their receipt in a register in Form No. 1. He will also keep a separate account for each endowment in Form No. 2 in which he will record all receipts, including any amounts sent for investment, and all disbursement. In the cash account the Treasurer will record only his own transaction (such as the payment of the money to the administrators), not the transaction of the administrators of the endowment fund.

8. The Treasurer will keep a record in the appropriate columns of Form No. 1 of

all securities returned by him. The return will also be entered in Form No. 2 where the amount returned will be deducted from the capital of the endowment concerned.

9. If the securities consist of Government promissory notes, they will be forwarded to the Reserve Bank of India for custody, under the general rules laid down in the Government Securities Manual; but the securities held under the Act must be forwarded separately, and the Treasurer will keep a separate register under those rules for these securities and will also keep a separate file of the acknowledgments. The treasurer will return in his own custody all securities for money other than Government promissory notes.

10. The Treasurer on receipt of any interest on securities, will pass it through his General Trust Interest Account under a special sub-head "Interest on Charitable Endowments under Act VI of 1890 as amended by the Devolution Act XXXVIII of 1920". The interest will then be distributed to the various ledger accounts (Form 2), in which the gross amounts must be shown, any deductions for fees, etc., being shown as a charge and the payment of the balance to the administrators being also shown as a disbursement. The entries in the ledger of interest received must be taken out and agreed annually with the total amount of interest drawn.

11. The register in Form No. 1 will show all securities vested in the Treasurer as such, whether actually held by him or by the Reserve Bank of India as his agent. In order to prove the balance actually held by the Treasurer in his own hands, a balance-sheet in Form No. 3 will be made out annually and agreed with the actual securities in the Treasurer's possession; such agreement will be certified on the balance-sheet.

12. The accounts of the interest and the annual agreement of balance will be made at times which the Government may direct under S. 9 of the Act for the publication of the list of properties held, and of the abstract of accounts.

Property other than Securities

13. The Treasurer will enter in a register in Form No. 4 any property other than securities which becomes vested in him, and will record in the same register against the original entry a note of any property of which he is divested.

Publication of Lists and Abstracts of Accounts

14. The 'list of properties' vested in the Treasurer to be published annually shall be in Form No. 5. Part I will relate to properties other than securities; Part II will relate to securities, and will also contain the abstract of accounts required by the Act to be published. The Treasurer will demand and receive acknowledgments from the administrators of the correctness of the balances when published.

Audit of Accounts

15. The Treasurer's accounts will be audited annually by the Accountant-General.

FORM
[Annexure Paragraph 7]
Register of Securities held under Act VI of 1890

Left
Right

Particulars of Securities received									Return of Securities							
Serial No.	Date of receipt	Name and brief description of charitable endowment	From whom received	No. and date of forwarding letter	Name of securities, e.g., Government securities, 31/2 percent. Loan of 1965, Gauranted Railway	Distinguishing number of each security	Nominal value of each security	Total nominal value of each parate endowment	Ledger folio	Date	To whom sent	Authority for return	No. and date of acknowledgement	Nationality value of each security	Quarters in which deducted from balance	Initial of the Treasurer of Assistant in charge
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17

N.B. The amount in Col. 9 will be totaled each quarter ; the total of amounts returned during the quarter, with a note of the serial numbers to which they appertain, will be deducted, and the balance worked out and carried forward to the next quarter. Amount sent to the Reserve Bank of India should not be entered in

Cols. 11-16 or deducted from the balance, as the Reserve Bank of India holds these amounts as Agent for the treasure.

FORM 1-A
[See Rule 426]
Receipt Form

Counterfoil	19...	Counterfoil	19...
No		No	
Receipt from		Receipt from	
.....		
with letter No. dated ...		with letter No. dated ...	
....19 .....		....19	
the sum of rupees		the sum of rupees	
.....		
in case/by Cheque on account of		in case/by Cheque on account of	
.....		
In... ..payment of ...		in... ..payment of ...	
.....		
Initials		Initials	
Designation		Designation	

FORM 2
[Annexure Paragraph 7]
Ledger Account of Securities held under Act VI of 1890

- | | |
|---------------------------------|-----------------------------------|
| 1. Name of Endowment | 4. Name of Administrators |
| 2. Particulars of vesting order | 5. To whom interest is to be sent |
| 3. When vested in Treasurer | |

PART – I Account of Capital

Serial No. in Form 1	Particulars (e.g. received or returned)	Details of securities (distinguishing number etc.)	3 1/2 per cent Loan of 1865	Guaranteed Railway	Value of each security (separate column for each kind)				Amount of half-yearly interest	Date to which interest has been paid on receipt		Initial of Treasurer or Assistant in charge
1	2	3	4	5	6	7	8	9	10		11	

N.B. The balance of the value columns must be worked out on every day on which there is a new entry.

PART II –Cash Accounts

Date	Particulars	RECEIPTS	Amount	Date	Particulars	EXPENDITURE	Amount
		Page of Trust Interest Fund Cash Book				Page of Trust Interest Fund Cash Book	

N B To be closed annually to balance. The Transactions will not be numerous. A few pages of the ledger (Ruled only for the cash account) may be left fir each account so that account may be carried out on for several years without opening a fresh Ledger-Account

Particulars	Number and value of Securities	
	3½ per cent Loan of 1865	A pair of columns for each kinds of security held
Opening balance (from last year)	No.	Value
Receipt (from last year)	No.	Value
Receipt during year (total must agree with Form 1)		
Grand Total (a)		
Returned during the year		
Sent to "Reserve Bank of India" during the year... ..		
Total transferred or returned (b)		
Closing balance [difference between (a) and (b)		

FORM 5
[Annexure Paragraph 14]
List of Abstract Account of Properties held under Act VI of 1890
PART I- List of Properties other than Securities

Particulars Of vesting order			Property held						Remarks
Serial No.	No.	Date	Name of Endowment	Administrativ e of property	Description	Value	Annual income if known		
1	2	3	4	5	6	7	8	9	

PART II- List of Abstract Account of Securities

Particulars of securities				Cash Receipts			Cash Expenditure				
Cash No	Name of	Person in whose behalf held	Total of securities	Interest or dividend realised	Other cash receipts*	Total cash	Fees paid to the Government	Other payments*	Total paid	Balance in cash	Remarks

* Enter details in these columns

APPENDIX 16

RULES REGARDING SANCTION AND AUDITING OF GRANTS IN-AID

[Amended as per Correction Slip Nos. 7 and 170]

[See Financial Rule 517]

1. The following instructions' are issued for the guidance of sanctioning authorities in the matter of according sanctions to grants-in-aid:

Sanctions should contain the following particulars:

(i) Conditions and limitation, if any, *e. g.*, time-limit for the completion of work or service for which a non-recurring grant is made.

(ii) The rule of the Code, if any, under which the sanction has been accorded should be stated. If it is not clear from the rule whether the grant is a recurring or a non-recurring one, information of this point should be explicitly furnished.

(iii) Designation of grantee.

(iv) Period in the case of recurring grant-in-aid and the time-limit within which the grantor each installment of it should be spent.

(v) Purpose of grant.

(A) Only so much of the grant should be paid during any financial year as is likely to be expended during that year. In the case of grants for specific works or services such as buildings, water supply schemes and the like, the sanctioning authority should use its discretion in authorising payments according to the needs of the work. The authority signing or countersigning a bill for grant-in-aid under S. 0.48 of the Rs. 500, should see that money is not drawn in advance of requirements. There should be no occasion for a rush for payment of these grants in the month of March.

(B) Before a grant is paid to any public body institution, the sanctioning authority should as far as possible insist on obtaining an audited statement of the account of the body or institution concerned in order to see that the grant-in-aid is justified by the financial position of the grantees to ensure that any previous grant was spent for the purpose for which it was intended. It is not essential for the purpose, however, that the accounts should be audited in every case by the Indian Audit Department and it will be sufficient therefore; *if* the accounts are certified as correct by a registered Accountant or other recognised body of auditors including the Examiner of Local Fund Accounts. In the case of small institutions, which cannot afford to obtain the services of registered accountant or other registered body of auditors, the sanctioning authority may exercise its discretion of exempting any such institution from the submission' of accounts audited in this fashion.

The authority sanctioning a grant, while communitating the sanction to the Accountant-General should state the audited statement of accounts has been received where required, or whether the grantee has been exempted from submitting the statement.

Note. This order applies both to non-official institutions and to semi official ones, such as public clubs, etc.

2. A distinction has to be made between "contribution" and "grant-in-aid." The former are generally payments for services rendered and the use of the term "contribution", may in future be reserved to such- payments.

3. Grants may be either conditional or unconditional, where no conditions are attached to a grant, audit is no way concerned with the manner in which the grant is utilised by the grantee. Where conditions are attached to the utilisation of a grant, these usually take the shape of specification of the particular objects on or-the time within, which the money must be spent. Whatever the nature of the conditions audit cannot be completely divested of responsibility for seeing that they are fulfilled.

Note. Donations for charitable purposes or grants for general purposes are of the nature or unconditional grants, and the Audi Department is not concerned with the manner in which such grants are utilised by the grantee.

To obviate misunderstanding, however, the sanction to such payments should, in future, indicate precisely whether they are really unconditional grants or not.

4. Unless otherwise ruled by the Provincial Government, every grant made for a specified object is subject to the implied conditions:

(a) that the grant will be spent upon the object within a reasonable time, if no time-limit has been fixed by the sanctioning authority, and

(b) that any portion of the account which is not ultimately required for expenditure upon that object will be duly surrendered.

Audit should pay due attention to those point. In the case of recurring grant-in-aid to institutions etc., it should, as far as possible, be watched in audit whether the grantee continues to function as such institution, and whether the circumstances in recognition of which the grant was sanctioned still continue to exist.

5. The Examiner, Local Accounts, undertakes the audit of the expenditure in aided educational institutions in receipt of a monthly grant of Rs. 100 and above. The duty of auditing the accounts of institutions receiving a smaller grant devolves on the Inspecting Officers of the Department.

6. (i) In the case of conditional grants, it will be necessary to certify to the fulfillment of the prescribed conditions. Unless otherwise provided in these rules, in the case of grants which are under the audit control of Examiner, Local Accounts, the Comptroller will accept the certificate of the Examiner. The Examiner, Local Accounts, will detail the grants in an appendix to the Annual Report on the working of the Local Audit Department, and furnish a general certificate at the end in the following form;

"Certified that the grants detailed above, with the exceptions noted below, have been spent within the prescribed period for the purpose for which they were sanctioned."

when the purpose is not fulfilled or the grant is not fully utilised, the fact should be brought to notice in the appendix to the report.

(ii) (a) In regard to grants which are not under the audit control of the Examiner, the Comptroller will accept the certificate of the Inspection Officers of the Department. But as inspections take place at irregular intervals and meanwhile the recurring grants have to be drawn, the certificates to be given in the interim can be worded in general terms only. On every bill in which a recurring grant-in-aid is drawn, a certificate in the following form should be recorded by the authority on whose countersignature the bill is drawn:

"Certified that the circumstances in recognition of which the grant of

Rs. was sanctioned for continue to exist."

Note. Before recording the certificate, the countersigning officer should take steps to satisfy himself that the conditions attaching to the grant do continue to exist for this purpose he may require submission to him at suitable intervals of such reports, Statements etc from the grantee as he may consider necessary. In the case of maintenance grants to aided educational institutions, the Form *F* prescribed in S. 68 of the Assam Education Department Rules and Orders should ordinarily suffice.

The certificate is not intended to mean that a monthly grant should be reduced on account of casual savings.

(b) When the inspection takes place the Inspecting Officer should send by the 15th May of each year a further statement and a certificate in the following form:

**Statement showing the grants drawn during.....which have been
fully utilised and in respect of which the prescribed conditions
have been fulfilled**

Recurring grants	Non-recurring grants
------------------	----------------------

1	2	3	4	5	6	7	8	9	10	11
Serial No.	Name of Institution	Opening balance i.e., grants drawn in previous year for which certificate is due	Grants drawn in the year under report	Grants for which evidence of utilization and fulfillment of conditions is available	Balance of grants for which evidence of utilization and fulfillment of conditions is not yet available	Opening balance i.e., grants drawn in previous year for which certificate is due	Grants drawn in the year under report	Grants for which evidence of utilization and fulfillment of conditions is available	Balances of grants for which evidence of utilization and fulfillment of conditions not yet available	Remarks

Note. Columns 4 and 8 should be filled in from the grant-in-aid bills as countersigned from time to time and columns 5 and 9 when an institution is inspected and evidence is received of the fulfillment of conditions. Columns 6 and 10 should be filled in at the end of the year when the annual certificate due for submission. The date of inspection may be noted in the column of remarks.

Certified that I have personally certified myself by an inspection of the accounts of the institutions concerned that the amounts shown in columns 5 and 9 have been applied to the purpose for which they were intended and that the conditions attached to the grants have been observed.

Inspecting Officer { *Signature*.....
Designation.....
Date.....

Note 1. In respect of grants to Loreto Convent, the St. Edmund's College and similar institutions, which are drawn on the countersignature of Director of Public Instructions the latter will furnish annually certificate of utilisation and the fulfillment of the conditions. Similarly, in the case of annual grant to the Don Bosco Industrial School at Shillong which is drawn on the countersignature of Director of Industries, the latter will furnish annually the certificate of proper utilisation of the money and the fulfillment of the conditions.

The certificates referred to above need not be included in the above statement. They should be furnished to the Comptroller separately after a personal inspection of the accounts where possible, where this is not possible or permissible, details of the

expenditure incurred should be obtained from the authorities of the institutions concerned and certificates should be furnished, after an examination of the detail of such expenditure. In any case, the authorities rendering the certificates should satisfy themselves that the requirements have been properly met.

Note 2. In the case of other aided educational institutions the final certificate in the statement referred to above should be signed by an officer of or above the rank of an Inspector or an Assistant Inspector in the case of grants to High School and by an officer of or above the rank of a Deputy Inspector in the case of grants to Middle English schools and schools of lower standard.

(iii) In the event of any conditions not being fulfilled and the inspecting officer deciding to make any deduction from the grant, he will make a note to this effect on the certificate so that the Audit Officer can watch the recovery thereof.

7. Three copies of the printed departmental report of the Examiner, Local Accounts, should be furnished to the Comptroller, Assam, and five copies of the Director of Public Instructions, Assam. In order to facilitate identification the grants relating to each Head of Account may be shown separately in the report, quoting the Dumber and the date of the Treasury voucher in each case.

8. In the audit and the examination of the grant-in-aid accounts of educational institutions; the inspecting officers will *inter alia* be guided by the rules in the Assam Education Department Rules and Orders and by any -other rule or order, general or specific, issued by a competent authority. It should be seen that the defects pointed out in the previous audit or audits have been rectified.

9. In audit report in the attached form should be forwarded by the Examiner, Local Accounts to the Director of Public Instructions as soon as the audit is completed, copies being sent direct to the concerned. Any correspondence on the Audit report will be dealt with in the offices of the Education Department with the authority of the School concerned.

10. In the case of grants, such 'as those given to athletic clubs attached to a Government schools, a college or to police or Assam Rifles Units, the certificate should be furnished annually by the head of the institution to which the club or the' unit is attached."

APPENDIX 17

Agreement between the Government of Assam and the Reserve Bank of India

[See Financial Rule 539]

An Agreement made this twenty-first day of April, 1937 Between the Governor of the Province of Assam of the one part and the Reserve Bank of India, (hereinafter called "the Bank") of the other part whereas the Bank has constituted and incorporated and

is regulated by the Reserve Bank of India Act, 1934 (being Act No. 11 of 1934 as adapted and modified pursuant to the authority contained in S. 293 of the Government of India Act, 1935 by an order of His Majesty in Council dated the Eighteenth day of March, 1937 cited as the India and (Burma Monetary Arrangements) Order, 1937 (hereinafter called "the Act") with and subject to the various powers, provisions and restrictions in and by the Act set forth and it was thereby *inter alia* particular]y provided as follows, *viz.*,

(I) by S. 20 of the Act that the Bank should undertake to accept monies for account of Provincial Governments and to make payments up to the amount standing to the credit of their accounts and to carry out their exchange, remittance and other banking operations including the management of the public debt and

(2) by S. 21 (I) of the Act that Provincial Governments should entrust the Bank on such conditions as might be agreed upon with all their money, remittance exchange and banking transactions in India, and in particular, should deposit free of interest all their cash balances with the Bank provided that nothing in that sub-section should prevent Provincial Governments from carrying on money transactions at places where the Bank has no branches or agencies and that Provincial Governments might hold at such places such balances as they may be required; and

(3) by S. 21 (2) of the Act that Provincial Governments should entrust the Bank, of such conditions as might be agreed upon, with the management of the public debt and with the issue of any new loans.

Now it is hereby mutually agreed and declared by and between the said parties hereto as follows, that is to say:

1. The agreement shall come into force on the first day of April 1937.

2. The General banking business of the Government of Assam (herein after referred to as the Government") including the payment, receipt collection and remittance of money on behalf of the Government shall be carried on and transacted by the Bank in accordance with and subject to the provisions of this agreement and of the Act and with and to such orders and directions as may from time to time be given to the Bank by the Government through any Government officer or officers authorised by the Government in that behalf and at any of the offices, branches or agencies of the Bank for the time being in existence as may from time to time be so directed and for this purpose such accounts shall be kept in the books of the Bank and at such offices, branches or agencies of the Bank as shall be necessary or convenient or as the Government shall from time to time direct in the manner aforesaid.

3. "The Government shall employ the Bank as the sole banker in India of the Government who shall deposit or cause to be deposited with the Bank or allow the Bank to receive and hold as banker the whole of its cash balances at any places at which for the time being the Bank shall have an office, branch or agency and the Bank shall subject to such orders as may from time to time be given by the Government in the manner aforesaid receive and hold for the Government all such monies as may be or become payable to the Government or on its account and the Bank shall transact at its offices, branches and agencies for the time being existing respectively all such business for the Government regarding the receipt, collection, payment and remittance of money and other matters, as is usually transacted by bankers for their customers, The Bank shall make the said offices, branches and

agencies available for transfer to such places and at such times as the Government may direct. No interest shall be payable to the Government on any of the moneys for the time being held by the Bank.

4. The management of the public debt of the Government and the issue of new rupee loans by the Government and the performance of all the duties relating thereto respectively including the collection and payment of interest and principal and the consolidation, division, conversion cancellation and renewal of securities of the Government and the keeping of all registers, books and the conduct of all correspondence incidental thereto shall be transacted by the Bank at its officers in Bombay, Calcutta and Madras and at any of its office, branches or agencies at which respectively the administration of any portion or portions of the public debt of the Government is for the time being conducted or interest thereon is for the time being payable and the Bank shall also keep and maintain such registers, books and accounts in respect of the said public debt as the Government may from time to time direct and shall audit all payments of such interest and act generally as agents in India for the Government in the management of the said public debt and shall conduct such agency subject to such orders and directions with regard to the general management thereof as may from time to time be given to the Bank by the Government.

5. The Bank shall not be entitled to any remuneration for the conduct of the ordinary banking business of the Government other than such advantage as may accrue to it from the holding of the Government cash balance free of obligation to pay interest thereon, and such balances shall be maintained at an amount not below such minimum as may be agreed upon* between the Government and the Bank from time to time:

Provided that if the Government wishes to remit funds outside the area within its jurisdiction except as otherwise provided for in this agreement the Bank shall be entitled to make a charge for such remittances at rates not exceeding those which the Bank charges to Banks referred to its "scheduled banks" in S. 42 of the Act subject to a minimum charge of four annas for each remittance.

6. The Bank shall make way" and means advances to the Government if so required at such rate of interest not exceeding bank rate as may be fixed by the bank from time to time, provided that the total of such advances outstanding at anyone time shall not exceed the amount of the minimum balance prescribed under Cl. 5 and any subsidiary agreement provided under the clause and provided further that the advances outstanding shall be fully paid off at intervals *not exceeding* three months.

**Vide* subsidiary agreement following.

7. The Government shall employ the bank as its sole agent for investments by Government either of Government funds or of funds managed by the Government and the Bank shall be entitled to charge commission for sales (but not for purchases or conversion) at the rate of 1/ 16 per cent in addition to any further charges which the Bank may have to pay by way of brokerage, etc. The Bank shall collect interest and the maturity values of such investments on behalf of the Government without charge.

8. As remuneration to the Bank for the management of the public debt as aforesaid the Bank shall be entitled to charge to the Government half yearly a commission at the rate of Rs. 2,000 per crore per annum on the amount of the public debt as aforesaid at the close of the half-year for which the charge is made. In calculating this charge the following amount shall be excluded from the amount of public debt *viz.*,

(a) The amounts of loans discharged outstanding after one year from the date of a notice of discharge.

(b) The amount of stock certificates for Rs. 50,000 and upwards held by the Government or by any officer or officers of the Government authorised in that behalf provided that such amount exceeds one crore.

And in addition to the charge of Rs. 2,000 per crore per annum the Bank shall be entitled to charge to the Government a fixed sum of Rs. 2,000 a year on account of the stock certificates referred to in head (b) of this clause and the Bank shall be also entitled to charge the public (but not the Government) all such fees and charges as are now or may hereafter from time to time be prescribed by the Governor-General under the powers conferred upon him by the Indian Securities Act, 1920 (Act No. X of 1920) for duplicate securities and for the renewal, consolidation, division or otherwise of all Government securities which the Bank issues:

Provided that loans not directly issued by the Government but issued under the guarantee of the Government shall not be included in the calculation for the purpose of this clause but shall be a matter for separate arrangement if the management of such loans is entrusted to the Bank.

9. The Bank shall maintain currency chests of its Issue Department at such places within the Assam Province as the Government may, with the previous sanction of the Central Government, prescribe and the Government shall provide sufficient accommodation for such chests as may be required for the deposit of notes or coin and shall be responsible to the Bank for the safe custody of the said chests notes and coin. The Bank shall keep the said chests supplied with sufficient notes and coin to provide currency for the transactions of the Government and reasonable remittance facilities to the public at the said places. The Government shall supply the Bank with such information and returns the Bank may from time to time require as to the composition of the balances in the said chests and the amount and nature of the transfers to and from the said chests. The Bank shall have access to the said chests at all reasonable times for the purpose of inspecting and checking the contents. The Government shall be responsible to the Bank for the examination and correctness of coin or notes at the time of deposit in or withdrawal from the said chests.

10. The Bank shall not be at liberty to close any of Its offices or branches except on Sunday, New year's day, Christmas Day, Good Friday and on any other day declared to be a public holiday by any notification published in pursuance of the Negotiable Instruments Act (Act XXVI of 1881) subject nevertheless and notwithstanding the provisions of that Act to any special orders or directions which may be issued by the Government and the Bank shall be responsible that no one of its agencies doing Government business for the time being existing shall be closed except on Sundays and on public holidays authorised by the Government within whose jurisdiction such agencies may be respectively situated.

11. The responsibility for all loss or damage to the Government which may result from any act or negligence or omission of the Bank or its agents in conducting the business of the public debt aforesaid or the payment of interest or discharge value thereon or the renewal, conversion, consolidation, sub-division or cancellation of any Government Security shall rest with and be borne by the Bank; provided, however, that it shall not be incumbent on the Bank to verify signature and endorsement on Government securities which *prima facie* appear to be in order and in the acceptance of which the Bank shall not be guilty of any negligence and in such cases no liability shall be incurred by the Bank in respect thereto; provided also that in regard to the ordinary banking business at the offices, branches and agencies of the Bank of receiving and realising money and securities for money on account of the Government and paying cheques, orders, draft bills and other documents whether negotiable or not in the Banks capacity of bankers for the Government and whether such business be done by the Bank or by agencies on its behalf the responsibility to the Government shall be that of the Bank and such responsibility shall be that of a banker to an ordinary customer.

12. The Bank shall remit on account of the Government between India and London such amounts as may be required by it from time to time at the market rate of the day for telegraphic transfers, subject to the proviso that if a large transfer has to be effected in connection with the floatation or repayment of a sterling loan or analogous, operation, and if it is considered by either party to be inappropriate to apply the rate of a single day, An average rate based on a longer period may be fixed by agreement between the two parties.

13. This agreement may be, determined by either party giving to, the other party one year's notice in writing expiring on the 31st day of March in any year, such notice given by or on behalf of the Government to be addressed to the Governor of the Bank and to be served by leaving the same with the Head Office of the Bank or addressing the same to him at the Head Office of the Bank by registered post and if given by the Bank to be served by leaving the same With or addressing the same by registered post to the Secretary to the Government in the Finance Department and immediately upon the expiration of such notice this agreement shall absolutely cease and determine save as to rights or liabilities acquired or incurred prior to such termination.

14. In the event of any dispute arising as to the terms and conditions of this agreement or as to the rights or obligations of the parties hereto such dispute or difference of opinion shall, in the event of the parties hereto failing to reach an agreement, be referred to the Governor-General whose decision shall be final and binding as between the parties hereto.

15. Nothing in this agreement shall operate to affect in any way the obligations imposed either on the Government or on the Bank by or under the Act or any subsequent amendment or amendments of the Act.

16. The Bank shall be entitled to perform all or any of the matters contained in this agreement through such agency or agencies as may be prescribed by the Act or any amendment thereof or as may be approved by the Government.

In witness whereof Mr. Arnold Gordon Patton, B. A., (Cantab.) J. P., I. C. S. Secretary to the Government of Assam in the Finance Department by the order and direction of the Governor of Assam has hereunto set his hand and the common seal of the Reserve Bank of India pursuant to a Resolution of it!; Central Board has been hereunto affixed in the presence of its subscribing officials the day and year just above written.

Signed by the said A.G. Patton, I.C.S.,
Secretary to the Government of Assam in
the Finance Department for and on behalf
of the Governor of Assam in the presence of

(Sd.) A.G. Patton,
Secretary to the Government of Assam
Finance Department

(Sd.) A.V. Jones,

Deputy Secretary to the Government
of Assam, Finance Department

The Common Seal of the Reserve
Bank of India was affixed hereto in the
presence of Sir Purshotamdas Thakurdas,
Kt, C.I.E., M.B.E., and Sir Homi Mehta, Kt.,
two of its Directors and Sir James Braid
Taylor, Kt., C.I.E. its Deputy Governor

Common Seal of the Reserve Bank of India.

(Sd.) Purshotamdas Thakurdas

(Sd.) Homi Mehta

Directors:

(Sd.) J.B. Taylor,

Deputy Governor

**Subsidiary agreement entered into under Cl. 5 of the Agreement between
the Government of Assam and the Reserve Bank of India.**

An agreement made this 21st day of April, one thousand nine hundred and thirty seven between the Governor of Assam of the one part and the Reserve Bank of India (hereinafter called "the Bank") of the other part supplemental to an agreement (hereinafter referred to as "the principal agreement") made on the twenty first day of April, 1937 between the parties hereto;

Whereas, under Cl. 5 of the principal agreement it is provided that the Government of Assam (hereinafter referred to as "the Government") shall maintain a daily balance with the Bank not below such minimum as may be agreed upon;

Now it is hereby mutually agreed and declared as follows:

1. The Bank shall inform the Government by telegram of the Government daily balance with the Bank at the close of each working day.
2. The Government shall take steps by taking ways and means advance from the Bank or by issuing treasury bills to ensure that the Government balance

on each Friday is not less than a credit of five lakhs. If a reduction in the Government balance is to be anticipated before the following Friday, *e.g.*, owing to the beginning of the month disbursements, etc., the Government shall also take steps to ensure that this balance does not fall below the said minimum by more than one lakh.

3. The Government will not repay ways and means advances or invest any surplus of the Government balance unless the said balance exceeds a credit of six lakhs.

4. Ways and means advances may be taken and repaid on any day without previous notice by telegraphic or such other intimation to such branch of the Bank as the Bank may prescribe; provided that such advances shall be for a minimum period of seven days and; provided further that such advances shall be in minimum amounts of one lakh.

In witness whereof Mr. Arnold Gordon Patton, B. A. (Cantab)., J. P., I. C. S., Secretary to the Government of Assam in the Finance Department by the order and direction of the Governor of Assam has hereunto set his hand and the common seal of the Reserve Bank of India pursuant to a Resolution of its Central Board has been hereunto affixed in the presence of its subscribing officials the day and year just above written.

Signed by the said A. G. Patton, I. C. S., Secretary to the Government of Assam in the Finance Department for and on behalf of the Governor of Assam in the presence of

(Sd.) A. V. Jones,

Signed by the said A.G. Patton, I.C.S.,
Secretary to the Government of Assam in
the Finance Department for and on behalf
of the Governor of Assam in the presence of

(Sd.) A.V. Jones,

Deputy Secretary to the Government
of Assam, Finance Department

The Common Seal of the Reserve
Bank of India was affixed hereto in the
presence of Sir Purshotamdas Thakurdas,
Kt, C.I.E., M.B.E., and Sir Homi Mehta, Kt.,
two of its Directors and Sir James Braid
Taylor, Kt., C.I.E. its Deputy Governor

(Sd.) A.G. Patton,

Secretary to the Government of Assam
Finance Department

Common Seal of the Reserve Bank of India.

(Sd.) Purshotamdas Thakurdas

(Sd.) Homi Mehta

Directors:

(Sd.) J.B. Taylor,
Deputy Governor

Certified under S. 32(2) of the Indian Stamp Act this document is not chargeable with Stamp Duty.

Dated Shillong:
The 7th June, 1937
Hills

(Sd.) C.A. Humphrey,
Deputy Commissioner
Khasi and Jaintia

APPENPIX 18

Auditor-General's directions for the preparation and submission of the annual establishment return

1. The detailed statement of permanent non-gazetted establishment, commonly known as the annual establishment return will be prepared in Form A (Financial Rule Form No. 11). It will show accurately the establishment as it exists on 1st April.

Note. No return is required in respect of non-Personable establishment.

2. The particulars in respect of all members of the establishment permanent posts, whether on duty or absent on foreign service leave or deputation, or in temporary posts elsewhere or under suspension or in transit to another office, should be entered in the appropriate columns, with the exception of the following classes of Government servants :

(a) Government servants for whom records of service are maintained in Audit Office;

(b) Government servants for whom service books are not required to be maintained.

3. The return should show accurately the sanctioned scale of permanent establishment and so will include every post whether filled or not. If a post be vacant, the word "Vacant" should be set against it in the column "Name of incumbent" at the foot of the return.

4. There should be a separate return for each permanent establishment and not more than one establishments should be exhibited on a single form.

5. The names should be entered in order of sections of the establishment. There should be separate total for each section and a grand total for the whole establishment.

6. (a) In column I, the general orders should be entered once only; any other order should be entered against every entry which it supports.

(b) The date to be entered in column 2 is the date from which the Government servant has held the post continuously in an officiating provisionally substantive or substantive capacity, as the case may be.

(c) Personal pay should be shown on a separate line, immediately below the entry of pay in column 8, the orders of competent authority sanctioning it being quoted in column 1.

If the pay entered in column 8 includes an increment allowed with effect from 1st April, the entry should be checked with the increment certificate which would accompany the April bill.

7. Where the pay of an establishment /or of an individual Government servant is met partly by Government and partly by local or other funds, the whole pay should be shown in the return and the portion payable from each source specified in a foot note.

8. The name of a Government servant officiating in a post **and** the amount of additional pay for the officiating drawn by him need not be shown unless the additional pay for officiating post for pension.

In the case of an establishment on a time-scale pay the names of an Government servants not belonging permanently with cadre, but officiating in permanent posts or holding temporary posts should be included with an indication of the nature of the vacancies they fill.

If this officiating increment holds a permanent post on another establishment, the fact should be stated and the entry should be supported by a certificate from the head of that other establishment.

9. If a Government servant on the establishment has attained the age of compulsory retirement, the number and the date of the orders of the competent authority permitting his retention in service should be quoted in a roll at the post of the return. The period for which the retention has been authorised or for which leave beyond the age of compulsory retirement has been granted should also be mentioned. If no orders *for* his retention have been received, the number and date of the application for sanction to his retention should be noted.

10. A statement in Form B (Financial Rule Form No. 12) should be appended to the return, showing with relevant particulars the name which did not appear in the return of the previous year but one now omitted, as well as the names *or* the Government servants who were on leave or under suspension during the previous year.

If a Government servant was transferred more than once in the preceding year the name of each office and post in which he was employed during the year should be mentioned with the date in column 2 of the Statement.

11. As the return will be the chief authority by which pension claims will be

tested later, both the Statements (Form~ A and B) (Financial Rules, Forms Nos. 11 and 12) should after completion be checked carefully with the Service Books, and a certificate of the check should be endorsed on each.

12. In the case of establishments borne on a Provincial or amalgamated cadre separate returns should be furnished to the Controlling Officer, who should consolidate them into one return. The certificate of comparison with service books on the consolidated return should be as follows:

"Certified by Heads of offices to have been verified with service book."

13. The return should be transmitted to the Account-General as early as possible after 1st April, and in any case not later than 15th May.

Note. In the case of establishments on time, scales of pay, the Accountant-General, may require the submission of the return in duplicate.

14. These directions apply equally in respect of Local Funds establishments, the claims to pension for which are submitted to the Accountant-General for verification of service and report.

F.R. FORM No. 1
Receipts for Payments to Government
[See Financial Rule 54]

Block

Book No.....Receipt
No.....

Division..... Date.....19...

Receipt from.....

.....

Rupees.....

On account of.....

Initials of
Cashier or
Accountant

Initials of
Officer
granting the
Receipt

Book No.....Receipt No.....Place...

Division..... Date.....19...

Receipt from.....

.....

Rs.....Rupees.....

.....

Cashier or Accountant

Signature.....

Designation.....

F.R. FORM No. 2
Cash Book of the Office of the.....
[See Financial Rule 95]

Date of receipt	Receipts				Expenditure					Remarks
	Particulars of receipt	Amount receipt from the treasury	Amount receipt from other sources	Return payment of permanent advance	Date of expenditure	Particulars of expenditure	Amount paid to individual payees	Amount remitted into the treasury	Amount spent from permanent advance	
	Rs. a. p.	Rs. a. p.	Rs. a. p.			Rs. a. p.	Rs. a. p.	Rs. a. p.		
	Opening balance				Total expenditure					
	Total receipts				Closing balance					
	Grand Total				Grand Total					

F.R. FORM No. 3

[See Financial Rule 103 (iii)]

Statement of remission of and abandonment of claims to Land Revenue for the Revenue Year.....

Excise Revenue for the Financial Year.....

etc

(a) Individual items of Rs. 500 and above

Serial No.	Particulars	Category, e.g.	Amount	Reasons for remission or abandonment, e.g.,
		Ordinary revenue.....	Rs.	Due to-----
		Fishery revenue.....	...	(1) local calamities such as fire, flood etc.
		Miscellaneous revenue and so on	...	(2) faut ferot and jatrahin cases etc.,
		(b) Items below Rs. 500 (collectively)	...	

Grand Total (a) and (b)

F.R. FORM No.4
[See Financial Rule 120]
FOREST DEPARTMENT

Bill No.5
of 1939-40

Head of Service, P.W.D.
The Executive Engineer, Lakhimpur Division

Voucher No.3
of June, 1939

---Dr

To the Deputy Conservator of Forests, Lakhimpur

Division

Dates (1)	Items (2)	Amount (3)	Total (4)
May 25th	100 cubic feet of oak scanting at Re.1 per cubic foot	Rs. a. p. 10000	Rs. a. p. 10000

.....19

Dibrugarh

The 25th May, 1963

*Deputy Conservator of Forests
Lakhimpur Division*

Accepted for Rupees (100) one hundred only. Credit for this amount will be given in accounts for the month of June, 1939.

No. 10

Dibrugarh :

Executive Engineer

Lakhimpur Division

The first June, 1939

pay bills

[See Financial Rule 124]

Name of Division-----

Major head to credited-----

						To be filled in by the Treasury Officer	
Register No. of Building	Name of Building	Name, rank and office of occupant with rates of his pay and allowances	Amount due to end of .....19	Amount recovered during 19	Remarks with date and other particulars and changes in the rates of emoluments shown in column 3		
1	2	3	4	5	6		
			Rs. a. p.	Rs. a. p			

Dated-----

Divisional Officer

Completed and returned to the officer-in-charge of-----Division

Certified that the pay and allowance of the tenants named herein remained unchanged during the month, and that an arrear of emoluments were paid to them during the previous month except as indicated in column 6.

Dated-----

Treasury Officer/Disbursing Officer

F. R. FORM No. 6

[See Financial Rule 136, Note 2]

Form of bond of indemnity for drawing arrears of pay and allowances or pensions of deceased Government Servants or Pensioners

Know all men by these presents that 1*.resident of...and.....the widow/the son of..... and I/wet*sureties on her/his behalf are held

and firmly bound to the, Governor of the Province of Assam in the sum of Rupees Rs to be paid to the Governor or his successors or assigns for which payment to be well and truly made, each of us severally bind(s) himself and his heirs, executors, administrators and assigns and every two and all of us jointly bind ourselves and our heirs, executors, administrators and assigns firmly by these presents.

As witness we set our hands thisday of 19.....

Whereas** was at the time of his death in the employment of Government or was receiving a pension of Rupees ...Rs from Government and whereas the said...died on the day of 19 and there was then due to him the sum of Rupees Rest (for pay and allowance in respect of is said office) or (in respect of his said pension) and whereas the above bounded*.....(hereinafter called "the Claimant") claims to be entitled to the said sum as heir of the said**

but has not obtained letters of administration of or a succession certificate to the property and effects of the said**and whereas the claimant has satisfied the..... (officer concerned) that he/she is entitled to the aforesaid sum and that it would cause undue delay and hardship if the claimant were required to produce letter of administration of or a succession certificate to the property and effects of the said** and whereas Government desire to pay the said sum to the claimant but under Government rules and orders it is necessary that the claimant should first execute a bond with one surety/two sureties to indemnify Government against all claims to the amount so due as aforesaid to the said** ...before the said sum can be paid to the claimant;

Now the condition of this bond is such that if after payment has been made to the claimant the claimant or the surety/sureties shall in the event of a claim being made by any other person against Government with respect to the aforesaid sum of Rsrefund to Government the sum of Rupees.....and shall otherwise indemnify and save Government harmless from all liability in respect of the aforesaid sum and all cost incurred in consequence of any claim thereto then the above written bond or obligation shall be void but otherwise the same shall remain in full force and virtue.

In witness to the above written bond and the condition therefore we..... ..and.....have hereunto set our hands, this...day of...,... 19

-
- *Full name of claimant with place of residence.
 - *State relationship to the deceased.
 - *Full name or names of sureties.
 - **Name of the deceased.
 - *Title of the-officer responsible for the payment.

F. R. FORM No. 8
[See Financial Rule 139 (d)]

Form of Bond of indemnity for drawing pay, pensions, annuities, etc.

This Indenture made the.....day of.....one thousand nine hundred and.....Between.....

(1)

(2)

(3)

carrying on business in partnership under the name and style of firm of or..... incorporated under the... ..Companies Act and having their registered office at... .., ...(hereinafter referred to as the firm/company which expression shall where the context admits be deemed to include their executors and administrators or representatives and their successors in business under the name or any other style or name) of the one part and the Governor of the Province of Assam (hereinafter referred to as the Governor) of the other part;

Whereas the firm has been in the habit/company are desirous of receiving on account of their customers pay, pensions. annuities, allowances or other payments from funds ministered by or on behalf of the Governor including pensions payable on behalf of other Governments from the various officials whose duty it is to disburse such payments upon the production at the time of such payment of a certificate to the effect that the person on whose behalf such payment was claimed was then alive and in the case of a pensioner, also of a certificate of non-employment according to prescribed rule;

And whereas in order to save time and expense in obtaining payment of such sums the Governor has agreed to allow such payments to be from time to time made as they fall due without requiring the production of the said certificate save a certificate of non-employment according to prescribed rules signed by a representative of the firm/company upon being indemnified by the firm/company against any loss by reason of such payments as aforesaid on account of any other who may at the date of such payment be deceased and upon the firm/company entering into such an agreement as is hereafter contained which the firm/company has agreed to do ;

Now the indenture witnesseth that in pursuance of the said agreement and in consideration of the premises the firm/company for themselves and their successors hereby covenant with the Governor and his successors that so long as the Governor shall allow such payments as aforesaid to be made without requiring the production of the certificates herein before referred to subject nevertheless as hereinafter provided the firm/company will within seven days from the time when they shall have received notice of the death of any customers for the receipt of or on whose behalf the firm/company may have received any such payments as aforesaid communicate the date of such death to the official for the time being responsible for the payments to such deceased officer and further that the firm company will immediately after the expiration of the said period of seven days reply and refund to the Governor so much or any money which may have been received from such disbursing official as aforesaid on behalf of such deceased customer as aforesaid as shall be in excess of the amount of the pay, pension, annuity, allowance or other payment as the case may be to which such deceased customer was entitled up to the date of his decease;

*And also that if and whenever any change in the constitution of the firm shall happen whether by the death or retirement of any member thereof or the introduction or accession of a new member or members thereof or otherwise

howsoever the firm will on every such occasion within 7 days after the change shall have occurred give notice in writing to the Governor of the same having happened with full particulars thereof including the full name or names of any new member or members so introduced as aforesaid and in every case where any such introduction has taken place will as soon as may be thereafter on being so required by the Governor procure the new member or members introduced to enter into a fresh Bond in the same form as these presents either alone or jointly with all the original or remaining members of the firm:

Provided always and it is hereby agreed and declared that the arrangement hereby made shall not be determined except by express notice in that behalf given as next hereinafter provided;

Provided always and it is hereby agreed and declared that either the firm /company or the Governor shall be entitled to determine the arrangement hereby made on giving to the other 14 days' notice in writing in that behalf and on the expiration of such 14 days this arrangement shall determine and the liability of the firm/company under the covenants herein contained shall cease in respect of any such payments as aforesaid made after that date but nothing herein contained shall be deemed to exonerate or release the firm/company from their liability under the covenant herein contained in respect of any such payments, as aforesaid made prior to that date; provided always and it is hereby further agreed and declared that in the case of pensions the firm/ company will according to prescribed rules once in every year furnish to the Governor or the official or officials responsible for the payment of such pensions a certificate by one of the persons prescribed by the said rules of the life of each pensioner whose pension is paid to the firm and a certificate of non-employment signed by the pensioner himself. And further that nothing herein contained shall be deemed to preclude the Governor or any of the said officials whose duty it is to make such payments as aforesaid firm requiring the production of certificates in proof of the life of any particular person or persons entitled to receive such payments as aforesaid if the Governor or such officials shall deem it necessary nor shall the firm's/company's arrangement made by these presents be deemed to be thereby terminated.

In witness whereof the said parties have hereunto set their respective hands and seals the day and year first above written.

"N. B. 'An incorporated firm executing the bond may delete the paragraph marked with asterisk.

F.R. FORM No. 11
[See Financial Rule 158]
[To be printed bread wise on foolscaps size]
Detailed statement of the Permanent Establishment of the-----as is
stood an 1st April, 19

Orders of competent authority creating the post	Present Incumbent; date of	Pay of Post	Appointment to present post or of commencement on present time-scale	Name of section and post	Date of Incumbent's birth (as near as possible).	Serial number of appointments in each	Minimum	Rate of periodical increments, whether annual, biennial, etc.	Maximum	Pay of present incumbent and total of each section	Date of last increment	Remarks (including note of efficiency bar where applicable)
---	----------------------------	-------------	--	--------------------------	--	---------------------------------------	---------	---	---------	--	------------------------	---

Compared with service book and found correct. Signature of the Head of Office

At foot of the return should be detailed all items of Establishment sanctioned, but not yet incurred.

A personal pay should be stated on a separate line immediately below the pay of the officer who receipt it, the orders of competent authority sanctioning it being quoted in the first column.

The rule about entry of orders of competent authority may be stated generally thus; the general order is to be entered once only; any other order will be entered against every entry which it supports.

Further instructions for filling up the form are contained in Financial Rule 158.

Detailed Statement of new names, leaves, etc.

[See Financial Rule 158 (i) (i)]

New names of non-gazette Government servant	From what Office and on what date transferred,* or with what bill the health and age certificates were furnished	Name of non-gazetted Government servants which were in F.R. Form No. 11 of previous year but are now omitted	From what date ceased to be borne on the Establishment and why	Non-gazetted Government servants who have been on leave, or under suspension during the year	Description and period of leave or suspension from and to what date	(Note----- In cases of suspension state whether the suspension will count towards pension
---	--	--	--	--	---	---

N.B. This form should either accompany F.R. Form No. 11 or be printed at foot of that form.

*If the Government servant has been transferred more than once in the preceding year, the name of each office (and post) in which he was employed during the year, should be mentioned with dates.

F.R. FORM No. 13
Statement of Proposition of Revision of Establishment
 [See Financial Rule 160]

Nature of charges										Proposition							
Present Scale							Proposed Scale			Permanent			Temporary				
<u>Pay</u>							<u>Pay</u>			Increase per Month	Decrease Per Month		Increase per Month	Decrease Per Month			
Number	Designation	Minimum	Increments	Maximum	Average Cost	Number	Designation	Minimum	Increments	Maximum	Average Cost	Amount	Amount	Period	Amount	Period	Amount

Money columns

Signature.....

Designation.....

F.R. FORM No. 14

Simple Form

Statement of Proposition for Revision Of Establishment

[See Financial Rule 160 (a), Note]

1	2	3	4	5	6
	Number of each class	Rate of pay			
Class or grade and designation of officers affected	Present (a)	Proposed (b)	Present (a)	Proposed (b)	Actual present cost of establishment affected
					Approximate extra cost involved by these proposals
					Remarks

In the case of district or divisional establishments the cost of the whole establishment or establishments affected should be given in lump without details, and in the case of establishments, the scale of which is fixed for the province as a whole the cost of the whole provincial scale should be entered. Where a new class is added to an existing establishment should be given.

Certified that I have examined the figures in columns 2 (a), 3 (a) and 4 have checked the extra-cost shown in column 5 with the proposed alterations and additions entered in columns 2 (b) and 3 (b) and found it to be correct.

Dated.....
Comptroller

(Saleable)
[See Financial Rule 162]
Service Book

Name

[Thump and finger Impression of
(non-gazette) Government servants']

1. Name
2. Race
3. Residence
4. Father's name and residence
5. Date of birth by Christian era as nearly as can be ascertained.....
6. Exact height by measurement...
7. Personal marks for identification.....
8. Signature of Government servant.....
9. Signature and designation of the Head of the Officer or other Attesting
Officer.....

Note. The entries in this page should be renewed or re-attested at least every five years and the signature in lines 8 and 9 should be dated.

1	Name of post	
2	Whether Substantive or officiating and whether permanent or temporary	
3	Substantive appointment	If Officiating state
3	Or, whether service counts for Pension's under Art. 31 of the Assam Pensions Manual	
4	Pay in substantive post	
5	Additional pay for Officiating	
6	Other emoluments falling under the term 'Pay'	
7	Date of appointment	
8	Signature of Government servant	
9	Signature and Designation of the Head of the office, or other attesting Officer, in attestation of Cols. 1 to 8	
10	Date of termination of appointment	
11	Reason of termination (such as promotion, transfer, dismissal, etc)	
12	Signature of the Head of the Office	
13	Name and duration of leave taken	Leave
14	Period	Allocation of periods of leave on average pay upto four months for which leave salary is
15	Govt. to which deitable	debitable to another Government
16	Signature of the Head of the office or other Attesting Officer	
17	Reference to any recorded punishment or censure, or reward or praise of the Government Servant	

F.R. FORM No.16

[See Financial Rule 162 (6)]

Service Roll

1. Name (in full)
2. Father's name (in full)
3. Race, sect and caste
4. Residence (Village with district, thana, mouza or pargana)
5. Date of birth (by Christian era)
6. Height (in feet and inches)
7. Marks of identification
8. Thump-impression (of ball of left-thump)
9. Signature, if literate, otherwise mark of seal
10. Name and designation of officer by whom and the date on which the above particulars were furnished.

Details of service						Leave				
1	2	3	4	5	6	7	8	9	10	11
Appointment held, (I.e. designation and office)	Pay	From (date)	Initials of head of office with date	To (date)	Initials of head of office with date	Nature of leave	From (date)	Initials of head of office with date	To (date)	Initials of head of office with date

F.R. FORM No.16

[See Financial Rule 162 (6)]

Service Roll

1. Name (in full)
2. Father's name (in full)
3. Residence (Village with district, thana, mouza or pargana)

Dated... ..

Signature and designation of Officer
making the appointment

The... ..19

Remarks as to conduct with details of any suspensions, or other punishment affecting service. Each remark must be attested by the fresh signature of the Officer making it and dated (with the day, month and year):

<u>Details of service</u>			<u>Leave</u>			
of						
Name	contingency	pay	Nature of leave	From (date)	To (date)	Initials of Head of Office with date
1	menial					
2		3	4	5	6	

F.R. FORM No. 17
 [See Financial Rule 163]

Acquaintance Roll/Inner Sheet of Pay Bill of Establishment for the month of.....19

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Serial number of post	Section of establishment, name of post, scale of pay and name of incumbent	Substantive pay (personal pay or Special pay, if any, should also be shown in this column as a separate entry below substantive pay)	Leave-salary	Officiating pay	Compensatory allowance	TOTAL	For use in Audit office	General Provident Fund	Postal Premia and other Fund deductions specify Fund and miscellaneous recoveries (fines, advances, etc.)	Net after deducting Fund, Substitutions, etc.	Income-tax	House Rent	Net amount payable	Remarks/Acquaintance

F.R. FORM No. 18
Indent for stores
 Counterfoil

F.R. FORM No. 18
 [See Financial Rules 199, 207 (Note) and 208]
Indent for stores
 Indent

F.R. FORM No. 18
Invoice

Indent No.... ..
 On... ..
 Date... ..

Indent No.... ..
 On... ..
 Date... ..

Invoice o Stores supplied.....
 To.....
 By.....
 On indent No.....Dated.....
 issued by the.....

Description
 No. or
 quantity
 Head of
 Accountant
 etc
 Name of work
 (with name of
 contractor
 from whom
 value is
 recoverable

Description
 No. or
 quantity
 Head of
 Account, etc
 Name of work
 (with name of
 contractor
 from whom
 value is
 recovered)

Description
 No. of
 quantity
 Head of
 Accountant,
 etc.
 Name of work
 (with name of
 contractor
 from whom
 value is
 recovered

delivered
 These material should be....to....
 dispatch
by.....

delivered
 These material should be.....to....
 dispatched
by.....

.....
 Supplying Officer

.....
Intending Officer
(Divisional or
Sub-divisional Officer)

Intending Officer
 Divisional or Sub-divisional Officer
 Certificate of Supply

Dated.....19

This intent has (not) been complied with
 in full.....
 (The alterations, which I have attested,
 have accordingly been made by me)
 Delivered

Received

.....at.....on.....by.....
Dispatched

.....
 Receiving Officer

Dated.....19 Supplying Officer

Dated

FR. FORM No. 18-A
Survey Report of Stores
[See Financial of Stores]

Report of the Survey of Stores, which have become unserviceable

Nature of quantity	Description of articles	Value on the Book		Date of receipt	Remarks by the Officer-in-charge explaining the cause of the articles becoming unserviceable.	Remarks or orders of the Divisional Officer	Orders of the Chief Engineer
		Rate	Amount				
		Rs. a. p.	Rs. a. p.				

No.....dated the.....19
Submitted to the Chief Engineer,
Assam for orders

.....
Divisional Officer

Incharge
No.....dated the.....19
Returned to the Divisional Officer for
necessary action as per orders noted above.
.....
Chief Engineer, Assam

.R. FORM No. 19
[See Financial Rule 219]

Division...	...	...	...	...
Class of Division...	...	...	...	...
Year of ending...	...	...	...	...

Stock Register

No.....dated the.....19
Forwarded to the Comptroller Assam

.....
Divisional Officer

F.R. FORM No. 19
YEARLY REGISTER OF STOCK
PART I- THE REGISTER

... ..Division
Sub-division
Period

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	
Class	Item No	Name of Articles	Balance Brought Over													Total receipts and balances													Total	Closing balance carried forward	Value at current issue rates	Value at future issue rates					

.....Division

F.R. FORM No. 19
 PART II-THE SUMMARY

General Abstract

*Abstract of Sub-divisional figures

Sub-head	Book value	Value at current issue rates	Sub-division	Book-value	Value at current issue rates	Book-value	Value at current issue rates	Book-value	Value at current issue rates	Book-value	Value at current issue rates	Book-value	Value at current issue rates	Book-value	Value at current issue rates	Book-value	Value at current issue rates		
			Small stores			Building				Timber					Metal			Fuel	Printer's stores
			Rs. Paisa	Rs. Paisa	Rs. Paisa	Rs. Paisa	Rs. Paisa	Rs. Paisa	Rs. Paisa	Rs. Paisa	Rs. Paisa	Rs. Paisa	Rs. Paisa	Rs. Paisa	Rs. Paisa	Rs. Paisa	Rs. Paisa	Rs. Paisa	Rs. Paisa
Small stores																			
Building materials																			
Timber materials....																			
Fuel....																			
Printer's store																			
House fittings																			
Miscellaneous Manufacture				House fittings	Miscellaneous	Manufacture	Land, kilns etc.											Storage	
Land, Kilns, etc.				Total	Rs. Paisa.	Rs. Paisa.	Rs. Paisa												
Storage																			
Total value of stock of the Division																			

*N.B. "Book value" should be posted from column 31 of Part I and the column "value at current issue rates" from Col. 33 of the same part

This total should agree with the balance as Suspense Register (Stock). Divisional Accountant

F. R. FORM No. 19
PART III-THE REVIEW
Report by Divisional Accountant

To
 THE DIVISIONAL OFFICER
 Sir.

The future issue rates for all articles have been worked out by me personally, under your general instructions and in accordance with the prescribed rules. These rates do not exceed, in any case, the market rates as filled in the Register under your orders by... .. (Rank)... ..on... .. Explanation have also been recorded in the "Remarks" column against items of important differences between the future issue rates and (1) the current issue rates, or (2) market rates.

2. The following table shows the surpluses and deficits which are brought out by the revision of rates and should now be adjusted in the accounts in order to effect an agreement between the revised values and the present book values of the stores under each sub-head:

Sub-head	A. Sub-division		B. Sub-division		C. Sub-division		D. Sub-division	
	Surplus	Deficit	Surplus	Deficit	Surplus	Deficit	Surplus	Deficit
Small Stores	...							
Building materials	...							
Timber	...							
Metals	...							
Fuel	...							
Printer's store	...							
House fitting	...							
*Miscellaneous	...							
Manufacture	...							
Land, kilns, etc.	...							
Storage	...							

Short notes explaining how these differences have resulted have been recorded in Part I, against the individual items.

*The surplus or deficit against this sub-head will be adjusted only at the close of the year.

3. The certificates recorded by Sub-divisional Officers on their Balance Returns for the year show that, with the exceptions noted below, stock of the articles shown in this return has been taken during the year ending by the persons named below :

Stock of	Sub-division, counted by
,, of	,, ,,
,, of	,, ,,

4. Quantities seem to be excessive in the following cases:

5. Other points to be brought to the notice of the Divisional Officer.

Divisional Accountant

Dated19

Orders of the Divisional officer

1. The future issue rates are approved. An orders in accounting marked 'A' within should be rectified in the next accounts. Subject to this condition net surplus/net deficit should be credited to the revenue head concerned or treated as receipt on Capital Account/charged off on receipt of sanction which should be applied for.

2. I have received the stock rates and consider that the following revisions should be made for reasons stated or that no revisions are necessary,

3. Remarks and orders regarding stock taking and other points:

Divisional Officer

Dated.....19.

F.R. FORM No. 20
[See Financial Rule 230]
Road Metal Rate Book or Schedule of Rates

.....Division

Rate Table showing the lowest rate which metal can be supplied to the outside throughout the Division

1	2	3	4	5	6	7	8	9	10	11	12
Name of road	No. of miles	Quarry from which dug Distance Carried	Miles	Furlong	Destination of the various kinds of metal	Rate for carrying per mile	Digging and stacking at road side	Carriage Rate per 100 cubic feet	Other miscellaneous charge such as sorting, clearing, etc.	Total	Remarks
						Rs. Paisa	Rs. Paisa.	Rs. Paisa.	Rs. Paisa.	Rs. Paisa.	

FORM No. 21
[See Financial Rule 232]

Head of Service A VIIa

Forest Department, Assam, Lakhimpur Division
Daily labour on making bridle path in.... Block....Range, from 15th to 24th June, 1939

Voucher No. 118
of June, 1939

Particulars of work	Progress	Description of labour and materials	No	Rate	Amount	Signature or remarks

	Previous	New exhibited	Total			At	Per day	Per item	Per work	
1	2	3	4	5	6	7	8	9	10	11
Excavating path From Conservator's sanction No 5 of 1939-40	2 miles 6 chains	37 chains	3 miles 19 chains	Men...	240 4 as			R		

This amount of Rupees sixty has been disbursed by me.
Passed for Rupees (60) sixty only

.....Forest Ranger

Dibrugarh:
The 24th June, 1939

.....
Deputy Conservator of Forest
Lakhimpur Division

F.R. FORM No. 22
[See Financial Rule 253]
Forest Department, Assam, Lakhimpur Division

Head of Service
A Ib

Voucher No. 4 of
June 1939

Particulars	Amount	
1	2	3
	Rs.	Paisa
Delivering in.....Depot—		
1,6000 mds, firewood at Rs. 17-0-0 per 100	272	0
156 ,, charcoal 8-0-0 ,,	78	0
Total	350	0

Received the above amount of Rs. 350

In part adjustment of advance outstanding against me
(Sd.) Roop Singh, contractor

[This amount of Rs. 350 (three hundred and fifty) has been disbursed by me]

Dibrugarh:

The 4th July, 1939

Passed for Rs. (350) three hundred and fifty only.

Deputy Conservator of Forests,
Lakhimpur Division

F.R. FORM No. 23
Muster Roll
[See Financial Rule 291]
Cash Book Voucher No.41, dated the 11th April, 1923
Name of work- Constructing residential quarters for Junior Officers
at Craigdhu

Part I-Nominal Roll

Description No.	Names (grouped according to	Father's name	<u>Dates-April 1923</u>										Rate		Dated initials and remarks of paying officer made at the time of payment							
			1	2	3	4	5	6	7	8	9	10	Total	Amount								
													Rs.	Paisa.	Rs.	Paisa.						
	Making approach road																					
Mate Cooli	1	Gullu Fajju	1	1	1	1	1	1	1	1	1	1	1	10	1	40	21	80	K.N. 11.4			
,,	2	Adalat Jhanda	1	1	1	1	1	.....	.....	.....	.....	.....	.....	5	0	11	0	3	70	K.N. 11.4	
,,	3	Ramzan Hidayat	1	1	1	1	1	1	1	1	1	1	1	10	0	11	0	6	14	0	K.N. 11.4	
,,	4	Sadhu Chetu	1	1	1	1	1	1	1	1	1	1	1	10	0	11	0	6	14	0	K.N. 1.4	
,,	5	Samand Baland	1	...	1	1	1	1	1	1	1	1	1	...	8	0	11	0	5	8	0	K.N. 11.4
,,	6	Nary Haboo	1	1	1	1	1	1	1	1	1	1	1	10	0	11	0	6	14	0	K.N. 11.4	
,,	7	Jamua Aziz	1	1	1	1	1	1	1	.....	.....	.....	.....	6	0	11	0	4	2	0	K.N. 11.4
													Total	46		30						

**F.R. FORM No. 23 (conta.)
Muster Roll
[See Financial Rule 291]
Cash Book Voucher No. 41, dated the 11th April, 1923
Name of work- Constructing residential quarters for
Junior Officers at Craigdhu
Part I-Nominal Roll**

Description No. Names (grouped according to classes)	Father's name	Dates-April 1923								Rate	Amount	Dated initials and remarks of paying officer made at the time of payment						
		1	2	3	4	5	6	7	8				Total					
Constructing retaining walls																		

Rs. Paise. Rs. Paise.

Mason	8 Habib. Roshid	1 1 1 1 1 1 ...1 1 1 1 9	1 8 0	13 8 0	K. N.
	9 Labbu. Chandra.	...1 1 1 1 1 1 1 1 1 1 ...8	1 8 0	12 0 0	K. N. 1
	10 Sarmu Hukma	...1 1 1 1 1 1 ... ..4	6 0 0	5 8 0	
	11 Ahmed Firoz	.....1 1 1 1 4	1 8 0	6 0 0	K. N. 11.4
	12 Roda Phina	.....1 1 1 3	1 8 0	<u>4 8 0</u>	K. N. 11.4

Daily 8 9 9 10 9 10 8 8 9 Total 4 18 0

Initials of persons making the daily attendance	2.4 2.4 3.4 4.4 5.4 6.4 7.4 10.4 9.4 8.4	
	C. C. C. C. C. C. C. C. C. C. C. C. C. C. C. C. C. C. C. C.	
	M. M. M. M. M. M. M. M. M. M. M. M. M. M. M. M. M. M. M. M.	Total 87 0 0

Initials of Inspecting officer	K. N. 3.4	G, C. R. 7.4	K. N. 10
--------------------------------------	-----------	--------------	----------

Passed for (Rs. 87-11-0) Rupees eighty-seven and annas seven only.

Signature—G. C. R.

Dated the 11th April, 1923

Rank-Sub-divisional Officer
Headquarters Sub-division

Rs. Paisa Grand total of this muster roll

... .. 87 11 0

Deduct. Payment not made as per details transferred
to register arrears -Part II ...

11 0 0

Balanced paid ... 76 11 0

Add. Arrears of previous muster roll now paid off, as
per details of register of arrears- Part II

7 2 0

Total amount paid (in words)- Rupees eighty-three and
annas thirteen only.

83 13 0

Signature of Kidar Nath

Dated the 11th April, 1923

Rank-Overseer

F.R. FORM No. 23 (contd.)
 Part II-Register of arrears of wages due to work people
 The adoption of this method of recording arrears is left optional with Divisional Officer

Month and period to which the arrears relate	Serial number as per nominal muster roll	Names	Father's name	Amount due	Amount paid	Dated initials and remarks of paying officer	Serial number as per nominal muster roll	Names	Father's name	Amount due		
Arrears of previous muster rolls brought forward				Rs. a. p.		Rs. a. p.		Brought forward				
				12	0			12	0	0		
March, 1923	3	Labhu	Chandra	2	12	0	2	12	0	K. N. 11-4		
	7	Rodha	Phina	4	6	0	4	6	0	K. N. 1-4		
	9	Mahbub	Shafi	4	13	0						
	13	Nihal Singh	Hukam Singh	0	11	0						
							Arrears as per this muster roll					
							Samund	Baland	....	580	
							Sarna	Hukan	....	580	
							Total	<u>11</u>	<u>0</u>	<u>0</u>	
							Grand Total			23	10	0
							Deduct amount paid as arrears of previous muster roll			<u>720</u>		
							Balance-arrears carried to next nominal muster roll			16	8	0

Note. When wages are not claimed within three months, a report of this fact should be made to the Divisional Office

FORM No. 23 (contd)

Part III-Details of the measurement of work done by the labour employed as per this nominal Muster Roll in cases in which the work is susceptible of measurement.

Description of the work	Quantity	Deduct as shown on the last Muster Roll		Balance
Each distinct item of work grouped by sanctioned sub-heads where necessary				
Closing and disposing of rubbish	46,050	24,000		22,050
Constructing retaining well	3,250	1,900		1,350

Measurement is taken on 10th April, 1923.
Measurement Book No. 109, page 12

Dated the 10th April, 1923

Kidar Nath
Rank Overseer

If works is susceptible of measurement a remark to this effect should be recorded.

If desired, rates may be struck where possible and shown I red ink just below the quantity in this column

F.R. Form No.24
[See Financial Rule 293]

Division
Sub-division

**Measurement Book
No.**

Name of officer-----
Date of first entry-----
Date of last entry-----

INSTRUCTIONS

1. The Measurement Book is the basis of all accounts of quantities whether work done by piece-work or by contract of materials received which have to be counted or measured, and should be so kept up that the transactions may be readily traceable into the accounts by the entry of the number and date of bill in this book, when the bill has been prepared, and the entry of the number and page of the measurement book on the bill., The measurements effected should then be cancelled by two red parallel cross lines, being drawn across the page or pages.

2. All measurements are to be neatly taken down in this book and in no other. The description of this situation of work must be lucid, so as to admit of easy identification and check.

3. It should be clearly understood that measurements of work or materials supplied must not be recorded in Measurement Book without their having been actually measured at the site of the work. In any very rare instances when any measurement is not recorded at the site of the work, a note to this effect must be made in the Measurement Book immediately after the entries to which it relates.

4. The entries in the Measurement Book should, if possible, be made in ink, but when this is not possible and entries have to be made in pencil, the pencil entries should not be inked over but left untouched. The "contents or area" should, however, be invariably inked in by the officer who has taken the measurements. Entries should be recorded continuously in the Measurement Book. "No blank pages may" be left and no page be torn out. Any pages left blank inadvertently must be cancelled by diagonal lines, the cancellation being attested. No entry should be erased or effaced so as to be illegible. No erasure or over-writing is allowed. If a mistake is made it should be corrected by drawing the pen through the incorrect entry and inserting the correct one in red ink between the lines. Every such correction should bear dated initials of the person making it. A reliable record is the object to be aimed at as it may have to be produced as evidence in a Court of Law.

5. When any measurements are cancelled the cancellation must be supported by the dated initials of the officer ordering the cancellation or by a reference to his orders initialed by the officer who made the measurements. In either case the reason for cancellation should be recorded.

6. For large works, a separate measurement book may be specially set apart, or if found convenient, even two or more books may be set apart for different classes of works.

7. The measurement book must be looked upon as important records. They should be carefully checked by the Executive Engineer to see that they are properly kept up and measurements duly recorded and that they are complete records of each kind of work for which certificates have been granted. The eventual return of all books to the Divisional Officer for record should be insisted upon. They must be

carefully preserved for ten years after the date of completion of works, measurements of any part of which are recorded there in [vide paragraph 61 of the Assam Public Works Department Code}.

8. Each set of measurements should commence with entries stating

(i) In the case of bills for work done:

- a) full name of work as given estimates;
- (b) situation of work;
- (c) name of contractor;
- (d) number and date of his agreement;
- (e) dates (when possible) of his commencement and completion of the work;
- (f) date of measurements;

(II) In the case of bills for supply of materials:

- (a) name of supplier;
- (b) number and date of his agreement or orders;
- (c) purpose of supply in one of the following forms applicable to the case:

(1) "Stock" (2) "Purchases" for direct issue to {here enter- full name of work as given in the estimate.-----

(3) "Purchases" for (here enter full name of work as given in the estimate) ----- issued to contractor ----- on-----and

- (d) date of measurement,

and should end with the dated initials of the officer making the measurements.

9. If the measurements are taken in connection with a running contract account on which work has been previously measured?

(1) Reference to the lost set of measurements should be recorded; and

(2) If the entire job or contract has been completed, the fact should be recorded prominently just above the signature of the officer making the measurements.

10. A suitable abstract should' then be prepared which collect in the case of measurements for work done, the total quantities of each distinct item of work relating to each sanctioned subheads. .

11. At the end of each running of final measurement the following memorandum should be added by means of an Indian rubber stamp:

Rs.

Total value of work done

Deduct previous payment **[vide** Certificate No-----

of 20.....]

Payment now made **[vide** Certificate No

of 20 ..] in cash by cheque No--dated-----

Recoveries (stores of cash)

Balance due

12. For facility *or'* reference an index has been provided for, which should be kept up. (Approved in A. P. W. D. letter No. 19559 Misc., dated 6-4-1922 to the Comptroller, Assam).

F. R. FORM No. 24

INDEX	Page
(A) Full name of work as given in Estimate	
(B) Situation of work	
(C) Name of contractor	
(D) No. and date of his agreement	
(E) Dates (when possible) of the commencement and completion of the work	

These lines should be prepared at the commencement of the measurement relating to each work.

<u>measurement</u>	<u>Details of actual</u>		
Particulars	No.	...	B
Contents or area			
D			

F. R. FORM No. 32

Hand Receipt

[See Financial Rule 305]

(To be used as a simple form of voucher for an miscellaneous payments and advance for which none of the special forms 25 to 31 are suitable).

Cash Book Voucher No. I4, dated 15th August, 1919

(1) Pay by cheque* /cash*-----Rupees (20-0-0) Twenty only to Rikhi Ram Mistri

G. C. 5-8-19

(2) Paid by met P. D. 15-8-19

Received from the Sub-divisional Officer in charge of Mailsi Sub-division the sum of Rs..(20-0-0) Twenty only.

Name of work** or purpose for which payment is made. My pay for 20 days (11th to 30th of June, 1919, at Rs. 30 per mensem, chargeable to silt clearance Mailsi Canal----vide Item 2 of pay bill (Form No. 36) for June 1919 (voucher No. 27 for July 1919)].

The 15th August, 1919

(Amount in vernacular)

Rikhi Ram Mistri

Signature of payee

Witness***

Stamp

*The officer authorising payment should initial and- date the pay order after scoring out the word cheque or cash as the cash may be.

The person actually making the payment should; initial the date of payment certificate (2).

**In the case of works the accounts of which are kept by sub-heads the amount chargeable to each sub-head should be specified by any disbursing officer.

***Payment should be attested by some known person when the payee's acknowledgment is given by a mark, ' seal or thumb impression.

FORM No. 33

Indenture for Secured Advances

[See Financial Rule 31?]

(For use in cases in which the contract is for finished work and the contractor has entered into an agreement for the execution of a certain special quantity of works in a given time).

The Indenture made the day of19...Between..... (hereinafter called the Contractor which expression shall where the

Context so admits or implies be deemed to include his executors, administrators and assigns) of the one part and the Governor of Assam (hereinafter called the Governor which expression shall where the context so admits or implies be deemed to include his successors in office and assigns) of the other part;

Whereas by an agreement dated (hereinafter called the said agreement) the Contractor has agreed;

And whereas the Contractor has applied to the Governor that he may be allowed advances on the security of materials absolutely belonging to him and brought by him to the site of the works the subject of the said agreement for use in the construction of such of the works as he has undertaken to execute at the rate fixed for the finished work (inclusive of the cost of materials and labour and other charges) and whereas the Governor has agreed to advance to the Contractor the sum of Rupee... .. on the security of materials,' the quantities and other particulars of which are detailed in Part 11 of Running Account Bill (B) for the said works signed by the Contractor on.....and the Governor has reserved to himself the option of making any further advance or advances on the security of other materials brought by the Contractor to the said works;

Now this Indenture witnessed that in pursuance of the said agreement and in 'consideration of the sum of Rupees..... on or before the execution of these presents paid to the Contractor by the Governor (the receipt whereof the Contractor doth hereby acknowledge) and of such further advance (if any) as may be made to him as aforesaid the Contractor doth hereby covenants and agree with the Governor and declare as follows:

(1) That the said sum of Rupees... ..is advanced by the Governor to the Contractor as aforesaid and all or any further sum or sums advanced as aforesaid shall be employed by the Contractor in or towards expediting the execution of the said works and for no other purpose whatsoever.

(2) That the materials detailed in the said Running Account Bill (B) which have been offered to and accepted by the Governor as security are absolutely 'the Contractor's own property and free from encumbrances of any kind and the Contractor will not make any application for or receive a further advance on the security of materials which are not absolutely his own property and free from encumbrances of any kind and the contractor indemnifies the Governor against all claims to any materials in respect of which an advance has been made to him as aforesaid

(3) The said materials detailed in the said Running Account Bill (B) and all other materials on the security of which any further advance or advances may hereafter be made as aforesaid (hereinafter called the said materials) shall be used by the Contractor, solely in the execution of the said works in accordance with the directions of the Divisional Officer..... Division (hereinafter called the Divisional Officer) and in the terms of the said agreement.

(4) That the Contractor shall make at his own cost all necessary and adequate arrangements for the proper watch, safe custody and protection against all risks of the said material and that until, used in construction as aforesaid the said material

shall remain at the site of the said work in the Contractor's custody and on his own responsibility and shall at all times be open to inspection by the Divisional Officer or any officer authorised by him in the event of the said materials or any part thereof being stolen, destroyed or damaged or becoming deteriorated in a greater degree than is due to reasonable use and wear thereof the Contractor will forthwith replace the same with other materials of like quality or repair and make good the same as required by the Divisional Officer.

(5) That the said materials shall not on any account be removed from the site of the said works except with the written permission of the Divisional Officer or an officer authorised by him on that behalf.

(6) That the advances shall be repayable in full when or before the Contractor receives payment from the Governor of the price payable to him for the said works under the terms and provisions of the said agreement:

Provided that if any intermediate payment are made to the Contractor on account of work done than on the occasion of each such payment the Governor will be at liberty to make a recovery from the Contractor's bill for such payment by deducting therefrom the value of the said materials then actually used in the construction and in respect of which recovery has not been made previously the value for this purpose being determined in respect of each description of materials at the rates at which the amounts of the advances made under these presents were calculated,

(7) That if the Contractor shall at any time make any default in the performance or observance in any respect of the terms and provisions of the said agreement or of these presents the total amount of the advance or advances that may still be owing to the Governor shall immediately on the happening of such default be repayable by the Contractor to the Governor together with interest thereon at twelve per cent. per annum from the date or respective dates of such advance or advances to the date of repayment and with all costs; charges, damages and expenses incurred by the Governor in or for the recovery thereof or the enforcement of this security or otherwise by reason of the default of the Contractor and the Contractor hereby covenants and agrees with the Governor to repay and pay the same respectively to him accordingly.

(8) That the Contractor hereby charges all the said materials with the repayment to the Governor of the said sum of Rupees... ..and any further sum or sums advanced as aforesaid and all costs, charges, damages and expenses payable under these presents: provided always and it is hereby agreed and declared that notwithstanding anything in the said agreement and without prejudice to the powers contained therein if and whenever the covenant for payment and repayment hereinbefore contained shall become enforceable and the money owing shall not be paid in accordance therewith the Governor may at any time thereafter adopt all or any of the following courses as he may deem best:

(a) Seize and utilise the said materials or any part thereof in the completion of the said works on behalf of the Contractor in accordance with the provisions in that behalf contained in the said agreement debiting the Contractor with the actual cost of effecting such completion and the amount due in respect of advances under these

presents and crediting the Contractor with the value of work done as if he had carried it out in accordance with the said agreement and at the rates thereby provided. If the balance is against the Contractor he is to pay the same to the Governor on demand.

(b) remove and sell by public auction the seized materials or any part thereof and out of the moneys arising from the sale retain all the sums aforesaid repayable or payable to the Governor under these presents and pay over the surplus (if any) to the contractor.

(c) deduct all or any part of the moneys owing out of the security deposit or any some due to the Contractor under the said agreement.

(9) That except in the event of such default on the part of the Contractor as aforesaid interest on the said advance shall not be payable.

(10) That in the event of any conflict between the provisions of these presents and the said agreement the provisions of these presents shall prevail and in the event of any dispute or difference arising over the construction or effect of these presents the settlement of which has not been hereinbefore expressly provided for the same - shall be referred to the Superintending Engineer... ..Circle whose decision shall be final and the provisions of the Indian Arbitration Act for the time being in force shall apply to any such reference.

In witness whereof the saidand... ..by-the order and under the direction of the Governor acting for and on behalf of the Governor have hereunto set their respective hands the day and year first above written.

Signed, sealed and delivered by the said contractor
in the presence of---

Signature

Witness Name
Address

Signed by.....by the order and direction of the Governor acting for and on behalf of the Governor in the presence of----

Signature

Witness Name
Address

F.R. FORM No. 36

Pay Bill of work-charged establishment

[See Financial Rule 330]

No. of Voucher-27 Month of Payment-July, 1919

Name of Sub-division-Mailsi. Name of Section-Kehror

Bill for the month of June 1919

Item No	Name of incumbent	Designation	Period	Rate	Amount due	Amount paid	Dated acknowledgment of payee	Dated initials of officer making payment
---------	-------------------	-------------	--------	------	------------	-------------	-------------------------------	--

Names should be grouped by works, the names of work and reference to orders sanctioning the establishment therefore being written in red ink across the page above the entries relating to each group.

*The total for each work should be entered in red ink.

(1) Certified that all persons, for whom wages have been drawn in this bill, were on duty during the period shown against their names, each man being employed on the work and on duties for which his appointment was sanctioned.

(2) Certified also that the wages of every person actually employed during the month have been claimed in this bill.

GIAN CHAND

Checked and entered
P.C. GANGULI
28-7-19

1-7-19

Sub-divisional Officer
(Dated Signature)

Dated Signature of Divisional Accountant
(This space is reserved for remarks, if any, by Divisional Officer)
Divisional Officer

F.R. FORM No. 37

Site Account Form

[See Financial Form]

Account receipts, issue and balances of site of.....

Description of material	Brick	Surkri	Lime	Total
Estimated quantity of material	%	%cft	%cft	Rs.paisa.
Estimated value				
Quantity brought onwards				
Transactions---				
Receipts during the month				
Received from				
Received from				
Total receipts during the month ...				
Total receipts to date ...				
C. O. ...				
Issue brought forward				
Issue during the month ...				
Total issues during the month ...				
Total issues to date ...				
C. O. ...				
Balance ...				

Dated initials of Sub-divisional Officer

Dated initials of Divisional Officer

Dated

the 19

Divisional Accountant

Initials of

F.R. FORM No. 39

Detailed statement of materials compared with estimated requirements

[See Financial Rule 342

Name of work—constructing clerks' quarters at Badrudation

Estimated requirements	Description Of Materials Unit Quantity Value	Total+Issues to the Work Principal Items								Dated initials of Sub-divisional Officer	Dated initial of Division Accountant in token check
		Ballast C.ft	Lime Mds.	Surkhi C.ft	Bricks No.	R.S Beams Cwt.	Iron Mds.	Petty Items	Total		

*Both quantities and values should be shown, values being posted in red ink just above the corresponding entries of quantities.

*Only values should be shown in these two columns.

*State and transfers of materials should be treated as minus issues.

mantle pieces

Stone mantle
pieces small ...

B.Total used in
construction

The quantity used in construction should be calculated on the basis of the quantities of work executed, such authorized formula being adopted for the purpose as may be in general use locally.

*Both quantities and values should be shown, values being posted in red ink just above the corresponding entries of quantities.

Only values should be shown in these two columns.

F.R. FORM No. 40---contd
Principal Items

Description of materials
Petty Total

Items	Unit	Ballast	Lime	Surkhi	Brikes	R.S. Beams	Iron	----
		C. R.	Mds.	C.ft.	No.	Cwt.	Mds.	----
A. Total issue as per Form 39								
B Total used in construction as per as statement overleaf								
C Paper balances of unused materials (i.e., A minus B)								
E. Differences (<i>i.e.</i> C minus D)								
9 etc.	1	2	3	4	5	6	7	8
F. Remarks explaining action taken to adjust the differ- ences as per line E and, if the work has been comp- leted, dispose of the surplus balances as per Surplus materials line D	(1) Due to less wastage. May be credited to Concrete. (2) Trifling. May be debited to Pucca Masonry (3) Shortage under enquiry. (4) Trifling. May be credited to Pucca Masonry (5) Shortage under enquiry. (6) Shortage already written off in S. E.'s No. 52, dated the 4 th January 1919. The may be sold.							

*Certified that the quantities of principal items and the value of the petty items as shown in the above statement have been worked out as possible on the basis of the quantities of the work actually done.

*2. Certified that the quantities of the actual balances recorded against line D, are the result of verification made by me on 30th June 1919.

*3. Certified that the balances of materials at site of this work were verified by me on19, and that the necessary report in this Form was submitted to the Divisional Offices as per this office No.....dated....19.....19

*4. The balances of unused materials were not verified at any time during the year 19 -19, as the accounts of this work are expected to be closed within three months.

*5. The balances of unused materials were not verified at any time during the year 19 -19, as the work was not under construction prior to January of that year.

Dated 4th July 1919
SINGH

DEVI

Sub-divisional Officer

* The certificate not applicable to the cases should be scored out

Checked

HAKIKAT RAI

Divisional Accountant

Dated 8th July, 1919

Divisional Officer's Order

1. The entries to the quantities used in construction are approved.

2. The surplus balances as per item D should be disposed of as under:

The R. S. Beams should be transferred to S. D. O., Head works. Other stores may be auctioned.

3. [Here entered remarks and others regarding adjustment of losses and differences as per item E]

Item (3) and (5). Await S. D. O's further report.

Other items may be adjusted as recommended by the S. D. O.

W. T. JQHN

Dated 10th July, 1919

Divisional Officer

F. R. FORM No. 41
Detailed Completion Report

[See Financial Rule 359]

Division. Sargodha Divisional, Lower Jhelum Canal

Name of work. Constructing out-houses for Canal Officer's quarters at Sagodha.

Rs.

Amount of estimate

...7,904

Expenditure 7,904

Excess 8,902

Percentage of excess ...998

Date of commencement-7th March 1918

Date of completion -3rd August 1918

Name of Engineers and Subordinates by whom the work was supervised
Period of Incumbency

Name	From	To
Immediate charge		
M. Munir Khan, Overseers	... 7-3-1918	8-8-1918
<i>Sub-divisional Officers</i>		
L. Piyare Lal Sub-Engineer	... 7-3-1918	15-6-1918
M. Feroz Din, Assistant Engineer	... 16-6-1918	8-8-1918
Divisional Officer		
L. Sangamlal	... 7-3-1918	8-8-1918

Explanation of Excesses

(1) 500 c.ft. was wrongly provided for in the estimate under Kacha Pucca Bricks work instead of under Pucca Bricks work

(2) Due to sudden rise in the price of iron.

Name of work— Constructing out houses for Canal Officer's Quarters at Sargodha.

Major Head--- 68

Minor – Works

Detailed Head –Works

Detailed head of classification – Main Canal and branches, Main Line- K. Buildings.

Reference to last schedule docket submitted – No 12, for the month of October, 1918.

Authority- Secretary, I. B. Punjab, No. 784, dated 21st February, 1918.

Sub-heads of estimate	<u>As estimated</u>			<u>As executed</u>			<u>Difference</u>			Reference to paragraphs overleaf explaining excesses
	Quantity	Rate	Amount	Quantity	Rate	Amount	Quantity	Rate	Amount	
			Rs.				Rs.			Rs.
Concrete										
Pucca Bricks works...										
,, Arch masonry ...										
Kacha pucca masonry										
Rolled steel Beams										
Doors and windows										
Other sub-heads										
Costing less than										
Rs. 1,000										
Total										

*Excess to be entered in red ink; saving in black ink.

SANGAMLAL

Dated the 10th November 1918

Divisional Officer

N. B. In the case of original works and special repairs, if any, considerable deviations from the sanctioned design have occurred, the report, specification, drawing and details of measurement of the work actually done in the same form, as the estimate should accompany the Completion Report.

F.R. FORM No. 42

Completion Statement of Works and Repairs

[See Financial Rule 359]

Completion Statement of Work and Repairs completed during the month of July 1919, the outlay on which has not been recorded by sub-heads and actual expenditure on which is in excess of the sanctioned estimate by an amount greater than that which the Divisional Officer is empowered to pass.

Item No.	Name of Percentage estimated	Sanction		Amount of estimate	Expend ed	Excess excess	of	Remarks
		Authority	No.						Date
				Rs.	Rs.	Rs.		
41- CIVIL Works Original Works— Buildings— Education								
1. Constructing High School at Kasur Original Works – Buildings Medical		Supdg. Eng.						
2. Additions and alterations to Dispensary at Montgomery Original Works- Communications		Supdg. Eng.						
3. Constructing a road from Atari to Jallo		Supdg. Eng.						

G. C. DAS
Divisional Officer,

Dated the 15th August, 1919

1st Lahore Provincial Division

*In cases in which the Completion Statement is utilized instead of a revised estimate sufficient details must be given if the excess is more than 15 per cent.

F. R. FORM No. 43

[See Financial Rule 382 VI, Note] Form of mortgage

This Indenture made the ... day of one thousand nine hundred and ... Between... ... ofa Civil Officer of...

(here in after referred to as the mortgagor which term shall where the context so admits include his heirs, executors, administrators and assigns) of the one part and the Governor of Assam (hereinafter referred to as the mortgagee which term shall where the context so admits include his successors and assigns) of the other part;

And whereas the mortgagor is absolutely seized and possessed of or otherwise well entitled to the land hereditaments and premises hereinafter described and expressed to be hereby conveyed, transferred and assured (hereinafter referred to as

the said hereditaments;

And whereas the mortgagor, has applied to the mortgagee for an advance of the sum of Rs for the purpose of enabling him to defray the expenses¹ ofas a suitable residence for his own use;

And whereas under the provisions contained in R. 382 of the Assam Financial Rules (hereinafter referred to as the said Rules which expression shall where the context so admits include any amendment thereof or addition thereto for the time being in force) the mortgagee has agreed to advance to the mortgagor the said sum of Rs

... .. [payable as follows that is to say the sum of

Rs. on or before the execution of these presents and the balance (unless and until the power of sale applicable hereto shall have become exercisable) by equal installments payable quarterly, the first of such installments to be payable on the...day of..... I

Now this Indenture witnesseth that in pursuance of the said agreement and in consideration of the sum of Rs... paid on or before the execution of these presents to the mortgagor by the mortgagee (the receipt whereof the mortgagor doth hereby a knowledge) for the purpose of enabling the mortgagor to defray the herein before recited expenses the mortgagor hereby covenants with the mortgagee to repay to the mortgagee the said sum of Rs. [and such further sums as shall hereafter be paid by him to, the mortgagor pursuant to the herein before recited agreement in that behalf] 3... .. and interest thereon calculated according to the said Rules on the..... .. day of... .. "next" and if the loan shall not be repaid on that date will pay interest in accordance with the said Rules.

-
1. Insert the purchase of the said 'hereditaments', "'building house on said hereditaments" or Repairing the said "hereditaments" as the case may be.
 2. Words in crochets, if advance is not to be by installments.
 3. Insert a date two or four years as the case may be from the date of commencement of repayment of the loan.
 4. Where possible the land should also be described by reference to Government map or survey.

And this Indenture also witnesseth that for the consideration aforesaid he the mortgagor doth hereby convey transfer and assure unto the mortgagee all that piece of land situate in the.. .. district of registration district of... .. sub-registration district of.... .. containing more or less now in the occupation of the mortgagor and bounded on the North by..... on the South by... on the East by... and on the West by..... .. together with the dwelling-house and the out-offices, stables, cook-rooms and out buildings now erected or here after to be erected on the said piece of land together with all right~, easements and appurtenances to the said hereditaments or any of them belonging to hold the said hereditaments with their appurtenances including all erections and buildings hereafter erected and built on the said piece of land unto and the mortgagee absolutely subject to the proviso for redemption hereinafter contained

provided always that if as soon as the said advance of rupees..... rand of such further sums may have been paid as aforesaid] made upon the security of these presents shall have repaid and interest thereon calculated according to the said Rules by the deduction of monthly installments of the salary of the mortgagor as in the said Rules mentioned or by any other means whatsoever then and in such case the mortgagee will upon the request and at the cost of the mortgagor recovery, retransfer or re-assure the said hereditaments unto and to the use of the mortgagor or as he may direct and it is hereby agreed and declared that if there shall be any breach by the mortgagor of the covenants on his part herein contained or if he shall die or quit the service before the said sum of rupees.. ...rand any further sums as may have been paid as aforesaid] and interest thereon calculated according to the said Rules shall have been fully paid off then and in any of such cases it shall be lawful for the mortgagee to sell the said hereditaments or any part thereof either together or in parcels and either by public auction or by private contract with power to buy in or rescind any contract for sale and to re-sell without being responsible for any loss which may be occasioned thereby and to do and execute all such acts and assurances for effectuating any such sale as the mortgagee shall think fit and it is hereby declared that the receipt of the mortgagee for the purchase money of the premises sold or any part thereof shall effectually discharge the purchaser or purchasers therefrom and it is hereby declared that the mortgagee shall hold the moneys to arise from any sale in pursuance of the aforesaid power upon trust in the first place there out to pay all the expenses incurred on such sale and in the next place to apply such moneys in or towards satisfaction of the moneys for the time being on the security of these presents and then to pay the surplus (if any) to the mortgagor. And it is hereby agreed and declared that the said Rules shall be deemed and taken to be part of these presents.

The mortgagor hereby covenants with the mortgagee that he the mortgagor will, during the continuance of this security, observe and perform all the provisions and conditions of the said Rules on his part to be observed and performed in respect of these presents and the said hereditaments.

And the mortgagor hereby further covenants that during the ,continuance of this security, if at any time, the dwelling house or any part of it, is not required for the personal use of the mortgagor, he shall make the same available to the mortgagee, if so required by it, for the purpose either of accommodating another office, of status equivalent to that of the mortgagor of accommodating some Government office, at such rent as may be fixed as standard rent under "the Assam Urban Areas Rent Control Act, 1955 (Assam Act III of 1956) or under any other similar Act in force at the material time, provided that municipal and other taxes shall be payable by the' officer or officers occupying the' house as aforesaid.

NOTES

The words "and to the use of" appearing in the form have been deleted and added a paragraph, at the end of the form but above the testimonium clause, vide Government notification No. FMP. 40/S4/199-A dated 13-6-61 (C. S. No. 207).

In witness whereof the mortgagor, hath hereunto set his hand the day and year first above written.

Signed by the said (Mortgagor)

in the presence of
1st witness

Address
Occupation

2nd witness

Address
Occupation

(The deed should be registered)

Note. There must be two witnesses to a mortgage.

FORM No. 44

[See Financial Rule 382 (VI) Note]

Form of reconveyance for House Building Advance. ,

This Indenture made the.,'." ...day of 19Between
the Governor of Assam (hereinafter called the Governor) of the one part and . :..a
civil 9ffi~er of....(hereinafter called the mortgagor) of the other part is supplemental
to an Indenture of mortgage, dated the.....day of : ...19... and made
Between- the mortgagor of the one part and the Governor of the other part and
registered at.....in
Book..... Volume..... pages toas No... ..
...for. (hereinafter called the Principal Indenture).

Whereas all moneys due and owing on the security of the Principal Indenture
have been fully paid and satisfied and the Governor has accordingly at the request of
the mortgagor agreed to execute such reconveyance of the mortgaged premises in the
written Indenture comprised as is hereinafter contained;

Now 'this Indenture witnesseth that in pursuance of the "said agreement and in
consideration of the premises the Governor doth hereby grant, assign and reconvey
unto the mortgagor, his heirs, executors, administrators and assigns all that the
piece of land situate in the containing more or less bounded on the
North by on the South by.. On the
East by on the West by"""""" together with the
dwelling house and out offices, stables, cook-rooms and out-buildings thereon .
And All and singular other the premises in the Principal Indenture comprised or

expressed to be thereby assured or which now are by any means vested in the Governor subject to redemption under or by virtue of the Principal Indenture with their rights, easements and appurtenances as in the Principal Indenture expressed and all the estates, right, title, interest, property, claim and demand whatsoever of the Governor into, out of or upon the

by virtue of the Principal Indenture to have and to hold the premises hereinbefore expressed to be hereby granted assigned and reconveyed unto and to the Use of the mortgagor, his heirs, executors, administrators and assigns for ever freed, discharged from all moneys intended to be secured by the Principal Indenture and from all actions, suits, accounts, claims and demands for, or, in respect of, the said moneys or any part thereof or, for, or in respect of, the Principal Indenture or of anything relating to the premises and the Governor hereby covenants with the mortgagor, his heirs executors, administrators and assigns that Governor has not done or knowingly suffered or been party. or privy to anything whereby the said premises of any part thereof are, is or can be impeached, incumbered or affected in title estate or otherwise howsoever in. witness whereof the parties hereto have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered by.....

For and on behalf of the
Governor of Assam in the
presence of.....

F. R. FORM No. 45

[See Financial Rule 382 VII, Note I]

**Form of mortgage for house-building advances granted to officers
who do not possess full proprietary rights in the land upon
which they intend to build a house**

This Indenture made the..... "" "" ...day ofbetween
..... of. . . . a Civil Officer of.(hereinafter called the mortgagor which term
shall where not repugnant to the context include his heirs, executors and
administrators and assigns) of the one part and the Governor of Assam (hereinafter
referred to as the mortgagee which term shall where not repugnant to the context
include his successors and assigns) of the other part.

Whereas the mortgagor is entitled to the piece of land; hereditaments and
premises hereinafter described under a lease fromdated.....
for a term of years expiring*.,to a rental of Rs pert.....

And whereas the mortgagor has applied to the mortgagee for an advance of the
sum of rupees.....for the purpose of enabling him to defray the expenses of
as suitable residence for his own use... ..

And whereas under the provisions contained in R. 382 of the Assam Financial
Rules (hereinafter referred to as the said Rules which expression shall where the
context so admits include any amendment thereof or addition thereto for the time
being in force and shall be deemed to form part of these presents) the mortgagee has
agreed to advance: to the mortgagor the said sum of Rs[payable as follows that is to
say the sum of Rs. on or before the execution of these presents and the
balance (unless and until the power of sale applicable hereto shall have become
(exercisable)equal installments payable quarterly the first of the
installments to be payable on the day of] 1

Now this Indenture witnesseth that in consideration of the aid advance and in
pursuance of the said agreement the mortgagor doth hereby covenant with the
mortgagee to pay to the mortgagee the said sum of Rupees [and such further sums as
shall hereafter be paid by him to the mortgagor pursuant to the hereinbefore recited
agreement in that behalf] 1 and interest thereon calculated according to the said
Rules on the2..... dayof.....
.next and if the loan shall not be repaid on that date will pay interest in accordance
with the said Rules... ..,

And the Indenture also witnesseth that for the consideration aforesaid the
mortgagor doth hereby demise, let and transfer unto the mortgagee all that piece of
land situate in..... in the registration district of.Sub district thana containing
..... more or less and bounded on the North by... on the South by on
the East by and on the West bytogether with dwelling house and the
out-offices, cook rooms and out-buildings and all kinds used or intended to be used

with the said dwelling-house' (lately erected) together with all rights, easements and appurtenance of the same or any of them belonging to hold the said premises including all erections and buildings hereafter erected on the said land unto the mortgagee his successors and assigns for all the residue now unexpired of the said term of years granted by the said lease except the last day of the said term; Provided always that if and as soon as the said advance of Rest [and of such further sums as may have been paid as aforesaid made upon the security of these present and interest thereon calculated' according to the said Rules shall have been repaid by the deduction of monthly installments of the salary of the mortgagor as in the said Rules mentioned or by any other means whatsoever the demise hereby made shall be void and the mortgagor hereby convenat to with the mortgagee that the lease creating the term or state for which the said land is held by the mortgagor is now a good, valid and effectual lease and is in full force, unforfeited and unsurrendered and free from encumbrances and in nowise become void or voidable and that all the rents reserved thereby and all the covenants, conditions and agreements contained therein and on his part to be paid, observed and performed have been paid, observed and performed up to the date of these presents' and also that the mortgagor will at all times so long as any money remains due on the security of these presents pay, observe and perform or cause to be, observed and performed all the said rents, covenants, conditions and agreements and will keep the mortgagee indemnified against all actions, proceeding,. costs, charge, claims and demands, if any, to be incurred or sustained by the mortgagee by reason of the non-payment of the said rents or the non-observance or non-performance of such covenants, conditions or agreements or any of them and also that the mortgagor now has good aforesaid right and full powers to demise the said premises to the mortgagee in manner said; And that it shall be lawful for the mortgagee to enter into and upon and to hold and enjoy the said demises during the terms hereby granted without any interruption or disturbance by the mortgagor or any person claiming through or in trust for him, and that the mortgagor at the request at any time hereafter of the mortgagee will at his own cost execute, and do all such assurances and things as may be necessary or proper for more effectually vesting the said premises in the mortgagee in manners aforesaid as may by the mortgagee be reasonably required; Provided always and It IS hereby agreed and declared that if there be any breach by the mortgagor of the I covenants on his part herein contained or if he shall die or quit the service at any time before all sums due or payable to the mortgagee on the security of these presents shall have been fully paid off then and in any of such cases it shall be lawful for the mortgagee to sell the said premise's or buildings or any part thereof either together or in parcels and either by auction or by private contract with power to buy in or to rescind any contract for sale and to re-sell without being responsible; or any loss which may be occasioned thereby or to let the same for any term or period and to do and execute all such acts and assurances for effectuating any such sale or letting as the mortgagee shall think fit and it is hereby declared that the receipt of the mortgagee for the purchase money of the premises sold or any part thereof shall effectually discharge the purchaser or purchasers therefrom and it is hereby declared that after any sale of the said premises or any part thereof under the aforesaid power the mortgagor shall stand possessed of the premises so sold for the last day of the term granted to him by the hereinbefore decided lease in trust for the purchaser, his executors, administrators and assigns to be assigned and disposed of as he or they may direct and it is hereby declared that the mortgagee shall hold any rents, profits,

- I. Delete words in crotchets if further advances are not be made.
2. Two or four years from date of commencement of repayment of loan as the case may be.
3. Or "hereafter to be erected the" or "now being erected" as the case may be.

premiums, salami or moneys arising from the premises or from any such letting or sale as aforesaid upon trust in the first place there out to pay all expenses attending such sale or otherwise incurred in relation to this security and in the next place to apply such moneys in or towards satisfaction of the moneys for the time being owing on the security of these presents and then to pay the surplus if any to the mortgagor and it is hereby declared that no lease made by the mortgagor of the said premises whereof or any part thereof during the continuance of this security shall have effect unless the mortgagee shall consent thereto in writing.

And it is hereby further declared that during the continuance of this security, if at any time, the dwelling house or any part of it, is not required for the personal use of the mortgagor, he shall make the same available to the mortgagee, if so required' by it, for the purpose either of accommodating another officer, of status equivalent to that of the mortgagor or of accommodating some Government office, at such rent as may be fixed as standard rent under the Assam Urban Areas Rent Control Act, 1955 (Assam Act III of 1956) or under any other similar Act in force at the material time; provided that the municipal and others taxes shall be payable by the officer or office, occupying the house as aforesaid.

In witness, mortgagor hath hereunto set his hand the day and year first above written.

Signed by the said (mortgagor)
in the presence of

1st witness
Address
Occupation

2nd witness Address Occupation

(The deed should be registered)

Note. There must be two witnesses to a mortgage.

Note. (2) The above Paragraph has been added *vide* C. S. No-208
[Ref. Memo No. EMP. 40154/199 dated, 13-6-61].

F. R. FORM No. 46

[See Financial Rule 382 XI]

**Form of Agreement to be executed at the time of drawing as advance
for the purchase of land for the purpose of constructing
a house thereon or of a house ready-made**

An Agreement made.....day of
..... One thousand nine hundred and..... Between
..... of.....

(hereinafter called the Borrower which expression shall include his legal representatives, assignees) of one part and the Governor of Assam of the other part.

Whereas the borrower has agreed to purchase for the purpose of erecting a house thereon the piece of land/a house.....situate in.....in the registration district of Sub district.....thana containing more or less and bounded on the North by.....on the South by.....on the East by..... and on the West by...for the sum of Rupees.....

And whereas the Borrower has under the provisions of the Assam Financial Rules (hereinafter referred', to as the said Rules which expression shall include any amendments thereof for the time being in force) applied to the Governor of Assam for a loan of Rupees

to enable him to purchase the said piece of land/house and the Governor of Assam has agreed to lend the said sum of.....Rupees to the Borrower on the terms and conditions hereinafter contained now it is hereby agreed between the parties hereto that in consideration of the sum of Rupeespaid by, the Governor of Assam

to the Borrower (the receipt of which the Borrower hereby acknowledges) the borrower hereby agrees with the Governor of Assam (1) to repay the Governor of Assam the said amount with interest calculated according to the said Rules by monthly deductions from his salary as provided for by the said Rules and hereby authorizes the Governor of Assam to make such deductions and (2) within one month from the date of these presents to expend the full amount of the said loan in the purchase of the said piece of land/house and if the actual price paid is less than the loan to repay 'difference to the Governor of Assam forthwith and (3) to execute a document mortgaging the said piece of land/house and the house to be erected thereon to the Governor of Assam as security for The amount lent to the Borrower as aforesaid Rules *[And it is hereby agreed that the Borrower shall immediately purchase/he has purchased the said piece of land, commence and erect thereon a suitable residence for his own use] and it is hereby Lastly agreed and. declared that if the said piece of land/house has not been purchased and mortgaged as aforesaid within one month from the date of those presents or if the Borrower within that period becomes insolvent or quits the service of Government or dies the whole amount of the loan and interest accrued thereon shall immediately become due and payable.

And it is hereby further declared that he during the continuance of this security, if at any time, the dwelling house or any part of it, is not required for the personal use of the mortgagor, he shall make the same available to the mortgagee if so required by it, for the purpose either of accommodating another officer of status

equivalent to that of the mortgagor or accommodating some Govt. Office, at such rent as may be fixed as standard rent under the Urban Areas Rent Control Act, 1955 (Assam Act In 1956) or under any other similar -Act in force at the material time; provided that the municipal and other taxes shall be payable by the office occupying the house as aforesaid."

In witness whereof the Borrower hath hereunto set his hand the day and year first before written.

Signed by the said.....

in the presence *of*.....

F. R. FORM No. 47

[See Financial Rule 382 XI]

Form of mortgage bond to be executed for advances drawn for purchase of land and building a house thereon

This indenture made the day of.....one thousand nine hundred and between of Civil Officer of (hereinafter called the mortgagor which term shall where not repugnant to the context include his heirs, executors and administrators and assigns) of the one part and the Governor of Assam (hereinafter referred to as the mortgagee which term shall where not repugnant to the context include successors and assigns) of the other part..

Whereas by an agreement dated theday of 19...and made between mortgagor of the one part and the mortgagee of the other part of the mortgagee advanced and lent to the mortgagor the sum of Rupees.....
. for the purpose of purchasing the piece of land hereinafter described and intended to be hereby transferred and assured and as security for such loan the mortgagor agreed to execute a mortgage in favour of the mortgagee in the form of these present and whereas the mortgagor on the day of. ..19... duly purchased the said piece of land is now absolutely seized and possessed of or otherwise well entitled to the said piece of land and whereas the mortgagor has applied to the mortgagee for a further advance of the sum of Rupees..... for the purpose of enabling him to defray the expenses of erecting on the said piece of land a suitable residence for his own use and whereas under the provision contained in R. 382 of the Assam Financial Rules (hereinafter referred to as the said Rules which expression shall where the context so admits include any amendment thereof or addition thereto for the time being in force and' shall be deemed to form the part of these presents) the mortgagee has agreed to advance to the mortgagor the said further sum of Rupees.....(payable as follows that is to say, the sum of Rupees..... on or before the execution of these presents and the balance (unless and" until the power of sale applicable hereto shall have become exercisable) by..... equal installments payable quarterly, the first of such installments to be payable on the.....day of.....

Now this indenture witnesseth that in consideration of the said advances of Rupee-----and Rupees-----making a total of Rupees*-----so advanced all afore~lid in pursuance of the said agreement the mortgagor doth hereby covenant with the mortgagee to pay to the mortgagee the said sum of Rupees ---- (and such further sums as shall hereafter be paid by him to the mortgagor putsuant to the herein before recited agreement in that behalf) and interest thereon calculated according to the said Rules on the --day of next---and if the loan shall nut be repaid on that date will pay interest in accordance with the said Rules.
And the indenture also witnesseth that for consideration aforesaid the mortgagor doth hereby transfer and assign and assure up to the mortgagee all that piece of land situated in the registration district-----sub-district-----thanna-----on ----- containing-----more or less and bound by-----
on the North by
on the South by
on the East by
and on the West by

together with the dwelling-house and the out-offices, stables, cook-rooms and out-building and all kinds used or intended to be used with the said dwelling house (erected or hereafter to be erected on the said piece of land) together with all rights, easements and appurtenances to the same or/and of them belonging to hold the said premises including all erections and building hereafter erected on the said land (hereinafter referred to as the said premises) unto and the mortgagee absolutely subject to the proviso for redemption hereinafter contained ; provided always that if and as soon as the said advance-or Rupee----- (and of such further sums as may have been paid as aforesaid) ,made upon the security of these presents and interest thereon calculated according to the said Rules shall have been repaid by the deduction of monthly installments of the salary of the mortgagor as in the said Rules mentioned or by any other means whatsoever then and in such case the mortgagee will upon the request and at the cost of the mortgagor re-convey, re-transfer or re-assure the said premises unto; AND the mortgagor hereby covenants with the mortgagee that he, the mortgagee now hath good right to transfer the said premises unto the mortgagee free from encumbrance and further that he the mortgagor and other persons having or lawfully claiming any estate or interest in the said premises or any part thereof shall and will from time to time and at all times, hereafter at or his/their own cost do and execute Or cause to be done and executed all such acts, deeds and things for further and more perfectly assuring the said premises unto the mortgage in manner aforesaid as . shall or may be reasonably required; Provided always and it is hereby agreed and declared that if there shall be any breach by the mortgagor of the covenants on his part herein contained or he if he shall die or quit the service at any time before all sums due or payable to the mortgagee on the security of these presents shall have been fully paid off then and in any of such cases it shall be lawful for the mortgagee to sell the said premises or buildings standing thereon or any part thereon either together or in parcels and either by public auction or by private contract with power to buy in or to rescind any contract for sale and to re-sell without being responsible for any loss which may be occasioned thereby or to let the same or any term or period and to do and execute all such acts assurances or effectuating, any' such sale or letting as the mortgagee shall think fit and it is hereby declared That the receipt of the mortgagee for the purchase money of the premises sold or any part thereof shall effectually discharge the purchaser or purchasers there from and it is hereby declared that the mortgagee shall hold any rents, profits, premiums, salami or moneys arising from the premises or from any such letting or sale aforesaid upon trust in the first place thereout to pay all expenses attending such sale or otherwise incurred in relation to this security and in the next place to apply such moneys in or towards satisfaction of the moneys for the lime being owing on the security of these presents and then to pay the surplus if any to the mortgagor and it is hereby declared that no lease made by the mortgagor of the said premises or any part thereof during the continuance .of this security shall have effect unless the mortgagee shall consent thereto in writing;

*And it is hereby further declared that during the continuance of this security if at any time, the dwelling house or any part of it is not required for the personal use of the mortgagor, he shall make the same available where mortgagee if so required by it. for the purpose either of accommodating another officer, of status equivalent to that of the mortgagor or of accomm04ating some Government office, at such rent as may be fixed as standard rent under the Assam Urban Areas Rent Control Act. 1955 (Assam Act III of 1956) or under any other similar Act in force, at the material time; provided that the municipal and other taxes shall be payable by the officer of office

occupying the house as aforesaid.

In witness thereof the mortgagor, hath hereunto set his hand the day and year first above written.

Signed by the said (mortgagor) in the presence of

1st Witness

Address

Occupation

2nd Witness

Address

Occupation

*The above paragraph has been added *vide* C. S. No. 208 [Ref. Memo No. FMP, 40/S4/199-A, dated 13-6-61].

F. R. FORM No. 48

[See Financial Rule 315 (6)]

Form of Agreement to be executed at the time of drawing an advance for
the purchase of motor car/boat/cycle

An agreement made ----- day of-----one thousand nine hundred and-----between-----of----- (hereinafter called the Borrower. which expression shall include his legal representatives and assignees) of the one part and the Governor of Assam of the other part;

Whereas tire Borrower has under the provisions of the Assam Financial Rules (hereinafter referred to as the said Rules which expression shall include any amendments thereof for the time being in force) applied to the Governor of Assam, for a loan of Rest-----for the purchase of a motor car/boat/cycle and the Governor of Assam has agreed to lend the said amount to the Borrower on the terms and conditions hereinafter contained;

Now it is hereby agreed between the parties hereto that in consideration of the sum of Rs-----paid by the Governor of Assam to the Borrower (the receipt of which the Borrower hereby acknowledges) the Borrower hereby agrees with the Governor of Assam-(1) to pay the Governor of Assam the said amount with interest calculated according to the said Rules by monthly deductions from his salary as provided for by the said Rules and hereby authorizes the Governor of Assam to make such deductions, and (2) within one month from the date of these presents to expend the full amount of the said loan in the purchase of a motor car/boat/cycle or if the actual price paid is less than the loan to repay the difference to the Governor of Assam forthwith. and (3) to execute a document hypothecating the said motor car/boat/cycle to the Governor of Assam as security for the amount lent to the Borrower as aforesaid and interest in the form provided by the Rules; and it is hereby lastly agreed and declared that if the motor car/boat/cycle has not been purchased and hypothecated as aforesaid within one month from the date of these presents or if the Borrower within that period becomes insolvent or quits the service of Government or dies the whole amount of the loan and interest accrued thereon shall immediately become due and payable.

In witness whereof the Borrower has hereunto set his hand the day and year first before written.

Signed by the said

(Signature of Borrower)

1.

2.

in the presence of

(Witnesses)

F. R. FORM No. 49

[See Financial Rule 385 (6)]

Form of mortgage bond for motor car/boat/cycle advance

This Indenture made this-----day of-----
-----one (thousand nine hundred and~-between-----
(hereinafter called the Borrower") of the one part and the Governor of Assam of the other part.

Whereas the Borrower has applied/applied for and has been granted an advance of Rupees----- (Rupees -----) to purchase a motor car/boat/cycle on the terms of R. 385/386 of the Assam Financial Rules (hereinafter referred to as "the said Rules" which expression" !;hall include any amendment thereof or addition thereto for the time being in force) and whereas one of the conditions upon which the said advance has been/was granted to the Borrower is/was that the Borrower will/would hypothecate the said motor car/boat/cycle to the Governor of Assam as security for the amount lent to the Borrower and whereas the Borrower has purchased with or partly with the amount so advanced as aforesaid the motor -.car/boat/cycle, particulars whereof are set out in the Schedule hereunder written.

Now this indenture witnesseth that in pursuance of the said agreement and for the consideration aforesaid the Borrower doth hereby covenant to pay to the Governor of Assam the sum of Rs-----aforesaid or the balance thereof remaining unpaid at the date of these presents by equal payments of Rs ---each on the first day of every month and will Pity interest on the sum for the time being remaining due and owing calculated according to the said Rules and the Borrower doth agree that such payments may be recovered by monthly deductions from his salary in the manner provided by the said Rules and in further pursuance of the said agreement the Borrower doth hereby assign and transfer unto the Governor of Assam the motor car/boat/cycle the particulars whereof are set out ,in the Schedule hereunto written by way of security for the said advance and the interest thereon as required by the said Rules.

And the Borrower doth hereby agree and declare that he has paid in full the purchase price of the said motor car/boat/cycle and that the same is his absolute property and that he has not pledged and so long as any moneys remain payable to the Governor of Assam in respect of the said advance will not sell, pledge or part with the property in or possession of the said motor car/boat/cycle; provided always and it is hereby agreed and declared that if any of the said installments of principal or interest shall not be paid or recovered in manner aforesaid within ten days after the same are due or if the Borrower shall die or at any time cease to be in the service of the Governor of Assam or if the Borrower shall sell or pledge or part with the property in or possession of the said motor car/boat/cycle or become insolvent or make any

composition or arrangement with his creditors or if any person shall take proceedings in execution of any decree or judgment against the Borrower the whole of the said principal sum which shall then be remaining due and unpaid together with interest thereon calculated as aforesaid shall forthwith become payable and it is hereby agreed and declared that the Governor of Assam may on the happening of any of the events herein before mentioned seize and take possession of the said motor car/boat/cycle and either remain in possession thereof without removing the same or else may remove and sell the said motor car/boat/cycle either by public auction or private contract- and may out of the sale moneys retain the balance of the said advance then remaining unpaid and any interest due thereon calculated as aforesaid and all costs, charges, expenses and payments properly incurred or made in maintaining, depending or realizing his rights hereunder and shall pay over the surplus, if any, to the Borrower, his executors, administrators or personal representatives ; provided further that the aforesaid power of taking possession or selling of the said motor car/boat/cycle shall not prejudice the right of the Governor of Assam, to sue the Borrower or his personal representatives for the said balance remaining due and interest or in the case of the motor car/boat/cycle being sold the amount by which the net sale proceeds fall short of the amount owing; and the Borrower hereby further agrees that so long as any moneys are remaining due and owing to the Governor of Assam, he, the Borrower will insure and keep insured the said motor car/boat/cycle against loss or damage by fire, theft, or accident with an Insurance Company to be approved by the Accounts Officer concerned and will produce evidence to the satisfaction of the Accounts Officer that the Motor Insurance Company with whom the said motor car/boat/cycle is insured have received notice that the Governor of Assam is interested in the Policy and the Borrower hereby further agrees that he will not permit or suffer the said motor car/boat/cycle to be destroyed or injured or to deteriorate in a greater degree than it would deteriorate by reasonable wear and tear thereof and further that in the event of any damage or accident happening to the said motor car/boat/cycle the Borrower will forthwith have the same repaired and made good.

In witness whereof the said-----

(Borrower) hath hereunto set his hand the day and the year first above written.

THE SCHEDULE

Description of motor car/boat/cycle

Maker's name

Description

Number of Cylinders

Engine Number

Chassis No.

Cost price-Rs.

Signature of Borrower

Signed by the Borrower

First witness-----

In the presence of;

Second witness-----

F. R. FORM No. 50
[See Financial Rule 385 (7)]

Letter intimating to the Insurance Company the Governor's interest in insurance policies of motor cars, etc.

From
To

(Through the Comptroller, Assam)

Dear Sir,

I beg to inform you that the Governor of Assam is interested in the motor car/boat/cycle Insurance Policy No-----secured in your Company and to request that you will kindly make a note of the fact in the records of the Company.

Yours faithfully,

Place

Date

Forwarded

The receipt of the letter may kindly be acknowledged. It is also requested that the undersigned may kindly be informed whenever any claim is paid under the policy and also if the premium is not paid periodically for renewal.

Place

Date

Comptroller, Assam

F.R. FORM No. 52

[See Financial Rule 407]

Indent for Reserve Bank of India Draft Forms and other connected Forms required for use of the Treasury at -----

Description of Form	Issue in past twelve months	Spoiled and returned after defacement in the past twelve months	Balance in store	Last number in store	Intended for
Original	::				
Duplicates	::				

Deputy Commissioner

F. R. FORM No. 53

[See Financial Rule 465]

Advice List ofMoney-orders received in the Treasury/Sub-Treasury and credited to.....on the same day by Book Transfer

[The coupons and acknowledgement are annexed.]

Post office of issue	Number of money order	Amount of money order	Detailed head of accounts with particulars of every item credited under the head	Total of each detailed head of the day
1	2	3	4	5
		Rs. a. p.		Rs. a. p.

Total...

Total number of money-orders

Total amount of money-orders (in words)

Dated -----19

Signature of Treasury Officer
District-----

Items relating to the same detailed head of account although pertaining to different money-orders should be grouped together in column 4.

[See Financial Rule 503]

**Annual Return of service taxes received from Government servants of the ----
-----Department**

1	2	3	4	5	6	7
Name of quarter	Name of occupant	Designation	Amount of service tax payable	Period to which the taxes relates	Date of recovery	Remarks (a) In the case of cash recovery, reference to the number and date of the challan with which the amount is paid into the treasury (b) In the case of deduction form bills, reference to the number and date (or other particular) of the bill or voucher from which deducted

**F.R. FORM No. 54
[See Financial Rule 535]**

-----Division

Register of Cheque/Receipt Book

1	2	3	4	5	6
No. of	Name of officer using it	Date of the first entry in the Cash book	Date of last entry in the Cash book	Date of receipt of counterfoils of the book	Dated initials of the Divisional Accountant when recording the counterfoils after examinations

Note of Posting of Corrections

Serial number of corrections	Rule affected	Date of posting	Serial number of correction	Rule affected	Date of posting	Serial number of correction	Rule affected
------------------------------	---------------	-----------------	-----------------------------	---------------	-----------------	-----------------------------	---------------

Note of Posting of Corrections

Serial
number of
corrections

Rule
affected

Date of
posting

Serial
number of
correction

Rule
affected

Date of
posting

Serial
number of
correction

Rule
affected

Date of
posting

Note of Posting of Corrections

Serial
number of
corrections

Rule
affected

Date of
posting

Serial
number of
correction

Rule
affected

Date of
posting

Serial
number of
correction

Rule
affected

Date of
posting

Note of Posting of Corrections

Serial
number of
corrections

Rule
affected

Date of
posting

Serial
number of
correction

Rule
affected

Date of
posting

Serial
number of
correction

Rule
affected

Date of
posting

Note of Posting of Corrections

Serial
number of
corrections

Rule
affected

Date of
posting

Serial
number of
correction

Rule
affected

Date of
posting

Serial
number of
correction

Rule
affected

Date of
posting

F.R. FORM No.55
[See Financial Rule 95]

1	Serial No.
2	No., date and amount of the contingent bill through which the amount is drawn
3	Name of the party in whose favour demand draft is required
4	Date of the tendering the amount for
5	Amount tendered
6	Signature of drawing officer
7	No. and date of demand draft along with the date of receipt
8	Date of issue of demand drafts to the party/individual
9	Signature of the drawing officer
10	Date of receipt of the acknowledgement of the party/individual
11	Date of cancellation, if cancelled
12	Date of correction etc.
13	Remarks

Note. F.R. Form No 55 has been added by C.S. No. [Ref. Memo No. FEG. 38/67/52, dated 28-4-69]