

The West Bengal Financial Rules, 1979

In exercise of the power conferred by clause (3) of Article 166 of the Constitution of India, the Governor is pleased hereby to make the following rules, namely :-

Volume I, Chapter 1

Introductory and Definitions

Short Title and Commencement

- 1.** These rules may be called the "West Bengal Financial Rules" and they shall come into force with effect from [18th April 1979.]
- 2.** The rules in this volume describe primarily the financial powers of different authorities subordinate to the Government of West Bengal and the procedure prescribed by the Governor which should be followed by them in the securing and spending of the funds necessary for the discharge of the functions entrusted to them. In the matter of receipt, custody and disbursement of Government moneys, these rules are supplementary to Treasury Rules, West Bengal and should be applied in conjunction with them. Departmental authorities should follow these rules, supplemented or modified by the special rules and instructions, if any, contained in their departmental regulations and other special orders applicable to them.

Definitions

- 3.** Unless there is something repugnant in the subject or context the following expressions are used in the West Bengal Financial Rules in the sense here explained:-
 - (1)** Accountant-General means the head of the office of audit and accounts, subordinate to the Auditor-General of India who keeps the accounts of the State and exercises audit functions in relation to those accounts on behalf of the Auditor-General of India.
 - (2)** Administrative approval - This term denotes the formal acceptance, by the administrative department concerned, of the proposals for incurring any expenditure in the Works and Buildings or the Irrigation and Waterways Department on a work initiated by or connected with, the requirements of such administrative department. It is, in effect, an order to the Works and Buildings or the Irrigation and Waterways Department to execute certain specified works at a stated sum to meet the administrative needs of the department requiring the work. [See also clause (32).]
 - (3)** Advance payment means a payment made on a running account to & contractor for work done by him but not measured.
 - (4)** Appropriation means the amount provided in the budget estimates for a unit of appropriation or the part of that amount placed at the disposal of a disbursing officer.

(5) The Bank means the Reserve Bank of India or any branch or agency of the Reserve Bank of India and includes any branch of the [State] Bank of India acting as the agent of the Reserve Bank of India in accordance with the provisions of the Reserve Bank of India. Act, 1934 (Act II of 1934).

"Reserve Bank" means the Reserve Bank of India.

(6) Book adjustment (or book transfer) means the entries made in the Government accounts in respect of a financial transaction which does not involve any actual receipt or disbursement of cash or stores by the Government, so that a disbursement entered under one head (or heads) is exactly counterbalanced by a receipt under another head (or heads). A book adjustment may represent a transaction between different departments of the Government or a correction in entries already made in the accounts.

(7) Competent authority means the Government or any other authority to whom the relevant powers may be delegated by the Government.

(8) Controlling officer means a Head of Department or other departmental officer who is entrusted with the responsibility of controlling the incurring of expenditure and/or the collection of revenue by the subordinate authorities of a department.

(9) Deposit works. - This term is applied to works of construction or repair 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 this category when the cost is chargeable either to cash deposits made for the purpose, or to their credit balances at Treasuries.

(10) Divisional Officer - The term is applied to an executive officer of the Works and Buildings or the Irrigation and Waterways Department who is not subordinate to another executive or disbursing officer of the department, even though the executive charge held by him may not be recognised as a "division" by Government. Thus, the officer in charge of an independent subdivision is also treated as a Divisional Officer. .

(11) Final payment means the last payment on a running account made to a contractor in full settlement of the account relating to his contract when the contract has been completed or determined.

(12) Finance Department means the Finance Department of the Government of West Bengal and such other authorities in which the powers of the Finance Department are vested by the Governor.

(13) Financial Year means the year beginning on the 1st of April and ending on the 31st March following.

(14) Government means the Government of West Bengal.

Note : Whenever in these rules a power is conferred on Government, that power shall be exercised only after consultation with the Finance Department, unless there is any express provision to the contrary in any other rule, order or notification.

(15) Governor means the Governor of the State of West Bengal.

(16) Heads of Departments are Government servants declared to be such by Government in terms of rule 5(16) of West Bengal Service Rules, Part I.

(17) Intermediate payment is a term applied to a disbursement of any kind on a running account, not being the final payment. It includes an "Advance payment," a "Secured advance" and an "On-account payment (other than final payment on a running account)," or a combination of these.

(18) Issue rate.- The term denotes the cost per unit fixed, in respect of an article home on the stocks of the 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 account by charge to the account or service concerned, when any quantity of that article "is issued from stock. This does not take into account the storage charges mentioned in clause (29).

(19) Local Loan Works - This expression indicates works executed by the Works and Buildings or the Irrigation and Waterways Department on behalf of a Municipality, Port Trust or other corporation, when the cost of the work is to form part of a loan given to it by Government for the purpose.

(20) Market rate - Used in respect of an article borne on the stock accounts of a division, 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.

(21) Non-recurring expenditure means expenditure sanctioned as a lump sum charge, whether the money be paid as a lump sum or by instalments.

(22) On-account payment or Payment on Account means a 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 not be for the full value of the 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.

(23) Public Account means the Public Account of the State referred to in clause (2) of article 266 of the Constitution of India.

Note.- Without prejudice to anything contained in Article 202 of the Constitution of India "revenues of the State", would include all moneys received by Government officers on behalf of the Government as such; not only the proceeds of taxation and the yield of ordinary revenues but also capital receipts such as the proceeds of sales of land; the proceeds of borrowing operations; unfounded

debt; and unless the contrary intention appears, such receipts of a banking or deposit nature as by virtue of any statutory provision, or of any general or special executive order of the Government have to be held in the custody of the Government.

(24) Public Buildings - The term "Public Buildings" as used in these rules applies to buildings borne on the books of the Works and Buildings Department and maintained from the appropriation for public works in charge of Work and Buildings Department officers.

(25) Reappropriation means the transfer of savings in the appropriation for ~ unit of appropriation to meet excess expenditure anticipated under another unit.

(26) Recurring expenditure means all expenditure which is not non-recurring.

(27) Running Account is a term applied to the account with a contractor, 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.

(28) State means the State of West Bengal.

(29) Storage rate and storage charges - These expressions denote, respectively, the centage 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.

(30) Supervision charges - This term, in relation to stores, is applied ordinarily to the charges which are levied, in addition to book value and store 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 clause (29).]

(31) Takavi works - This term denotes works of construction or maintenance relating to water courses or any other works, expenditure on which is treated by Government as a takavi advance (i.e., an advance to cultivators) recoverable from the party or parties concerned.

(32) Technical sanction means the order of the competent authority sanctioning a. properly detailed estimate of the cost of a work of construction or repair proposed to be carried out in the Works and Buildings or Irrigation and Waterways Department. Ordinarily, such sanction can only be accorded by the Government in the Works and Buildings or Irrigation and Waterways Department or by such authorities subordinate to the department to whom the power has been delegated by Government. Sanction accorded to a work by any other department of Government is regarded merely as an administrative approval of the work, vide clause (2).

(33) Treasury Rules means the Treasury Rules, West Bengal, and the subsidiary rules made thereunder.

(34) Unit of appropriation means the lowest account head under which the Government place a specific appropriation at the disposal of the spending authority concerned.

(35) Value - This term used in connection with the sale of stock materials or their issues to works includes storage charges.

Chapter 2

General System of Financial Management and Control

SECTION I - RECEIPT OF MONEY

Public Sector Banks Receipt of Government dues and check of revenue Public Sector Banks receipt by Departmental Officers

4. All transactions to which any officer of Government is a party in his official capacity must be brought to account without delay.

5. All moneys received by or on behalf of Government either as dues of Government or for deposit, remittance or otherwise shall be brought into Government Account without delay, in accordance with such general or special rules as may be issued under article 150 and clause (2) of article 283 of the Constitution of India.

6. (1) (a) All moneys received by or deposited with any officer, employed in connection with the affairs of the State in his capacity as such, other than revenues or public money raised or received by Government shall be paid into the Public Account.

(b) All moneys received by or deposited with any Court within the territory of the State to the credit of any cause, matter, account or persons shall be paid into the Public Account.

(2) The head of account to which such moneys shall be credited shall follow the normal rules of classification and the withdrawal of these moneys from the account shall be governed by the provisions in the Treasury Rules or such other general or special orders as may be issued in this behalf.

7. Departmental receipts may ordinarily be realised in legal tender coin or notes only, But in certain cases cheques payable on demand including crossed cheques, Reserve Bank of India Drafts and demand drafts may be accepted.

See also note below S. R. 32 of the Treasury Rules, West Bengal.

8. 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 80 much paid into the treasury, and compare with those the figures recorded in the books of the Accountant-General 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 Departmental Regulations or Manuals. **Note 1** - 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.

Note 2 - To facilitate the reconciliation of the returns submitted by the subordinate revenue authorities to the Board of Revenue with the figures supplied to the Board by the Accountant-General, the latter sends to each Collector a return showing the results arrived at in the first stage of the preparation of his monthly account. This return shows under certain heads the figures of the Treasury Cash Account and all the corrections and alterations introduced therein in this stage. These figures should be carefully compared by the Collector with those sent by him to the Board of Revenue with explanation of difference, if any. A certificate of this comparison should be given at the foot of the Revenue Returns, and a similar certificate should also be sent to the Accountant-General.

Revenue receipts of the Works and Buildings or of the Irrigation and Waterways Department

9. Revenue of the Works and Buildings or of the Irrigation and Waterways Department is assessed and realised in accordance with the following rules :-

(a) Divisional Officers of the Works and Buildings or of the Irrigation and Waterways 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 (e.g., rights for fishing, grazing, etc., and use of waterpower) or from any other source are property watched.

(b) 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.

Irrigation revenue collected by the District and Revenue authorities

10. (a) When revenue from irrigation and navigation works, etc., is realised by the District and Revenue authorities, the Divisional Officer should receive from the Collectors monthly statement of the amounts realised, to enable him to watch the progress of recovery against demands or assessments.

(b) The Divisional Officer should also submit to the Accountant-General a half-yearly statement showing separately for each civil district, the monthly realisations, as compared with assessments, in respect of each canal or other work. Recoveries of rents on buildings and lands

(a) From private persons

11. 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) From Government servants and pensioners

12. The recovery of rent from Government servants occupying rentable buildings in-charge of the department may be made either in cash or by deduction from their pay bills through the Treasury Officer or other disbursing officer concerned.

Note 1 - 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 a 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.

Note 2 - The system of direct recovery in cash from employees of other divisions and departments is ordinarily not suitable' when the rent recoverable is dependent upon the rate of pay of the occupant.

Note 3 - he agreement to be executed by Government servants occupying rentable-Government buildings shall include the following clause, namely:

The Governor (the lessor) shall have the right to deduct, through the concerned Treasury Officer or the concerned Disbursing Officer, as the case may be, from the Government servant s (the lessee's) monthly pay bill any amount which is due to Government as rent and recoverable from him (the lessee).

13. 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 from him may be made through the Treasury Office or other disbursing officer concerned, on the pensioner's 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.

14. Where rent is recoverable in cash, a bill in suitable form for a particular month, should be sent to the tenant on or before the 15th of the previous month. The tenant should be required to pay in the rent on the first working day of the month for which the rent is due.

15. When recoveries of rent are to be effected through a Treasury Officer or other disbursing officer a demand in F.R. Form No. 1 (Statement of roots recoverable in cash or by deduction from pay bills) should be issued before the close of each month and the recoveries effected in accordance with S.R. 164 of the Treasury Rules, West Bengal, Volume I.

16. If a Government servant vacates his quarters before the last day of a month, owing to his departure on transfer, leave or retirement, the demand for the felt for broken period should be made at once, so that the amount due may be recovered before his departure.

17. 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 are issued by a reduction in the assessment of a subsequent month, or, if this is not practicable or convenient, by an actual repayment.

Note - The recovery of rent of non-Works and Buildings residences including hired or re-questioned buildings should be generally regulated by the rules applicable to Works and Buildings residences. In such cases the demand statement should be prepared by the head office or department as the case may be who watches the recovery of rent through a demand and collection register maintained for the purpose.

(c) Register of Rents of Buildings and Lands

18. A register in F.R. Form No. 2 (Register of Rents of Buildings and Lands) should be maintained in the Divisional Office to show the monthly assessments, realisations and balances of rents of all residential buildings (including office buildings used as residences) and of such other buildings, lands, etc., as may be available for being let. No building other than those falling within the categories specified below or site should be excluded from this register on the plea that it is intended to be occupied rent-free or is not likely to be rented, but all such buildings may be grouped separately :-

(1) Residences for the use of the Governor.

(2) Buildings which are situated within the precincts of jails, hospitals, police lines, tehsils, educational institutions, provided that they are allotted free under orders of Government to Government servants who are required to occupy particular houses in order to ensure the proper performance of their duties.

Note 1. - Private buildings which have been hired for use as residences or are used as such, wholly or in part, should be included in this Register.

Note 2. - When a residence remains vacant owing to there being no incumbent of the post for which it is reserved, a note to that effect should be made in the Register of Rents under the initial of the Divisional Officer. In such cases sanction to remission is unnecessary.

Note 3. - Rent-free quarters for inferior servants need not be entered in this register except when allotted to persons from whom rent is recoverable. Nor need rest houses or other travellers bungalows be entered although rent receipts from them are also treated as rents of buildings

19. The entries relating to the assessment of rent should be made month by month, and for this purpose arrangements should be made to obtain timely intimation (with full particulars) of all changes of tenancy from the subordinates in charge of the properties.

Note. - If any property is occupied free of rent, or if the rate for any months' assessments is neither the standard rate nor the ten per cent of the occupant's emoluments a suitable remark (quoting authority) should be made against the entry relating to it. If a Government servant is not entitled to but is actually allowed the benefit of the 10 per cent concession a reference to the specific orders of Government allowing it should be recorded in the remarks column of the Register rents.

20. The total realisation of each month should be abstracted at foot of the register, so as to show separately (1) cash realised in the division, (2) recoveries by other disbursing officers adjusted in the divisional accounts, and (3) recoveries at treasuries in the same circle of account adjustable in the Accountant-General's office, for both rents of buildings and rents of lands, etc. If any buildings are provided with special services such as furniture, etc., for which rent is charged separately the account of rent charged for each building in respect of these services should be kept separate from that of the rent of the building itself, and in the abstract also the realisations en account of each of these services should be shown separately. ,

Note. - Cash refund of rents realised should be shown separately as minus realisation in the Register of Rents of buildings and lands, and thus distinguished from the gross realisation of rents.

Revenue arising from investment of surplus cash balances of Government

21. The surplus cash balances of Government, under the orders of the Finance Department, be invested in the name of the Government of West Bengal in securities of a Government of India or in the shares of such private companies as Government may, by special order, so direct. A proforma account will be maintained in the office of the Accountant-General, West Bengal, to record the transaction on account of these investments and the revenue arising therefrom. The correctness of the Ledger balance will be certified at the end of the year by the Finance Department with whom will rest the duty of watching the full realisations of the revenue on account of these investments. (See also S. R. 82 of the Treasury Rules, West Bengal.)

SECTION II - SECURITY DEPOSIT

22. Subject to any special rule or order made by Government in this behalf, every erstwhile gazetted officer, cashier, store keeper and other subordinate who is entrusted with the custody of cash or stores should be required to furnish security, the amount being regulated according to circumstances and to local conditions in each case under the sanction of competent authority, 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 1.- The amount of security deposit should, as a rule, be equivalent to 10 percent In excess of the maximum amount of cash or the maximum value of stores likely to be in the custody of a Government servant at anyone time. In special cases where the application of this principle may cause hardship, the competent authority may, for reasons to be recorded in writing, reduce the amount of security as far as he thinks necessary.

Note 2.- In the case of Government servants of 20 years, pensionable service or upwards, the security may be diminished by a sum calculated on their monthly pay, multiplied by 25 with the proviso that the security will, in no case, be diminished by more than one-half of the amount fixed under Note 1. .

Note 3. - Ordinarily clerical and other Government servants, who are required to give

security to Government against loss through dishonesty, negligence or disregard of rules, should deposit the whole amount of the security on appointment or bind themselves by two sureties for the whole amount and agree to monthly deductions of 25 per cent of their pay. Where the amount of securities is Rs. 500 or less, the following alternative procedure may be adopted :-

(a) The Government servant may give a fidelity bond of an Insurance Company approved by Government for the full amount of the required security guaranteeing Government against losses through dishonesty negligence or disregard of the rules on the part of the Government servant. He shall also be required to execute a security bond in the form given in Appendix I.

(b) Deductions will then be made monthly at the rate of 10 per cent of the Government servant's pay, the fidelity bond to be cancelled only after the full amount of the security bond has been deposited in cash.

(c) Government servants in charge of offices will be responsible for seeing that fidelity bonds, which expire before the full amount of security has been recovered by deduction from pay, are renewed in good time so as to cover the outstanding amounts.

Note 4.- Fidelity bonds with the Indian Insurance Companies Association Pool, Bombay shall, in all cases, be accepted subject to the form of the bond being scrutinised in individual passed by the heads of departments in consultation with the law officer, where necessary.

If in any particular case, an employee desires that a policy from some insurer (other than the Indian Insurance Companies Association Pool, Bombay) may be accepted, the case shall be referred to the Assistant Controller of Insurance, Government of India, Simla, for advice.

Note 5.- When deductions are made monthly from the pay of a Government servant to cover the amount of his security, a Savings Banks Account should be opened with the Post Office in the name of the officer to whom the security is to be pledged, for the deposit of the amounts realised monthly. The realisations should always be made in cash at the time of disbursement of the pay and the amounts remitted forthwith for credit to the Post Office Savings Bank. The amounts realised by deduction and paid to the Savings Bank shall also be debited and credited in the General cash Book.

Note 6.- Notes 3 and 4 of this rule will also apply to cases where Government may by special order, direct that fidelity bonds for securities in excess of Rs. 500 shall be taken.

Note 7.- The power under rule 22B may be exercised by the Heads of Department in consultation with the Accountant-General, West Bengal.

22A. A register in F .R. Form No. 2A (Register of Security Deposits) should be maintained in all offices and institutions to watch the receipt and disposal of security deposits including interest-bearing securities.

Note 1.- In this register should be inserted an index in the following form :-

Sufficient space will be left in this part for the addition of fresh names from year to year.

The register and index will be in the charge of the Head of Office or Institution who will certify each year that the register is complete and that the name of every officer to give security has been entered in the register, whether he has given security or not. The certificate will form part II of the index, and will be in the following form :-

When filling in the certificate, the Head of Office or Institution will also initial and date the last entry in part I of the index.

Note 2.- In all Public Works Department the receipts and disposal of interest bearing securities are entered in the Central Public Works Accounts Form No. 85.

22B. Every Librarian or other subordinate who is entrusted with the custody of books, journals, etc., should be required to furnish a security bond in the form as in Appendix No. 1A or 1B or 1C, as the case may be, the amount thereunder being regulated according to the circumstances in each case under the sanction of the competent authority and reduced in accordance with the provisions of Note 2 at the discretion of the competent authority.

23. When a Government servant who has furnished security takes leave or is deputed to other duty for not more than six months, he should ordinarily be required to stand surety for the Government servant appointed to act for him to the extent of his own security or for the difference between the security offered by the acting incumbent and that prescribed for the appointment. If, however in special circumstances the permanent incumbent is unable to do so, the Government servant acting for him must furnish the full amount of the security, or, at the discretion of the head of the office, half the amount in cash and the rest in fidelity bonds. Security to the full amount should always be taken when the acting appointment is made for more than six months.

Provided further that if a Government servant holding substantively a post in which no security is demanded is appointed for a period not exceeding three months to a post in which the security is required, the head of the office may permit him to furnish security for a reduced amount or, when the security required does not exceed Rs. 500, may, for special reasons to be recorded, exempt him from furnishing any security

24. Whenever a private person or firm contracts with Government to supply stores or execute a work, he or it should, unless exempted by competent authority, be required to give security for the due fulfillment of the contract and suitable provisions regarding the security should be incorporated in the agreement

25. Subject to the provisions of rule 26, the security taken from a Government servant not covered by the provisions of note 5 below rule 22 or from a contractor shall be in one of the following forms subject to the conditions noted against each. or partly in one and partly in another of these forms when this is specially permitted by the departmental authority authorised to accept the security

Forms.

Conditions

- (i) Cash
- (ii) Promissory Notes, Stock certificates of the Central Government or a State Government, Municipal Debentures, Post Office Savings Bank Pass Books, Bonds and/or Debentures of the State Financial Corporations.
- (iii) Post Office Savings Bank Pass Books.
- (iv) National Savings Certificates, Post Office Time Deposits. .

Government will not pay any interest on any deposit held in the form of cash.

These securities shall be accepted at five per cent below their market price or at their face value, whichever is less and shall be dealt with in accordance with the rules in Chapter IX of the Government Securities Manual.

- (1) A Pass Book for a deposit made under the Post Office Savings Bank Rules may be accepted as security provided that the depositor has signed and delivered to the Postmaster a letter in the prescribed form as required by those rules.
- (2) The Pass Book shall be sent to the Post Office as soon as possible after the 15th June of each year, so that the necessary entries on account of interest may be made in them,
- (3) The Certificates shall be formally transferred to the Governor. The departmental authority authorised to accept the security shall accept the same with the sanction of the Post Master of the Office of Registration at their surrender value at the time of tender.
- (4) Certificates which are not held in the name of the person furnishing the security shall not be accepted.
- (5) Deposit receipts of recognised banks approved by the Government for the purpose.
- (6) Fidelity Bonds of Life Insurance Corporation of India.
- (7) The deposit receipt shall be made out in the name of the pledgee or if it is made out in the name of the pledger, the bank shall certify on it that the deposit can be withdrawn only on demand, or with the sanction, of the pledgee. The bank shall agree that on receiving a signed treasury challan and withdrawal order from the pledgee in respect of the deposit or any Part thereof, it will at once remit the amount specified in to the nearest Treasury along with the challan and send the treasury receipt to the pledgee.
- (8) The depositor shall agree in writing to undertake any risks involved in the investment and make good the depreciation, if any.
- (9) The depositor shall receive the interest when due direct from the bank on a letter from the pledger authorising the bank to pay it to him.

(10) The responsibility of the pledgee in connection with the deposit and the interest on it will cease when he issues a final withdrawal order to the depositor and sends intimation to the bank that he has done so.

A fidelity bond may be accepted as security from a Government servant but not from a private party. When a Government servant has furnished security in the form of a fidelity bond, the departmental authority authorised to accept security shall see that the Government servant pays premia necessary to keep it alive on the due dates and continues to do so until he vacates his office. If the Government servant fails to submit the premium receipts ill time, he shall not be allowed to perform the duties of his post and dealt with in accordance with the terms of his appointment

26. Security furnished in cash by a Government officer or a contractor may be converted, at the cost of the depositor, into any of the interest bearing forms of security mentioned in items (ii) to (vi) of rule 25 provided.

(i) that the depositor has expressly requested in writing that this be done and

(ii) that the acceptance of the new form or forms of security is permissible; under the rules and under the terms of the agreement or bond.

Note 1. - Cash actually received or recovered may be converted into an interest bearing form of security even when it forms part of a deposit which is being paid in instalments and has not yet been realised in full.

Note 2. - Percentage deductions made from a contractor's bill held as security for the due fulfilment of a contract should not be converted into any other form of security unless there is special rule or order for such conversion.

27. Subject to any rule or order made by Government in this behalf the form of the security bond to be executed at the time of furnishing security should be determined under orders of the head of the department according to the kind of security furnished. When a Government officer is specially permitted to furnish security partly in one and partly in another of the forms of security specified in rule 25 he should execute separate bonds for the different kinds of security.

Note.- The model form of security bond to be taken from Treasurer in district treasuries is given in Form T.R. 2 in Treasury Rules, West Bengal.

28. (1) Post Office Savings Bank Pass Books, deposit receipts of banks, fidelity bonds and security bonds or agreements should be kept in the safe custody of the departmental authority which takes the security but in the absence of sufficient security arrangements in the office of the departmental authority the aforesaid documents may be sent by such authority to the treasury for safe custody.

Note 1.- All the Post Office Savings Bank Pass Books should be sent to the post office as soon as possible after the 15th June of each year, so that the necessary entries on account of interest may be made in them.

In the case of deposit receipts of banks the depositor should receive the interest, when

due, Direct from the bank on a letter from the pledgee authorising the bank to pay it to him.

Note 2.- The security bonds of Government officers employed in treasuries should be kept in a locked box in the double lock strong room of the district treasury. The Treasury Offices will be responsible for the safe custody of the bonds and should keep the key of the box in his personal custody.

(2) Promissory Notes, Stock certificates of the Central Government or a State Government, Municipal Debentures, Port Trust Bonds, Bonds and/or Debenture of the State Financial Corporations, National Savings certificates, Post Office Time Deposits deposited as security shall be lodged for safe custody with the Manager of the Reserve Bank of India at places where there are offices of that Bank and with the district treasury in other places in accordance with the rules in Chapter IX of the Government Securities Manual.

29. A security deposit taken from a Government officer should be retained for at least six months from the date when he vacates his post, but a security bond should be retained permanently or until it is certain that there is no further necessity for keeping it.

30. Without the special orders of the 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 security bond or agreement. A departmental authority on returning any security to the depositor should invariably obtain his acknowledgement duly signed and witnessed. When an interest-bearing security is returned or retransferred, the acknowledgement should set forth full particulars of the security.

31. The security deposit of a contractor, comprised wholly of earnest money retained after the acceptance of his tender or of percentage deductions from subsequent bills- for work done, or partly of the former and partly of the latter, shall not be refunded till the' final bill for the relative work has been prepared and passed.

SECTION III - EARNEST MONEY DEPOSITS

32. Earnest money deposit tendered by contractors or purchasers of forest produce must be paid by them direct into a treasury or sub-treasury and orders authorising the repayments should be addressed by the Divisional Forest Officers to the Treasury Officer concerned. Earnest money deposits which the purchasers of forest produce are required to make with their bids in auction sales may, however; be accepted in cash by the Divisional Forest Officer (or a gazetted officer duly authorised by him) at the time of auction. Such deposits shall be accounted for in the books of the Forest Department in accordance with the directions contained in the Account Code, Volume III (see Article 255), and remitted at the earliest opportunity to the Treasury.

Note 1.- Earnest money submitted with sealed tenders must be deposited in the treasury by the contractor himself and a copy of the treasury challan submitted with the tender to the Divisional Forest Officer as evidence of the fact that earnest money has been paid.

Note 2.- Suppliers registered with the Directorate General of Supplies and Disposals and the Small Scale Units registered with the Directorate of Cottage and Small Scale Industries, West Bengal, shall be exempt from the payment of earnest money against all

tenders and under this Government.

Note 3. -

{i} The contractors / suppliers registered with the Government of India Stationery Office, Calcutta, shall be exempt from the payment of earnest money against all tenders under this Government. The performances of the concerned firm shall, however, be taken into account before deciding the question of exemption.

(ii) The Rehabilitation Industries Corporation Limited shall be exempt from the payment of earnest money against all tenders under this Government.

(iii) The Light House for the Blind, a society registered under the Societies Registration Act, 1860 (21 of 1863), with its registered office at 6, Old Post Office Street, Calcutta - I, shall be exempted from the payment of earnest money in respect of quotations for caning and repair of chairs of all offices under this Government.

(iv) The Tea Trading Corporation or India Limited a Government of India under taking shall be exempt from the payment of earnest money in respect of supply of tea to all offices of this Government.

(v) The Labour Co-operative Societies shall also be exempt from the payment of earnest money against all tenders under this Government;.

(ii) Works and Buildings or Irrigation and Waterways Department

33. In the case of Works and Buildings or Irrigation and Waterways Department earnest money deposits are received by the departmental officers and dealt with in their accounts.

Note 1.- As an exception to the above rule, Divisional Officers are authorised not to pass through the divisional accounts earnest money received from, and returned to, contractors on the same day the tenders are opened, provided that the contractors concerned are required to give a stamped receipt for the money in the register of tenders maintained in the Divisional Office, and that the register is to that extent treated as a Subsidiary Cash Book. and consequently as an amounts form.

Note 2.-Suppliers registered with the Directorate General of Supplies and Disposals and Small Scale Units registered with the Directorate of Cottage and Small Scale Industries, West Bengal, shall be exempt from the payment of earnest money against all tenders under this Government.

Note 3.

(i) The Contractors / suppliers registered with the Government of India Stationery Office, Calcutta. shall be exempt from the payment or earnest motley against all tenders under this Government. The performances of the concerned firm shall, however, be taken into account before deciding the question of exemption.

(ii) The Rehabilitation Industries Corporation Limited shall be exempt from the payment of earnest money against all tenders under this Government. .

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(iv) The Trading Corporation of India Limited, a Government of India Undertaking shall be exempt from the payment of earnest money in respect of supply of tea to all office of this Government.

(v) The Labour Co-operative Societies shall also be exempt from the payment or earnest money against all tenders under this Government.

SECTION IV - EXPENDITURE AND PAYMENT OF MONEYS

Essential conditions government expenditure from public funds

34. As a general rule no authority may incur expenditure or enter into any liability involving expenditure from public funds until the expenditure has been sanctioned by general or special orders of the Governor or by an authority to which power has been duly delegated in this behalf and the expenditure has been provided for in the authorised grants and appropriations for the year.

Standards of financial propriety

35. Every officer incurring or authorising expenditure from public funds should be guided by high standards of financial propriety. Among the principles on which emphasis is generally laid are the following :-

(i) Every public officer is expected to exercise the same vigilance in respect of expenditure incurred from public moneys as a person of ordinary prudence would exercise in respect of expenditure of his own money.

(ii) The expenditure should not be prima facie more than the occasion demands.

(iii) No authority should exercise its powers of sanctioning expenditure to pass an order which will be directly or indirectly to its own advantage.

(iv) Public moneys should not be utilised for the benefit of a particular person or section of the community unless-

(1) the amount of expenditure involved is insignificant, or

(2) a claim for the amount could be enforced in a court of law, or

(3) the expenditure is in pursuance of a recognised policy or custom.

(4) The amount of allowances granted to meet expenditure, of a particular type should be so regulated that the allowances are not on the whole a source of profit to the recipients.

Control of expenditure

36. Each head of a department is responsible for enforcing financial order and strict economy at every step. He is responsible for observance of all relevant financial rule and regulations both by his own office and by subordinate disbursing officers. **37.** A controlling officer must see not only that the total expenditure is kept within the limits of the authorised appropriation but also that the funds allotted to spending units are expended in the public interest and upon objects for which the money was provided. In order to maintain a proper control, he should arrange to be kept informed, not only of what has actually been spent from an appropriation but also what commitments and liabilities have been and will be incurred against it. He must be in a position to assume before Government and the Public Accounts Committee, if necessary, complete responsibility for departmental expenditure and to explain or justify any instance of excess or financial irregularity that may be brought to notice as a result of audit scrutiny or otherwise

Internal check against irregularities, waste and fraud

38. In the discharge of his ultimate responsibilities for the administration of an appropriation or part of an appropriation placed at his disposal, every officer incurring or authorising expenditure from public fund must satisfy himself not only that adequate provisions exist within the departmental organisation for systematic internal checks calculated to prevent and detect errors and irregularities in the financial proceedings of his subordinate officers and to guard against waste and loss of public money and stores, but also that the prescribed checks are effectively applied

SECTION V - DEFALCATIONS, LOSSES, ETC

Report of losses

39. (1) With the exception noted below, any loss of public money, departmental revenue or receipts, stamps, opium, stores or other property held by or on behalf of Government, caused by defalcation or otherwise, which is discovered in a treasury or other office or department, should be immediately reported by the officer concerned to his immediate official superior as well as to the Accountant-General, even when such loss has been made good by the party responsible for it. Such reports must be submitted as soon as a suspicion arises that there has been a loss; they must not be delayed while detailed enquiries are made. 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 of rules by which such loss was rendered possible, and the prospects of effecting a recovery

(2) If the irregularity be detected by Audit in the first instance, the Accountant-General will report it immediately to the administrative authority concerned, and if he considers necessary to Government as well.

Exception. - Petty cases, that is, cases involving losses not exceeding Rs. 200 each, need not be reported to the Accountant-General, unless there are, in any, important features which merit detailed investigation and consideration.

40. The officer receiving a report submitted to him under rule 39 must forward it forthwith to Government through the usual channel with such comments as may be considered

necessary. He should also submit a detailed report, after completing such departmental investigations as may be necessary or expedient, on the causes or circumstances which led to the defalcation or loss, the steps taken to prevent its recurrence and the disciplinary or any other action proposed as regards the persons responsible

Accidents

41. Any serious loss of immovable property, such as buildings, communications or other works, caused by fire, flood, cyclone, earthquake or any other nature cause should be reported at once by the departmental officer to the head of the department and by the latter to Government. When a full enquiry as to the cause and extent of the loss has been made, the detailed report' should be sent by the departmental officer concerned to the head of the department, a copy of the report or an abstract thereof being simultaneously forwarded to the Accountant-General.

Responsibility for losses, etc.

42. Every Government officer should realise 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 officer to the extent to which it may be shown that he contributed to the loss by his own action or negligence. Detailed instructions for regulating the enforcement of such responsibility are embodied in Appendix 2.

SECTION VI - REMISSION OF REVENUE

43. Heads of departments should submit annually to the Accountant-General statement, showing the remissions of revenue and abandonments of claims to re-venue sanctioned during the preceding year by the competent authorities in exercise of the discretionary powers vested in them otherwise than by law or rule having the force of law. For inclusion in these statements, remissions and abandonments should be classified broadly with reference to the grounds on which they were sanctioned, and a total figure should be given for each class. A brief explanation of the circumstances leading to the remission should be added in the case of each class.

The statement shall not include individual remissions below Rs. 500, and it shall be submitted by the first week of June following the year to which they relate.

Note 1.- Where the administrative year does not coincide with the financial year, the figures of the former may, if this prove convenient to the departmental authorities, be given in the statements.

Note 2.- Land revenue remissions should not be reported through the statement to be rendered under this rule.

SECTION VII.-RESPONSIBILITY FOR OVERCHARGES

44.

(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 the countersigning officers will be that which attaches to all controlling officers, and which brings them under liability to make good any loss arising from their culpable negligence.

(c) The Treasury Officer, who makes payments 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 for an overcharge 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.

SECTION VIII - FINANCIAL CONTROL ACCOUNTS OVER DEPARTMENTAL

45.

(a) The Conservators of Forests (and through them the Conservator. General of Forests) exercise a strick control over ...he whole outlay of the Forest Department for conservancy and work, and examine the charges on account or travelling allowance and contingencies. To facilitate the exercise of this control, the Conservators are furnished monthly by the Divisional Officers with duplicate copies of the Abstracts of Receipts and Expenditure submitted to Audit.

(b) They are 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 Officers, are required to pass through the conservators.

Note.- It is optional with Government to retain the procedure described under which the accounts are sent through the Conservators.

(c) They are responsible for seeing that the accounts returns are punctually submitted to the Accountant-General by Divisional Officers.

(d) They should sign all letters issued from their office sanctioning expenditure, appointment, et~., and may delegate the power to a gazetted Government servant, if any, in their office, but not to the head clerk or other office employee.

46. (a) The Chief Engineers, Works and Buildings and Irrigation and Waterways Departments, exercise a concurrent control over the duties of the officers of the departments in connection with the maintenance of the accounts, and give all legitimate support to the Audit Officer in enforcing strict attention to the regulations concerning the disbursement of money, the custody of stores and the submission of accounts. (b) The Superintending Engineers are responsible for the maintenance of the authorised system of accounts throughout their circles. They should see that Divisional Officers submit their accounts to the Accountant-General punctually. They should examine the books of Executive Engineers and their subordinates, and see that the matters relating to the primary accounts are attended to personally by Divisional and Sub-divisional Officers, and that the accounts fairly represent the progress of each work. It will also be their duty to examine the registers or works, so as to keep a vigilant watch over the rates of work, and if they consider it necessary, they may require an Executive Engineer to report to them monthly or at longer intervals, on a Works Slip, the total expenditure to date under

each sub-head of work, in contrast with the sanctioned estimate.

47. Administrative Department are required to see that any detailed rules and regulations on this subject in departmental manuals or codes are kept in conformity with the above principles.

48. The classes of deeds, contracts and other instruments authorized by the Governor to be executed by the various authorities on his behalf have been reproduced in Appendix 3.

SECTION X.-MISCELLANEOUS RULINGS

Erasure.

49. Erasures or overwritings in any register, records or returns are absolutely forbidden; if any correction be necessary, the incorrect entry should be cancelled neatly in red ink, and the correct entry inserted. Each such correction, or any interpolation deemed necessary, should be authenticated by the head of the office setting, his dated initials against each.

Audit objections

50. 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 Accountant-General, 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 1.- The fact that some or the objections are still under reference is no reason for keeping back the statement. Such oases can be extracted for subsequent explanation.

Note 2.-In the case of the Forests 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 Accountant-General. A list will also be forwarded by the Accountant-General 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 Accountant-General by the Conservator after all the objection statements for the month have been returned.

Payment of owners' and occupiers' shares of municipal taxes

51. Instructions regarding payment of 'owners and occupier's shares of municipal taxes in areas where the Bengal Municipal Act, 1932, or the Cooch Behar Municipal Act, 1944, applies are reproduced in Appendix 4.

Preservation and destruction of record.

52. (a) Rules regarding the destruction of Accounts records in office rendering accounts to the Accountant-General have been reproduced in Appendix 5.

(b) Rules regarding the period of preservation of certain records for treasuries and sub-treasuries have been reproduced in Appendix 6.

Chapter 3

Establishment

SECTION OF ESTABLISHMENT

53. Parts of an establishment under the same officer, which are charged under different major heads, are to be regarded as distinct establishments; e.g., a District Officer's Excise establishment is to be treated as distinct and separate from his Land Revenue establishment.

54. For the purposes of pay and audit, establishments are distributed into "sections". No fixed rules can be laid down as to what constitutes a section, but the sections should be fixed by the Accountant-General, in communication with the heads of offices or departments on the following principles :-

(a) The distributions should be uniform throughout the State for the same kinds of establishments.

(b) Ordinarily, an office or establishment containing not more than ten or twelve clerks will form a single section, larger offices will comprise two or more.

(c) The distribution in the latter case should follow the actual working arrangements of the office, e.g., a District Officer's establishment might be distributed in the following sections: English Office, Vernacular Office, Treasury, Nazir Record.

(d) In large offices, where the clerks are arranged by classes and grades, each grade may form a separate section.

(e) Petty and numerous establishments are often best distributed according to the taluqs or subdivisions of a district, e.g., village school masters should be so distributed, while of the higher classes of schools, each school would form a separate section.

(f) Clerks (or school masters, doctors, etc.) should not, except in small establishments, be lumped up with chuprassees or servants; but servants should when their number is not very small, form a separate section or sections.

(g) The pay abstracts of the district police are regulated by departmental rules and are stated, so far as regards the lower grades, in detail of grades.

(h) In preparing pay bills absentee statements annual returns of establishment proposition statements and other similar documents the entries should be made in accordance with the sections arranged under the provisions of this rule

ALTERATIONS OF ESTABLISHMENT

55. All proposals for additions to establishment, whether permanent or temporary, or for any increase in the emoluments of existing posts, should be scrutinised with the greatest care by heads of departments and other authorities concerned. In submitting such proposals, the instructions contained in the following rules should be carefully observed.

56. The head of an office is not, at liberty to re-adjust the pay of a Government servant by giving one Government servant more and another less than the sanctioned pay of his post; nor may he distribute the pay of an absentee otherwise than as provided in the rules governing the service to which the Government servant belongs. But in the case of departments or establishments divided into cadres there is no objection to; an excess appointment being made in a lower cadre against a vacancy left unfilled in a higher cadre. This liberty must, however, not be used for the purpose of increasing the numerical strength of an office. For each vacancy in, higher cadre only one extra appointment in a lower cadre is admissible.

The vacancy in the higher cadre should be one arising from retirement, discharge

resignation, deputation or leave for a long period, which should in no case be less than one month.

Note.- The arrangement can be made in any cadre lower than the one in which the vacancy occurs.

57. 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 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) details of the pay of the post or posts and the number of posts which it is proposed to add or modify; and
- (iii) as accurate an estimate as possible of the extra cost involved.

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 these 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 given 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.

Example 1.- It is proposed to establish a first grade college, and the sanction of higher authority is required only because it is desired to create posts in the Senior Educational Service for the principal and three professors. Full details of the teaching staff should be given, because without these details the necessity for the post in the Senior Educational Service cannot be gauged. No details should be given of the clerical or other subordinate staff.

Example 2.- It is proposed to establish a Government High School and the sanction of higher authority is required only because it is proposed to create a post in the Educational Service for the Headmaster. No details are required of the staff proposed for the school, except the Headmaster, because a knowledge of the details is not necessary in order to determine whether a post in the Educational Service is required. .

Explanation (b)- When the revision of a number of establishments is undertaken in pursuance of one definite central idea, which constitutes 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 case of all establishments 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 Accountant-General and that it is accepted by him as correct.

Note 1.- In determining the extra cost, allowances, whether fixed or variable, should be included. The estimate of the extra cost due to variable allowances, such as those granted under house allowance schemes, cannot be exact but it should be as accurate as possible.

Note 2.- The authorities submitting the proposals should take into account any claims to pensions that may arise in consequence to their proposals with reference to Article 429 of the Civil Service Regulations and certify to their having done so in their proposals.

58. (a) In the following cases the letter explaining the proposals should be accompanied by a proposition statement in duplicate in F. R. Form No. 4 and submitted through the Accountant-General who will verify the correctness of the statement :-

(i) cases of general revision of establishment ;

Note.- With the exception of very complicated establishments the verification of the proposition statement by the Accountant-General, West Bengal, may, however, be dispensed with. The question as to which of the cases should be regarded as complicated is left to the decision of the administration.

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

Note.- A simpler F. R. Form No. 5 may be used in this case when the full details of Form No. 4 are not necessary.

(b) The details to be shown in proposition statements will be determined by the following principles ; - I

(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 sections 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) Where the pay of any post, existing or proposed rises from a minimum to a maximum by periodical increments, the average monthly cost, and not the actual or the commencing cost, must be given. The average monthly cost for the purpose of this rule should be calculated in accordance with the following formulae :-

Formula (1)

Note 1. - 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 everybody 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. 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 2. - In order to find the average cost of an appointment in the junior scale of an in the junior scale of an All India Service, formula (3) should be used, and such proportion of overseas pay 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. As regards the senior scale formula (1) may be used.

59. If the expenditure is proposed to be incurred in the current year, the proposals should show clearly whether it can be met within the grant or appropriation of the year. H

the expenditure can be met by reappropriation, a reappropriation statement prescribed in rule 382 should be submitted with the proposals.

CLAIMS TO INCREASE OF PAY

60. 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.

Note. - Periodical increments of pay are not increases to pay within the meaning of the above rule.

TRANSFER OF OFFICE

(i) General

61. Every transfer of charge of a gazetted Government servant should be reported by post of the same day to the Accountant-General in F. R. Form No. 3.

Note.-The Gazetted Government servants of Forest Directorate should follow the procedure laid down in Article 74 of the Bengal Presidency Forest Manual, Part II, in this regard.

62. 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, weigh and measure certain selected articles in order to test the accuracy of the return. 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.

Note.-For transfers of charge of a treasury, a separate form for charge certificate has been prescribed in the Treasury Rule, West Bengal (vide S. R. 6).

(ii) Special Rules for 'Works and Buildings' and 'Irrigation and Waterways' Departments

63. The relieving officer will take up the expenditure of cash and stores from and for the first day of month during which the relief took place, and submit the next monthly accounts in the same manner as if he has been in charge during the whole month. But the relieved officer remains responsible that proper explanation is forthcoming for transactions during his incumbency.

64. If the relieving officer fails to bring to notice, within a reasonable period any deficiency or defect in work or stores taken over from his predecessor, he will be held responsible for the same, both as to quantity and quality, so far as he was in a position to ascertain it.

65. The receipt of cash and stores balances should be prepared by the relieved officer, but the relieving officer should note any instructions therein so that the Superintending Engineer or the Executive Engineer, as the case may be, may pass such orders in respect of any deficient articles as may be necessary. A copy of the receipts may be given to the relieved officer, if desired by him.

66. The relieving officer should then, unless otherwise ordered, proceed with the relieved officer to inspect the records, cash, stores, works and materials at site of works, in charge of subordinates, but in the case of the transfer of a divisional charge, the relieved officer should accompany the relieving officer in the inspection of the outstations only when so directed by the Superintending Engineer. The relieving officer should examine the accounts, count the cash, inspect the stores, and count, weigh and measure certain selected articles, in order to test the accuracy of the returns, and should minutely examine the work in progress as to their quality, and as to their accordance with the sanctioned plans and estimates, he should also record his opinion as to the correctness of the accounts of materials at site.

67. He should also furnish the relieving officer with a complete statement of all unadjusted claims, with the reasons for their not having been adjusted in due course, and a report as to any complication likely to arise owing to their non-adjustment.

68. 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. In the case of the transfer of a divisional charge, he should describe the state of the records cash, stores and works, mentioning what outstations he has yet to inspect, and when he proposes to visit each.

69. The relieving divisional officer should mention specially in his transfer report whether the accounts may be considered fairly to represent the progress of the works.

70. In the case of transfers of charges other than divisions and subdivisions, the Executive Engineer should issue instructions as to the works to be jointly inspected by the relieved and relieving officers.

ANNUAL RETURNS OF NON-GAZETTED ESTABLISHMENTS

71. Omitted.

72. Omitted.

SERVICE BOOKS AND SERVICE ROLLS

73. The detailed instructions connected with the maintenance of records of service of the non-gazetted Government servants are contained in Appendix I to the West Bengal Service Rules, Part I.

Chapter 4

Contingencies

I. GENERAL RULES

74. The Rules in this Chapter are supplementary to the general rules of procedure prescribed in Section V, Chapter IV of Part II of the Treasury Rules and have to be supplied where necessary in conjunction with them.

Special rules applicable to particular departments and administrations are contained in the Manuals, Codes, etc., of the departments or administrations concerned.

75.

(a) Subject to any orders of the Government or any other competent authority, a Government servant is allowed to draw money from the treasury for contingent expenses incurred on the public service within the amount allotted to him in his budget estimate or otherwise. For ordinary expenses previous sanction is not required. It is for Government to lay down any scale in regard to contingent charges to be regulated thereby. to determine the authority competent to sanction "special contingencies and to name the controlling authority whose countersignature is necessary in regard to countersigned contingent charges.

(b) Contingent charges are to be recorded and treated in the accounts as charges of the month in which they are actually disbursed from the treasury.

76. The classification of the different kinds of contingent items and the rules for the preparation of bills, etc., for each class of contingencies as well as the directions for recording such expenditure by Government servant concerned, are contained in section V of Chapter IV of the Treasury Rules, West Bengal.

77. Subject to any general or special orders issued by Government, no pay of any kind and no additions to pay may be treated as contingent expenditure. The pay of the different classes of inferior servants (whole-time servants or not) who are declared or may be declared by Government as ineligible for pension may, however, be treated as contingent expenditure (vide S. R. 231 of the Treasury Rules, West Bengal). A list of inferior servants declared a pensionable or non-pensionable given in Appendix 8.

Note.-The restriction imposed in rule 80 do not apply to contingent payments on account of establishment paid for under rule.

II. CONTRACT CONTINGENCIES

78. In regard to contract contingencies it is for Government to prescribe what classes of expenditure will be brought under the contract system and to which departments the system will be extended. A list of contract contingent items and the departments in which the system is in force is given in Appendix 9.

III. SPECIAL CONTINGENCIES

79. In departments to which the contract system has not been extended all charges which come under the category of contract contingencies (vide Appendix 9) are treated as special contingencies with the exception of the following which have been authorised by Government to be incurred by disbursing officers without any previous sanction or countersignature of any controlling authority :-

- (1) Office expenses and miscellaneous.
- (2) Service postage and telegram charges,
- (3) Repairs to furniture.
- (4) Cost of remitting money.
- (5) Hot weather charges.
- (6) Charges for electric current for lights and fans.
- (7) Funeral expenses as admissible in respect of erstwhile gazetted and non-gazetted Government servants who die while in service.

Note.- The item "Office expenses and miscellaneous" includes all other petty items of expenditure not exceeding Rs. 20 for each individual item not specially named in the

above list and which do not come under the category of "Regular or special contingencies."

III.A. ACCOUNT OF ELECTRIC CHARGES

79A. In order to verify the claims on account of electric charges payable from contingencies, a register shall be maintained by the drawing and disbursing officers in the following form, namely:

| Month | Reference to Meter No. | Reference to meter reading (Unit Consumed) |
|-------|------------------------|---|
| | Matter No. | (a) Prev. Reading (b) Present Reading (c) Actual Unit |

| Reference to | Amount | Remarks | Signature |
|--------------|--------|---------|-----------|
|--------------|--------|---------|-----------|

Vouchers (Bills)

 In respect of those departments for which the Accounts Officer, West Bengal Secretariat, is the drawing and disbursing officer, the register shall be maintained by the authority competent to pass for payment such bills and certificate of compliance shall be sent to the Accounts Officer, West Bengal Secretariat.

IV. RECURRING CONTINGENCIES

80. No charge which binds Government beyond a single payment may be incurred without the sanction of the competent authority.

Exceptions:-

(a) The sanction of Government is not required to the payment of Municipal or Cantonment taxes whatever be their amount, when such taxes have been assessed by competent authority, and the assessment Certified to by the Executive Engineer concerned in respect of buildings borne on the books of the Works and Buildings Department, or in respect of other Government buildings. by the departmental officers concerned. If in any case, the head of a department or an office considers that the assessment is excessive he may represent the matter to higher authorities.

(b) All Government servants entitled to draw contingent bills may incur recurring contingent charges up to Rs. 25 a month and for a period not exceeding six months subject only to the existence of necessary budget provision and to any restriction which Government may desire to impose.

Note. - This rule does not apply to items of contract contingencies referred to in rule 78 or to items of special contingencies referred to in Rule 79.

V. ACCOUNT OF SERVICE POSTAGE STAMPS

81. In order to watch and check the consumption of service postage stamps a register should be kept in the following form :-

Account of service postage stamps

Date

Opening Balance

Receipts

Initials of verifying officer

Issues

Initials of verifying officer

Closing Balance

Note. - Details of stamps in hand to be noted when an indent is prepared.

In column 5 of the form, the total of the day's issues only will be entered and all entries in this column should be daily verified from the issue or despatch register or registers by an assistant or clerk, other than the despatcher, where possible, under the nomination of the head of the office.

The head of the office shall check the account of service postage stamps with the stock in hand at least twice a month and record a certificate as regards the book balance and the balance in hand. In sub-jails the check shall be made monthly.

VI. MISCELLANEOUS RULES RELATING TO CONTINGENT EXPENDITURE

82. The rules for the supply of articles required to be purchased for the public service are contained in Appendix; 10 and miscellaneous rules regarding contingent expenditure are given in Appendix 11.

83. In the case of work done by Government Factory (such as Jail Work- shop) as also in other cases in which inter-departmental adjustments are permissible, the officer-in-charge shall, if the adjustment is to be made by book transfer, prepare an invoice in F .R. Form No. 6 and forward the same to the Officer supplied or served in the manner prescribed in S. R. 255 of the Treasury Rules, West Bengal.

Note 1. - For rules regarding inter-departmental transfers, see Chapter 4 of the Account Code, Volume I.

Note 2. - Payments for Reuter' s and Indian News Agency Messages supplied to High Officials and Government Departments should be made by cheques drawn on the Reserve Bank of India in favour of the Accounts Officer, Telegraph Check Office, Calcutta. Where, however, this is not possible the payment should be made by the Reserve Bank of India Government Draft without stamp duty marked "Government Account".

84. It is often expedient for a Government servant to make purchases or incur expenditure in another district, making his arrangement through a Government servant in that other district. If the amount to be paid on amount of contingent expenditure incurred in this way is not less than Rs. 50, payment may be made by Reserve Bank of India Government Draft, but otherwise every Government servant who incurs expenditure in this way must treat it as expenditure of his own office, and not demand recoupment by Reserve Bank of India Government Draft from the officer at whose request he, as an agent, incurs the expenditure. The charge must, however, be taken as expenditure of the department to which the Government servant requiring the

expenditure is attached and, therefore, a Government servant should address his application for any service to the principal officer of his department in the district indented on, e.g., a police officer should ask the District Superintendent, not the Magistrate, to purchase blankets for him, The Magistrate in such & case would pass on the indent or the voucher if he has supplied any articles to the police officer, who would deal with the charge as a final one of his own office, applying to the proper authority for an extra appropriation if his own should fall short before the end of the year. The responsibility for obtaining proper sanction always rests with the originating Government servant.

Note 1. - This rule is not applicable when purchases are effected in the capital town of the State; the cost may then be sent by Reserve Bank of India Government Draft.

Note 2. - This rule does not apply also to expenditure chargeable to local funds or to Government servants in another State which should always be recovered in the absence of mutual agreement between the Governments concerned.

Note 3. The purposes for which Reserve Bank of India Government Draft are issued are set forth in Appendix 17 to the Treasury Rules.

VII. SPECIAL RULES FOR THE 'WORKS AND BUILDINGS' AND 'IRRIGATION AND WATERWAYS' DEPARTMENTS

85. If the contingent charges of a division, excluding special contingencies during a month, exceed the monthly limit of Rs. 500 for such charges, the bill for the month should be submitted to the Superintending Engineer for sanction, which will be signified by that officer countersigning the bill.

86. Cash required to disburse contingent charges should be obtained from treasuries directly by bills, i.e., in the same way as cash required for payment of pay and allowances.

In emergent cases the contingent expenditure may be met from the Divisional cash (in the same way as cash required for work) under the written order of the Executive Engineer.

The charges so met should be classified in the Divisional Account under 'M-Remittances-882-Cash Remittances and adjustments between officers rendering accounts to the same Accountant-General Accounts Officer-II P. W. Remittances' for adjustment to the final head 'Contingencies' in the accounts of the Accountant-General, West Bengal.

87. The cash obtained for contingent charges should not be mixed up with the balances of cash obtained for other purposes.

(b) Imprest in the Works and Buildings and Irrigation and Waterways Departments

88. (a) An imprest is a standing advance of a fixed sum of money given to a disbursing officer in the Works and Buildings or Irrigation and Waterways Department to enable him to make certain classes of payments which may be entrusted to his charge by the Divisional Officer or the Subdivisional Officer. The amount of an imprest should not,

however, exceed one thousand rupees, in any case, without special sanction of Government.

Note 1. - Temporary advances for making petty payments in outlying stations may be granted in unavoidable circumstances to the barkandazes in the Irrigation and Waterways Department provided such advances are covered by the security deposits lodged by them with Government.

Note 2. - 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 from the permanent advance, works imprest or other available cash in the hands of the disbursing officer concerned, pending recoupment, when the bill is subsequently encashed.

Note 3. -When a disbursing officer makes a remittance to a subordinate officer to enable him to make a number of specific 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 and accounted for in P. W. A. Form No. 3 in the same way as an imprest. This rule applies also to cash taken out of the chest by the disbursing officer himself to make payments at distance.

(b) The holder of an imprest is responsible for the safe custody of the imprest money and he must at all times be ready to produce the total amount of the money in vouchers or in cash.

(c) Advances to disbursers for the Forests Department

89. A subordinate officer of the Forests Department, who is not authorised to draw cheques against the drawing accounts 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 orders.

(d) Permanent advance for Public Service Commission

90. The Secretary, Public Service Commission, West Bengal, is authorised to draw &sum of Rs. 500 as permanent advance on a simple receipt for deposit in a private account in the Reserve Bank of India, Calcutta. The private account 80 opened shall be operated upon to meet expenses in connection with the payment of remuneration to examiners and printers appointed in connection with the various examinations held by the Commission. The detailed procedure for payment of remuneration to the examiners and printers is contained in Appendix; 14 to the Treasury Rules, West Bengal. (See also Note below. S. R. 247 to the Treasury Rules).

(e) Permanent advance on account of His Excellency the Governor's discretionary grant

91. The procedure to be observed in making payments out of the permanent advance held by the Secretary to the Governor of West Bengal on account of His Excellency the

Governor's discretionary grant is laid down in Note 2 below S. R. 227 of the Treasury Rules, West Bengal.

Chapter 5

Miscellaneous Charges

REFUNDS OF REVENUE

92. Refunds of revenue are broadly classified as -

- (i) refunds to which the claimants are legally entitled, and
- (ii) refunds which are made ex gratia, Government being under no legal obligation to make them.

Note 1.- Refunds of revenues are not regarded as expenditure for purposes of grants or appropriations.

Note 2.- Remissions of revenue allowed before collection are to be treated as reduction of demands and not as refunds.

93. Subject to the provisions of the relevant Acts and rules made thereunder, the sanction necessary for refunds of revenue is regulated by the delegation orders in Appendix 12. 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 Accountant-General.

94. Before a 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 refund should be so recorded against the original entry in the cash book and other documents so as to make the entertainment of a double or erroneous claim impossible. Any acknowledgment previously granted should, if possible, be taken back and destroyed and a note of the repayment recorded on the counterfoil of the receipt.

COMPENSATION FOR LAND ACQUIRED UNDER LAND ACQUISITION ACT

95. The rules for the acquisition of land under the Land Acquisition Act (Act I of 1894) and the procedure for the payment of compensation for the land so taken up are set forth in Appendix 15 to the Treasury Rules, West Bengal.

ACQUISITION OF LAND BY PRIVATE NEGOTIATIONS

96. In the case of land acquired by private negotiations the officer who settles the price, etc., should draw up Form A prescribed in Appendix 15 to the Treasury Rules, West Bengal, and this should be made the basis of the subsequent payments.

INSURANCE OF GOVERNMENT PROPERTY

97 A. The normal policy of Government is not to insure its properties and no expenditure

should be incurred without the prior consent of the Finance Department on the insurance of any Government property.

Chapter 6

Stores

SECTION I - GENERAL RULES

Introductory

99. This section contains the general rules applicable to all departments regarding stores required for use in public service. They shall be applied in conjunction with the special rules, if any, applicable to particular departments and administrations.

Special rules relating to the Works and Buildings and the Irrigation and Waterways Departments are contained in Section III of this Chapter and may, where necessary, be applied to other departments in conjunction with the general rules in this section.

Note.- The term "stores" applies generally to all articles and materials purchased or otherwise acquired for the use of Government, including not only expendable and issuable articles in use or accumulated for specific purpose, but also articles of dead stock of the nature of plant machinery, instruments, furniture, equipment, fixtures, etc., and also live stock.

Authorities competent to purchase stores

100. Subject to any special rule or order applying to any particular department an authority which is competent to incur contingent expenditure may sanction the purchase of stores required for use in the public service. Such purchases are also subject to the usual restrictions regarding the existence of necessary appropriation and to any monetary limits and other conditions prescribed generally or in regard to specific articles or classes of articles.

Rules and instructions governing the purchase of stores

101. All purchases of stores for use in the public service should be regulated in strict conformity with the Store Rules in Appendix 10, Miscellaneous Rules relating to the purchase of stationery, etc." are contained in Appendix 11.

102. Purchases must be made in the most economical manner in accordance with the definite requirements of the public service. Stores should not be purchased in small quantities. Periodical indents should be prepared and as many articles as possible obtained by means of such indents. At the same time, care should be taken not to purchase stores much in advance of actual requirements, if such purchase is likely to prove unprofitable to Government.

Where scales of consumption or limits of stores have been laid down by competent authority, the officer ordering a supply should certify on the purchase order that the prescribed scales or limits are not exceeded.

103. Purchase orders should not be split up to avoid the necessity for obtaining the sanction of higher authority required with reference to the total amount of the orders.

Receipt of Stores

104. All materials received should be examined, counted, measured or weighed as the case may be, when delivery is taken, and they, should be taken charge of by a responsible Government officer who should see that the quantities are correct and their quality good, and record a certificate to that effect. The officer receiving the stores should also be required to give a certificate that he has actually received the materials and recorded them in the appropriate stock register.

Endorsement of stock certificates on freight bills

105. Before freight bills for movement of commodities are passed for payment stock holding officers shall endorse a stock certificate in the following form on the said bills :- Certified that the stock noted below have been received and have duly been accounted For in the stock register and that suitable records have been kept to avoid double payments.

- 1.Prog. No. with date
- 2.Invoice No. with date
- 3.Boat /Flat / Berge/ Conveyance No.
- 4.Quantity received in bags and weight
- 5.Condition of stock

Issue of stores

106. When materials are issued from stock for departmental use, manufacture or sale, etc., the Government servant in charge of the stores should see that a requisition or indent in proper form (F .R. Form No. 8) 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 requisition officer for signature; When materials are issued, a written acknowledgement should be obtained from, the person to whom they are ordered to be delivered or dispatched, or from a duly authorised agent.

Transfer of charge of stores

107. In oases of transfers, the officer-in-charge of stores should see that the stores in his custody are made over correctly to his successor and a proper receipt taken from him. Every departmental officer is bound to take over charge of departmental store 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.

Custody of stores

108. The head of an office or any other officer entrusted with stores of any kind should take special care for arranging for their safe custody, for keeping them in good and efficient condition and for protecting them from loss, damage or deterioration. Suitable accommodation should be provided more particularly for valuable and combustible stores. He should maintain suitable accounts and inventories and prepare correct returns in respect of the stores in his charge with a view to preventing losses through theft, accident, fraud or otherwise and to making it possible at any time to check the

actual balances with the book balances and the payment to suppliers, etc.

Note - Detailed procedures for the maintenance, etc., of inventories of Government stores and stocks are contained in Appendix 13.

SECTION II - STOCK ACCOUNTS

109. The Accounts are of two kinds (a) Quantity Accounts and (b) Value Accounts.

Quantity 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 transactions take place, and balances struck every month which should respond the quantities in stock at the close of each month.

Note. - The Government will frame detailed rules for the maintenance of stock accounts of different classes of materials and for submission of periodical returns for the review of responsible authorities.

Value Accounts

(b) The Value Account should show the money value of the materials received in and issued from stock. The value of all materials obtained from different sources either by cash payment or by book adjustment, should therefore be entered on the payment side. 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 other incidental charges, if any, actually incurred on the acquisition of stores (vide rule 125). A general valuation should also be made of the stock in hand at the close of each half year at reasonable accurate prices not exceeding the market rates 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 issue prices, where necessary.

Stock-taking

110. The balance in stock should be half-yearly examined to see whether the balance in hand represents the quantities as well as the 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.

SECTION III - SPECIAL RULES FOR THE DEPARTMENTS OF WORKS AND BUILDINGS AND THE IRRIGATION AND WATERWAYS.

General Administration of Stores

111. The stores of the Departments of Works and Buildings and the Irrigation and Waterways are divided into the following classes, viz., (i) Stock, or general stores, (ii) Tools and plant, (iii) Road metal and (iv) Materials charged direct to works. The Divisional Officer is responsible that proper arrangements are made throughout his division for the custody of stores and for their protection from deterioration and fire,

while, unless there are orders to the contrary, the officer-in-charge of a subdivision is responsible for the correctness of all the stores belonging to it.

Acquisition of Stores
(a) Purchase of Stores
(i) STORES (OTHER THAN TOOLS AND PLANT)

112. Stock, road metal and other materials required in ordinary course for the execution of sanctioned works may, subject to the provisions of the rules for the supply of articles for the public service, be procured on the responsibility of the Divisional Officer without special authority, though the Superintending Engineer's approval should be obtained to the measures proposed for the purchase of stock in large quantities. If the stores are to be manufactured, a separate estimate for their preparation may be required as laid down III rule 113.

(ii) TOOLS AND PLANT

113. The articles comprised under the head "Tools and Plant" can only be purchased or manufactured against estimates sanctioned by competent authority, with the exception of purchases or manufactures not exceeding Rs. 500 for which estimates are not required.

(b) Indents

114. (I) The general rules for the supply of articles required for the public service, whether of indigenous origin or otherwise, will be found in Appendix 10.
(II) The restrictions imposed by the rules for the supply of articles for the public service do not apply to purchases made by or on behalf of Port Trust Municipalities, or local funds, excepting when the stores purchased are paid for from Government revenue on behalf of Government or from funds advanced by Government, in the latter circumstances Government may, however, direct that the provision of the rules question need not apply. When a works and buildings or -an Irrigation and Waterways Department officer carries out a work for any of the local bodies referred to above, the said rules shall apply, except when the local body specially desire to have the stores purchased otherwise, with the approval of Government. It should, however, be stipulated that the stores must be approved by the officer carrying out the work before the purchase is concluded.

(c) Manufacture

115. The manufacture of collection of materials involving an outlay of Rs. 10,000 or upwards must, in all cases, be covered by an estimate showing the proposed outlay and the material to be received. If the material be for a work already duly sanctioned, or for reserve stock within the sanctioned limit for the division. the estimate will merely required the approval of the Superintending Engineer, but in all other cases the estimate must be duly sanctioned by competent authority, as though for an original work.

Mathematical Instruments

116. All new instruments required for the works and buildings or the Irrigation and Waterways Department, which have been provided for in a sanctioned estimate should

be obtained by rodent from the Mathematical Instrument Office, Calcutta. Except when the cost does not exceed Rs. 500 all indents on the Mathematical Instrument Office, Calcutta, should be accompanied by a certificate by the indenting officer to the effect that the supply of the articles detailed therein is covered by a sanctioned estimate, and the specific reference numbers of the instruments shown in the price list of that office should always be quoted. Instruments requiring repair should ordinarily be sent to the Mathematical Instrument Office, Calcutta, or to the Depot from which they were supplied for the purpose, unless there is any Government workshop more conveniently situated where the repairs can be properly executed or in cases of urgency when the work may be entrusted to a local firm. Surveying and mathematical instruments should not be stocked in excess of requirements and surplus instruments should be returned either to the Mathematical Instrument Office, Calcutta, or to the Depot from which they were obtained.

117. The Divisional Officer is responsible that the surveying and mathematical instruments in his division are properly cared for. Any injury to the instruments due to neglect or carelessness should be made good at the expense of the Officer or subordinate responsible for the damage.

Reserve of Stock

118. Reserve of stock will only be maintained when necessitated by the remote-ness of the division or works from the market or Source of supply or for use in emergency, then it is considered necessary, that a 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 (vide rule 113).

The fixed maximum should be kept at the lowest point compatible with efficiency, and the stock returns of divisions should be carefully scrutinised by Superintending Engineer from time to time with reference to this point.

Custody and Accounts of Stock

119. The stock of a division is sometimes kept in a single godown or yard in charge of a store-keeper or other officer, or each Subdivisional Officer may have a separate stock in his charge, either at his headquarters or scattered over the sub-division in the direct custody of subordinates or other sanctional officers. Again, the stock, although scattered over the entire division, may be in the general charge of a single official and the Subdivisional Officers may merely indent upon him, he keeping all the accounts. The account should be kept in accordance with rules detailed below whatever be the arrangement in force in the division.

Quantity Accounts

(a) Receipts

120. Materials may be received on stock from the following sources :

(a) Suppliers,

- (b) Stores Department, London,
- (c) Other subdivisions, divisions or departments (including Government workshops),
- (d) Manufacture, and
- (e) Works, buildings, etc.

In all cases there should be proper authority for the receipt, by the store-keeper or the sectional officer concerned, of materials to be brought on stock. This authority should be given in writing by the divisional Officer (or, if so authorised under local orders, by the Subdivisional Officer).

121. All materials received should be examined and counted, or measured as the case may be, when delivery is taken. The record of the detailed count or measurement should be kept in the Measurement Book and the total number or quantity received should be simultaneously entered in the Register of Stock Receipt prescribed in Article 96 of Account Code. Volume III. Such acknowledgement as may have to be given to a supplier for stores received from him can be signed only by the Divisional or the Subdivisional Officer. Any certificate that the store-keeper or sectional officer concerned may be called upon to record in respect of the receipt of stores for this or any other purpose (vide rule 123), should be in the following form :-

Received on _____ and recorded duly in the Register of Stock Receipts. See also page _____ of Measurement Book No. _____ .

Date _____ Signature _____

(b) issues

122. Material may be issued from stock for the following purposes :-

- (a) for use on works either by issue to contractors or direct (vide rule 232).
- (b) For despatch to other subdivisions, divisions or departments.
- (c) For sale to contractors, employees, other persons or local bodies.

They should be issued only on receipt of an indent in F. R. Form No. 8 signed by the Divisional or the Subdivisional 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 under local orders 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, Subdivisional 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.

123. When issuing materials from stock, the store-keeper or sectional officer should examine the indent (F.R. Form No. 8) 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 all actually made. The indent should then be returned at once to the indenting officer for signature on the 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.

124. All transactions of receipts and issues should be recorded strictly in accordance with the prescribed 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 works under his supervision may be shown in the accounts collectively once a month when closing the accounts of the month.

Value Accounts

(a) Payment of Stock received

125. Bills of suppliers should, before payment, be examined and dealt with in the manner prescribed in rules 209 to 221.

Note. - Special attention is invited to rule 220, the object of which is to prevent erroneous of double claims being put forward successfully. Store-keepers and sections) officers may, if desired, be required to verify suppliers' bills before payment (vide rule 118) but the disbursing officer is responsible that no payment is made unless the precautions referred to above have been observed.

126. Cash payments should not be made for stock received for other sources, except in accordance with the rules in Chapter 4 of Account Code, Volume I. When under those rules payment for supplies made by any department is made in cash, the claims of such department should be dealt with in the same way as those of suppliers.

(b) Recoveries for Stock issued

(i) Issue Rates

127. An Issue Rate, is assigned to each new article as it is brought on stock. This rate is fixed on the principle that the cost to be charged to works 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 provided beyond the original price paid. for carriage and other incidental charges if any, actually incurred on, the acquisition of stores.

Note 1. - It is not necessary that the Issue Rate for an item should be the same in all

subdivisions, but an uniform rate should ordinarily be prescribed for all localities in a subdivision.

Note 2. - The Issue Rate should be worked out to the nearest five paise, as far as possible.

128. 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 cases 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.

129. 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 rules 233 and 234.

(b) Issues to other divisions and departments may be made at a rate higher than the Issue Rate.

(ii) Storage Charge.

130. A storage rate [See rule 3(29)] is fixed annually for each division or sub-division on the principle that the total estimated annual expenditure is, as far as possible, recovered from the issues likely to be made during the year. On the basis of this rate storage charges are calculated, simultaneously with the book value, for all issues made under rule 120.

(iii) Mode of Recovery

131. (a) The, subdivisional 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.

(c) The **10** per cent. supervision charge should be realised addition to the value of stock in all cases in which it is recoverable under rule **131** (see also rule 127). See also rule 234(c).

Sale and write-off of Stores

132. All articles of stock (not including tools and plant), which are not likely. to be required during the following twelve months, should be reported to the Divisional Officer who will, if necessary, take the Superintending Engineer's orders as to their disposal.

133. When stock materials are sold to the public or to other departments, an addition of 10 per cent must be made to cover such charges on account of supervision, storage, and contingencies as are not provided for in the rates fixed under rules 125 and 128. This addition may, however, be waived by the officer empowered to sanction the sale in the case of surplus stock which in his opinion would otherwise be unsaleable. See also rules 127 and 266.

134. Except as provided in rule 131, no public stores may be sold otherwise than by public auction, without the permission of the superintending Engineer, Commission, which should ordinarily not exceed 5 per cent., may be followed to the auctioneer, not being a departmental subordinate, but no commission can be allowed on private sales.

Note.-When stores are sold by auction, so responsible officer or subordinate should attend and record the final bids, in order to enable the sale accounts rendered by the auctioneer to be checked.

135. When stores of any kind become unserviceable, a report thereof should be made in F. R. Form No. 9. This should be done at once on discovery of the fact.

136. All losses of stock should be immediately investigated and steps taken to obtain the sanction of competent authority to their write-off, if necessary. See also rule 39.

Note.- In the case of serious losses the Divisional Officer should hold a departmental enquiry and record the evidence and his findings thereon, including the finding as regards the responsibility and culpability of the persons concerned.

Fictitious Adjustments

137. Fictitious stock adjustments are strictly prohibited, such for example as (1) the debiting to a work of the cost of materials not required, or in excess of actual requirements, (2) the debiting to a particular work for which funds an availability of the value of materials intended to be utilised on another work for which no allotment has been sanctioned, (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 constitute a serious irregularity which will be brought prominently to the notice of the Government by the Accountant-General.

Yearly Register of Stock

138. A person other than a member of clerical establishment should, under the orders of the Division & Officer, fill up column 24 (market rates) of the Yearly Register of Stock, at or about the close of the year. On completion of the Yearly Register of Stock the Divisional Officer should review the register and record his remarks and orders.

Note.- The review should be directed to see especially 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 and to the prevailing market conditions. 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

139. (a) Divisional Officers are to have stock taken throughout their divisions at least once a year. Important stores should; as a rule, be counted by a member of the Engineering establishment, but this duty may be entrusted to a subordinate holding the charge of a subdivision. The Superintending Engineer, when he thinks proper, may depute an officer from one division to aid in the stock taking of another. As a general rule, verification should be entrusted to an officer independent of and unconnected with the staff responsible for the custody of the stores, and it should also include a certain amount of surprise check.

(b) It is not necessary that all the stores of a division, or even of a subdivision should be checked and counted at the same time; and the stock-taking may be arranged so as to go on gradually in the manner most convenient. When the stocks of an article are scattered in a subdivision, it may not be possible to test the aggregate book-balance of any article for the subdivision 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.

140. The procedure of verification outlined in the foregoing rules is suitable primarily for divisions executing ordinary works. In the oases of special stores, depots or divisions or of construction divisions where there may be a large concentration of stores, a continuous and periodical verification of stores should be arranged for whenever possible.

141. The results of all verifications of stock should be reported to the 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

(i) Numerical Account-Receipts

142. All articles of tools and plant received should be examined and counted when delivery is taken.

(ii) Payments fat Supplies

143. Payment for tools and plant received from suppliers and other sources should be made generally in the manner prescribed for stock received (vide rules 123 and 124). But when the Mathematical Instrument Department is unable to supply any instruments intended for and arranges for their purchase, the suppliers' bill will, if that department so desires, be paid in cash or by a Reserve Bank Draft.

(iii) Recoveries.

144. (a) When tools and plants are lent to the local bodies contractors or others the hire and other charges should be determined by local rules and should be recovered regularly.

(b) The Sub-divisional Officer is responsible that when tools and plant are dispelled of by sale or otherwise, with the sanction of competent authority the amount recoverable from the parties concerned is realised at the earliest opportunity.

(iv) Verification

145. 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 only be made in the account or issues without any correction of the book-balance.

Road Metal

146. (a) Supplies of road metal should be measured and paid for in the same way as supplies of other materials for works.

(b) The verification of the road metal should be generally on the lines of the verification of the materials charged to works (vide rule 243).

Schedule of Rate

147. A rate book or Schedule of Rates showing the lowest rate at which metal can be supplied to the road side throughout the division should be kept in the Divisional office in F. R. Form No. 10, with such modifications as may be considered necessary to suit local conditions. The rate should be revised, from time to time, as old quarries are exhausted or new one opened, or as other circumstances affect the rates.

Chapter 7

Works

SECTION I - WORKS EXECUTED BY CIVIL OFFICERS

General

148. Expenditure on construction (residential or otherwise) and repairs executed by civil officers is treated as contingent expenditure of the department incurring it, when it does not exceed Rs. 2,500 in amount. When the amount exceeds that sum, and the work (residential or otherwise) is still executed by civil officers the expenditure is treated as "works" expenditure of the department vested with the administrative control of the expenditure. The monetary limit is inclusive of the cost of land.

No expenditure on construction and repairs of residential buildings borne on the books of the Works and Buildings Department shall be incurred by civil officers. So far as non-residential buildings borne on the books of the Department of Works and Buildings are concerned, civil officers in occupation of them may at their option execute from their departmental grant all classes of petty works of construction and repairs costing not more than Rs. 2,500 in each case in respect of such buildings, excluding all works and repairs in connection with sanitary, water-supply and electric installation and the provision of fire appliances, which should invariably be executed through the agency of the Department of Works and Buildings. Work undertaken departmentally by civil officers

must be done to the satisfaction of the Executive Engineer concerned who should be given facilities to examine the materials and inspect the work in progress. Officers of the Works and Buildings Department, however, should not be asked to prepare plans and estimates, but the Executive Engineer should be allowed to inspect the plans and estimates prepared by the agency employed by the civil officers. On completion of a work carried out departmentally, the civil officers concerned must send to the Executive Engineer the detailed completion plans after endorsing thereon the actual cost of the work.

The civil departments, if they so desire, may also employ the agency of the Works and Buildings Departments for the execution of these petty works and repairs.

Note.-Item 3 .of schedule A of Delegation of financial Power Rules may also be referred to.

Execution of works

149. The works executed by civil officers may be carried out departmentally or through contractors. In the former case, advances may be drawn from the treasury, and when detailed expenditure is incurred out of those advances, full details of expenditure showing the quantity of materials and labour, rates and cost working up to the total amount should be furnished to the Accountant-General with actual payee's receipt in support of the advances. In the case of work executed through contractors, advances are strictly prohibited, but payment may be made in instalments for work actually done, e.g., in the case of a building construction work the contractor may be paid first the value of the foundation work, as soon as it is completed, and later on for the walls, the woodwork and so on. To pay for materials before they are actually utilised in the construction work would be practically giving an advance, a procedure which should be definitely forbidden. When the work is finally completed a completion certificate should be furnished to the Accountant-General along with the final bill, together with the estimate or a copy thereof, by the departmental disbursing officer after satisfying himself, by measurement or otherwise, that the actual work done corresponds with the estimate and is covered by the total payments made.

No monthly on account of construction should be retained in hand after the close of the year. All that has been drawn and remains unexpended on the 31st of March should be refunded into the treasury.

In no case should bills for work be submitted before the work billed for is completed. Bills may be submitted for portions of grant expended from time to time, but not for the whole sum in one bill before the work is completed.

No Government servant can spend on one work money sanctioned for another.

Note - The above procedure is intended for smaller works costing not more than Rs. 5,000. For larger works the procedure should be on the lines of the procedure prescribed for the execution of similar works by the Works and Buildings Department.

150. To meet cases in which one department of Government has to undertake work for another department for which funds are provided by the employing department, it has

been decided with a view to securing effective control over expenditure against grant to adopt the following procedure : ³/₄

The department responsible for providing the funds will intimate to the department undertaking the work the sanctioned grant within which the expenditure is to be incurred and the department incurring the expenditure will be responsible for seeing not only that the allotment placed at its disposal is not exceeded but also that any anticipated savings are notified and surrendered in time. In cases where an excess is anticipated the department incurring the expenditure will be responsible for obtaining additional allotment in proper time through the employing department.

SECTION II - SPECIAL RULES FOR THE FORESTS DEPARTMENT

Conservancy and Works Charges (a) Muster Roll

151. 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.

152. Payments on muster rolls should be made or witnessed by the Government servant of highest standing available and he should certify to the payments individually or by groups by a distinctive mark, his initials or signature. The amount paid on each date should be noted in words as well as in figures at the foot of the muster roll.

153. After payment an abstract should be prepared in F. R. Form No. 11, wherein the amount paid should be certified. This abstract will be the voucher in support of the charge in the cash book.

(b) Contractors

(i) AGREEMENTS

154. In the case of work or supply of sufficient magnitude a contract should be made on a written agreement, care must be taken to frame such an agreement so that, in the event of a dispute, it could be maintained in a court of law. They need not be stamped, even though they provide for a deposit of money as security for the due fulfilment of the contracts; but, if necessary, the document must be registered according to the law in force for the time being.

Note 1.-The following instruments relating to the Forests Department are exempt from stamp duty payable under the Stamp Act (II of 1899) :-

(a) Instruments in the nature of a conveyance by the Government of standing trees or any other forest produce in a Government forest. . (b) Instruments in the nature of a memorandum or agreement furnished to, or made or entered into with, the Forests Department by a contractor for the due performance of his contracts.

(c) Also the following instruments :-

- (i) Contract for the collection of minor produce, barks, etc.;
- (ii) Contract for felling and, removing trees;
- (iii) Contract for the collection, removal and disposal of stock in coupes subject to obligation to coppice and clear the area;
- (iv) Contract for the purchase of timber/firewood to be felled/cut departmentally;
- (v) Contract of the usufruct of trees and topes;
- (vi) Contract for the felling/cutting and purchase of timber/firewood;
- (vii) Kancha or grazing lease;
- (viii) Agreement for felling and conversion of timber;
- (ix) Agreement for right to collect seigniorage on minor produce brought for sale by hill tribes;
- (x) Agreement for cultivation under the tangya system in reserved forests;
- (xi) Agreement for fishing in reserved forests.

Note 2. - The expression "Work of sufficient magnitude" occurring in the first line of the rule is intended for work the cost of which exceeds Rs. 2,500. No tenders are required to be invited for execution of works costing Rs. 2,500 or less. Invitation of tenders in cases of works of sufficient magnitude may be dispensed with and their execution taken up departmentally if the cost thereof be found cheaper with reference to the scheduled rates and other necessary data to be obtained from the Executive Engineers of the Works and Buildings Department as compared with the cost of the same if done through contractors: In such cases a certificate to this effect shall be recorded by the Divisional Forest Officers in the bill.

Note 3. - The principles to be followed by Government servants who have to enter into contracts or agreements are set forth in rule 47.

(ii) PAYMENT FOR WORK DONE OR SUPPLIES

153. Payments to contractors for work or supply can be made 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 F. R. Form No. 12, 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, has been accepted by a responsible Government servant. (See also rule 155.)

(c) Measurements

154. 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 the Measurement Book in F. R. Form No. 13, 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.

155. A reference to the vouchers in which the quantities are entered for payment, 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 and should also indicate the date on which the measurement was made.

(d) Advances to contractors

155. 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 for its summary recovery in the event of its not being adjusted by work done.

Note. - The Conservator may from time to time fix the amount up to which, and the circumstances under which, advances may be made to contractors without his previous sanction. The Conservator may also require that all advances made to contractors, exceeding certain limits, must be reported to him.

(e) Board of sanction and expenditure

156. 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 Accountant-General in monthly lists.

157. A detailed record of the sanction to each sanctioned work and of the expenditure incurred thereon from time to time should be kept in a Register in Form No. F. A. 3 prescribed in Article 270 of the Account Code, Volume III.

158. 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 Accountant-General to the Conservator, who should forward it to Government, if the work was sanctioned by Government or higher authority.

SECTION III-- SPECIAL RULES FOR THE DEPARTMENTS OF WORKS AND BUILDINGS AND IRRIGATION AND WATERWAYS

Financial responsibilities of the officers

Chief Engineer

159. The Chief Engineer will -

(1) exercise & concurrent control, with the Accountant-General, over the duties of the officers of the department in maintaining accounts and give legitimate support to the Accountant-General in enforcing strict attention to the rules concerning the disbursements of money, the custody of stores and submission of accounts;

(2) prepare annually the portion of the budget estimates relating to the works under his control; it will be his duty to administer the grant and with this object to keep a close watch over the progress of the expenditure against it with a view to seeing that no excess is permitted to occur and that if additional funds are necessary application for the same is made; it will further, be his duty to see that the grant is fully expended in so far as is consistent with general economy and the prevention of large expenditure in the closing months of the year and 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; and

(3) exercise general supervision and control of the assessment of revenue from irrigation works, within the limits of his charge, also frame the necessary estimates and watch carefully the progress of the realisations during the course of the year.

B. Superintending Engineer

161. The Superintending Engineer will-

(1) inspect the various works in progress within his circle and satisfy himself that the system of management of prevailing is efficient and economical, that the different articles in stock are duly verified according to the rule laid down, and that there is no accumulation of stock in any division beyond its requirements; see that no delay is allowed to occur in the submission of completion reports; inspect periodically all important public buildings and other works within its jurisdiction;

(2) inspect the divisional offices at least once a year and forward for the information of the Chief Engineer reports of his inspections of Divisional Offices detailing therein the results of his examination: of initial accounts, accounts of stocks, tools and plant and stock manufacture, registers of works and other divisional books, mode of preparation of estimates contract agreements, contractors' accounts, system of recording plans and papers and office work generally; see that the authorised system of accounts is maintained throughout his circle;

(3) make it his special duty to see, during his tours, that the 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 for which certificates have been

granted;

(4) examine the books of Divisional Officer and their subordinates and see that matters relating to the primary accounts are attended to personally by the Divisional and Sub-divisional Officers, and that the accounts fairly represent the progress of each work; examine the register of works, watch the total expenditure to date under each sub-head of work in contrast with the sanctioned estimate; see that revised estimates for any work, if required, are submitted in due time to the sanctioning authority; and

(5) be responsible for the supervision and control of the assessment of revenue from Irrigation Works within his circle.

C. Divisional Officer

162. The Divisional Officer will-

(1) not commence the construction of any work or spend public funds without the sanction of competent authority;

(2) close the accounts immediately the work is finished, and prepare the Completion Report, if required by the rules; ,

(3) take the necessary steps for obtaining cash for the works under his control, keep accounts and submit them punctually to the Accountant-General, under the rules for the time being in force;

(4) exercise a thorough and efficient control and check over the divisional accountant, and carefully examine the books, returns and papers from which the monthly accounts are compiled;

(5) be responsible for the correctness, in all respects, of the original records of cash and stores, receipts and expenditure and for seeing that complete vouchers are obtained;

(6) be responsible for affording information in cases of probability of excess of actual over estimated cost of work, and will report the fact forthwith to the Superintending Engineers describing the nature and cause of the excess;

(7) inspect, at least once a year, the more important buildings and works in his division, and be responsible for seeing that proper measures are taken to preserve them and to prevent encroachment on Government lands in his charge; will keep accurate plans of all such lands and take care that his subordinates make themselves acquainted with the boundaries and see that they are respected;

(8) be responsible for administering the grant made for public works in his division, and with this object will keep a close watch over the progress of expenditure against it with a view to seeing that no excess is permitted to occur and that, if additional funds are necessary, application for the same is made in time; and

(9) be responsible for the detailed assessment of the revenue to be obtained from

irrigation works within his division, and will maintain such records and accounts for the purpose as may be prescribed.

D. Sub-divisional Officer

163. The Sub-divisional Officer is responsible to his Divisional Officer for the management and execution of works which the subdivision, also for the due submission of his accounts returns to the Divisional Office.

Administrative approval and technical sanction

164. For every work proposed to be carried out, a properly detailed estimate must be prepared for the sanction of competent authority, this sanction is known as the technical sanction to the estimate. Such sanction can only be accorded by Government in the Works and Buildings or the Irrigation and Waterways Department, or, where power has been delegated to them, by officers of that department. Sanction accorded to the construction of a work by any other department of Government is to be regarded merely as an "administrative approval" of the work, as defined in the following rule, and the fact that such approval has been accorded in no way dispenses with the necessity for a further technical sanction, which must be obtained before the construction of the work is commenced.

165. For every work initiated by, or connected with, the requirements of another department, it is necessary to obtain the concurrence of the department concerned to the proposals before technical sanction to the work is accorded in the Works and Buildings or the Irrigation and Waterways Department. The formal acceptance by the department concerned is termed "administrative approval" of the work, and is, in effect, an order to the Works and Buildings or the Irrigation and Waterways Department to execute certain specified works at a stated sum to meet the administrative needs of the department requiring the work. Such approval should not, however, 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. A similar procedure should be followed in the case of works required to meet the administrative needs of the Works and Buildings or the Irrigation and Waterways Department, both the administrative approval and the technical sanction being accorded in such cases, in the Works and Buildings or the Irrigation and Waterways Department.

Note.-The words "approval" and "sanction", respectively when used in respect of estimates for works, bear throughout this chapter the meanings indicated in this and the foregoing rule.

166. An application for administrative approval should be submitted to the authority competent to accord it, accompanied by a preliminary report, by an approximate estimate and by such preliminary plans, information as to the site and other details, as may be necessary, fully to elucidate the proposals and the reasons therefor. The approximate estimate and preliminary plans should be obtained from the Works and Buildings or the Irrigation and Waterways Department. If, however, the work is not likely to cost more than Rs. 10,000, detailed plans and estimates may be prepared in the first instance and submitted to the authority competent to accord administrative approval, being returned thereafter to the officer of the Works and Buildings or the Irrigation and Waterways Department competent to accord technical sanction.

167. The above procedure will also apply to modifications of the proposals originally approved, if likely to necessitate eventual admission of a revised estimate, to material deviations from the original proposals, even though the cost of the same may possibly be covered by savings on other items, and to cases where the detailed estimates, when prepared, exceed the amount administratively approved by more than 10 per cent. In these cases, as also in cases in which it becomes apparent, during the execution of the work, that the amount administratively approved will be exceeded by more than 10 per cent, owing to increase of rates or other causes, the revised administrative approval of Competent authority must be obtained to the increased expenditure without delay, and in case of modifications during construction, without awaiting the preparation of a detailed supplementary or revised estimate.

168. In the case of works required not for a particular department, but in the interests of the general public, e.g., communications, and irrigation works and miscellaneous improvements, preliminary designs and estimates should be submitted to scrutiny by the Administrative Department concerned before a detailed estimate is prepared for the purpose of technical Sanction.

169. The powers of different authorities to accord administrative approval and technical sanction to works are regulated by the Delegation Orders.

Scope of sanction

179. The authority granted by a sanction to an estimate is strictly limited by the precise objects for which the estimate was intended to provide. Accordingly it is not permissible to apply, without the sanction of the competent authority, any anticipated or actual savings whether due to the abandonment of a part of work or to any other cause, on a sanctioned estimate of a definite project to carry out additional work not contemplated in the original project or fairly contingent on its actual execution.

Requisition by Civil officers for construction and works

171. When application for new buildings, and for additions or alterations to existing buildings required for the use of any department is made, the Divisional officer must in each case exercise his judgment on the demand made, giving all proper weight to the opinion of the officers of the departments concerned; but it is his duty to oppose any application of the funds at his disposal to works of the real necessity for which he is not satisfied; and in every case in which he thinks that he cannot recommend the execution of a work called for by a duly constituted authority, he should explain his objections to the officer concerned, and, if he fails to convince him, should refer the matter for the orders of the Superintending Engineer.

172. The actual execution of works, asked for by civil officers, must in every case be dependent on the necessary funds being available.

Preparation of estimates

173. Ordinarily & detailed working estimate will provide for the works expenditure, but the complete estimates for a project should include indirect as well as Direct charges.

Contracts

174. The recognised systems for carrying out work, otherwise than by the employment of daily labour, are "Piece work" and "Contract work". "Piece work" is that for which only a rate is agreed upon, without reference to the total quantity of work to be done 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 mere ordinary purchases of materials or stores. All other work done under agreement, is termed "Contract work", and in agreements for such work, which should invariably be in writing, there should generally be a stipulation as to the quantity of work to be done, and the time within which it is to be completed.

Note. - In case of a "contract work" where there is a stipulation as to the time within which it is to be completed, the date of completion should be taken as the date on which the contractor finishes all the work covered by his contract.

175. "Contracts" may be of three kinds, viz., Lump sum, Schedule and a combination of these two.

In a Lump Sum contract, the contractor engaged 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 material 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 or alterations.

176. In works of great magnitude the contract deeds should be specially prepared by the Government Law Officers, but for ordinary contracts, including all such as are based on tenders which a Superintending Engineer is competent to accept, all contract deeds should be executed on one or other of the approved forms.

Tenders

177. (a) Tenders for works, other than emergent work, costing up to Rs. 1 lakh, will be called for from approved Contractors as follows and the lowest tender accepted :-

Class I (for the whole State) ... Capacity Rs. 1 lakh

Class II (for the whole State)... Capacity Rs. 50,000

Class III (for each Circle) ... Capacity Rs. 25,000

Class IV (for each Division) ... Capacity Rs. 10,000

(b) There shall be no special provision for declaring any work as "emergent" and for execution of any work as "emergent". In cases of exceptional urgency calling for any special treatment, the Chief Engineer shall obtain orders of the Government in the Irrigation and Waterways Department or in the Works and Buildings Department as the case may be.

(c) For works above Rs. 1 lakh competitive tenders shall be called for from the public and the enlisted contractors in classes I and II only. If contractors in class III or in class IV form a combination of the appropriate number, such a combination will become a new firm and will be able to submit tender for such works. Individual contractor in class III or in class IV shall not be eligible to tender for such works, but if any such contractor can produce satisfactory documentary evidence, such as bank reference, to show that he has sufficient financial means and necessary technical staff, special permission ~&n always be given to such a contractor for submission of tenders for such works.

The lowest tender for such works also be accepted as a rule. If for any reason, economical or otherwise, the lowest tender is not accepted, reference shall be made to Government for orders as to which of the contractors the work should be given.

178. As a rule no tender for the execution of works of any description should be received unless accompanied by the deposit of cash as earnest money to the extent which has been notified as necessary by the Executive Engineer or other officer.

179. The amount of earnest money to be deposited should be sufficiently large to be a 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 sums due to him form a sufficient guarantee, as the case may be.

Note. - Suppliers registered with the Directorate General of Supplies and Disposals and the Small Scale Units registered with the Directorate of Cottage and Small Scale Industries, West Bengal, shall be exempt from the payment of earnest money against all tenders and acceptances under this Government. ,

Note 2. - (i) The contractors{suppliers registered with the Government of India Stationery Office, Calcutta, shall be exempt from the payment of earnest money against all tenders under this Government.. The performance of the concerned firm shall, however, be taken into account before deciding the question of exemption.

(ii) The Rehabilitation Industries Corporation Limited shall be exempt from the payment of earnest money against all tenders under this Government.

(iii) The Light house for the Blind, a society registered under the Societies Registration Act, 1860 (21 of 1860), with its registered office at 6, Old Post Office Street, Calcutta-I, shall be exempt from the payment of earnest money in respect of quotation for caning and repair of chairs of all offices under this Government.

(iv) The Tea Trading Corporation of India Limited, a Government of India undertaking, shall be exempt from the payment of earnest money in respect of supply of tea to all

offices of this Government.

(v) The Labour Co-operative Societies shall also be exempt from the payment of earnest money against all tenders under this Government.

Security for performance of contract.

180. Security as fixed by Government should in all cases be taken for the due fulfilment of a contract.

Provision in contracts or imported store

181. In framing contracts of any description care should be taken to retain in the hands of Government the supply of imported materials, if required, to any considerable extent, and to arrange the terms accordingly. Such stores should either be supplied from the existing Government stock or be obtained in ordinary course by indent on the Stores Department, London, or by purchases in the local market. In the case of important construction works let out on contract, such stores may be supplied by the contracting firm, subject to the conditions laid down in the "Rules for the supply of articles required to be purchased for the Public Service" (Appendix 10).

Enforcement of term of contract

182. Engineers and their subordinates 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. All agreements or security bonds entered into with the Works and Buildings or the Irrigation and Waterways Department by contractors for the execution of work or for securing the due performance of contracts are exempt from stamp duty.

Officers empowered to execute contracts

183. No authority lower than the officer in charge of a subdivision can accept any tender or make a contract for public works. The officers legally empowered to execute on behalf of the Governor of West Bengal the different classes of deeds contracts and other instruments are detailed in Appendix 3.

184. It is permissible to give 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 officers 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 he receive 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.

185. Departures from the rules for contracts specified above may be permitted or condoned by Government subject to any restrictions they may impose in each case.

Commencement of work

186. No work shall be commenced or liability incurred in connection with it until administrative approval has been obtained, a properly detailed design and estimate have been sanctioned, expenditure sanction has been accorded, allotment of funds made and orders for its commencement issued in writing by competent authority. Provision in the Budget Estimate for expenditure on a work conveys no authority for the commencement of outlay. .

187. Executive Engineer may incur expenditure up to a limit of Re. 50 in anticipation of sanction and allotment of funds on preliminary works, such as surveying land, digging trial pits, etc., in connection with the preparation of projects called for by competent authority, provided a requisition is sent at once to the civil officer concerned for an allotment of funds from the Works and Buildings or the Irrigation and Waterways Department grant at his disposal. In any case where the civil officers are unable to allot funds an application for funds should be submitted to Government through the Chief Engineer.

Alterations in design during construction

188. No material alteration is sanctioned, still less in standard, designs may be made by an Executive Engineer in carrying out any work, without the approval of the Superintending Engineer. Should any alteration of importance, involving additional expense, be considered necessary, a revised or supplementary estimate should be submitted for sanction. In urgent cases, where the delay thus caused would be inconvenient, an immediate report of the circumstances must be made to superior authority and dealt with as the case may require.

Note.-Revised administrative approval is necessary in the cases indicated in rule 167.

189. In the -case of works, the estimates for which have been sanctioned by a competent authority, no additions or alterations, like to cause an excess which will not fall within the powers of sanction of that authority, should be permitted without the previous approval of higher authority.

190. 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.

Supplementary and Revised Estimate

(a) Supplementary Estimates

191. Any development of & project thought necessary while & work is in progress, which is not fairly contingent on the proper execution of the work as first sanctioned, must be covered by & 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.

(b) Revised Estimates

192. A revised estimate must be submitted when a sanctioned estimate is likely to be exceeded by more than 5 per cent either from the rates being found insufficient, or from any cause whatever, except as mentioned in the foregoing rule. (See also rule 190.)

193. (1) If at any time either before or during construction of a work estimated to cost not less than Rs. 1,000 any officer, of a rank not lower than that of a Divisional Officer, in charge of & work finds that the original estimate is excessive and that the tenders for the work received are based on rates not less than 10 per cent lower in case of projects costing up to Rs. 50,000 and not less than 5 per cent lower in case of projects costing over Rs. 50,000, he should sanction a revised estimate for it on the basis of the tenders received, even though the amount of such revised estimate may exceed that to which he is ordinarily empowered to accord Sanction, In cases where detailed sub-heads are not required to be maintained in the register of works, sanction may be accorded to the reduced amount without revising abstracts of cost, but in the case of estimates for which detailed sub-heads &re required to be maintained in the register of works the reduced amount should be arrived at by revising the abstracts of estimates.

(2) The officer according sanction to such & revised estimate should at the same time reduce correspondingly the appropriation made to meet the cost of the work

(3) The Divisional Officer's power to pass excesses over such revised estimate will be restricted to 5 per cent of the reconstructed estimate and to the limit of his power to sanction estimates technically.

194. It is the duty alike of the Executive and of the Superintending Engineer to watch carefully the progress of expenditure and to see that a revised estimate is submitted, as soon as any excess is foreseen, to the sanctioning authority.

195. When the submission of a revised estimate under the above rules is for necessary, it is essential that the revised estimates should be compared with the latest existing sanction of competent authority; when by reason of intermediate modifications, such existing sanction differs from that accorded by the highest authority concerned, a statement should be prepared showing how the sanction with which the revised estimate is compared has been arrived at.

(c) Utilisation of Completion Report as Revised Estimate

196. When excesses occur at such an advanced period in the construction of a work as to render the submission of a revised estimate purposeless, the excesses, if beyond the

power of the Divisional Officer to pass, may be explained in a Completion Report of Statement prepared under rule 247.

Initial Records of Accounts

197. The initial records upon which the accounts of works are based are-

- (a) The Muster Roll.
- (b) The Measurement Book.

For work done by daily labour, the subordinate in charge of the work will prepare a muster roll which will show the work done by this means and the amount payable on this account. For piece work and for contract work generally, the measurement book will form the basis of account. From the muster rolls the subordinate will prepare the labour reports and from the measurement book he will check (or, if so arranged, prepare) the bills and accounts of contractors and suppliers.

Muster Roll

198. The nominal muster roll (F. R. Form No. 14) is the initial record of the labour employed each day on a work and must be written up daily by the subordinate depute for the purpose.

199. For all large works or groups of works labour reports, in 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.

200. Payments on Muster Rolls shall be made as expeditiously as possible. acknowledgement, duly stamped where necessary, shall be obtained from each payee on the Muster Roll and each payment shall be made or witnessed by the official of highest standing available who shall certify to the payments individually or by groups, at the same time specifying, both in words and in figures, at the foot of the Muster Roll, the total amount paid on each date. If any items remain unpaid, the details thereof shall be recorded in Part II of the Muster Roll, constituting the register of arrears of wages due to work people, before the memorandum at the foot of the Muster Roll is completed by the person who made the payment.

Measurement Books

201. (a) The measurement book (F. R. Form No. 15) must be looked upon as 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 materials received, which have to be counted or measured. The description of the work must be lucid, so as to admit of easy identification and check. Payments for all works done otherwise than by daily labour and

for all supplies are made on the basis of measurements recorded in measurement books in accordance with the procedure laid down in rule 202.

(b) All the books belonging to a division should be numbered serially and a register of them should be maintained in F. R. Form No. 16 in the Divisional office showing the serial number of each book, the names of the subdivisions 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 and the sectional officers to whom measurement books are issued. Books no longer in use should be withdrawn promptly even though not completely written up.

(c) Detailed measurements may be dispensed with in the case of periodical repairs when the quantities are recorded in efficiently maintained Standard Measurement Books (vide rule 203).

Detailed measurements may also be dispensed with in cases in which payments on account for work actually executed are made on the certificate of a responsible officer (not below the rank of Sub-divisional Officer) to the effect that not less than the quantity of work paid for has actually been done, and the officer granting such a certificate will be held personally responsible for any overpayment which may occur on the work in consequence. Final payments may, however, in no case be made without detailed measurements.

Similarly the detailed measurements may be dispensed with in connection with the works done on lump sum contracts, if a responsible officer (not below the rank of a Sub-divisional Officer) certifies in the bill that by a superficial and general measurement or in some other suitable method, which should be specified, he has satisfied himself that the value of the work done is not less than a specified amount in conformity with the contract agreement and that with the exception of authority additions and alterations the work has been done according to the prescribed specifications. Detailed measurements must invariably be taken in respect of additions and alterations.

Detailed measurements

202. In recording detailed /measurements, the following general instructions should be carefully observed :-

(a) Detailed measurements should be recorded only by Executive, Assistant Executive, or Assistant Engineers or by executive subordinates in charge of works to whom measurement books have been supplied for the purpose

Note: The work-charged Engineers and Overseers employed under the Works and Buildings or the Irrigation and Waterways Department, who possess at least the minimum qualifications required for appointment to the Subordinate Engineering Service (viz., the upper subordinate certificate of the Overseers' Examination Board), may be permitted by the Superintending Engineers to record measurements in measurement books.

(b) All measurements should be neatly taken down in a measurement book (F. R. Form No. 15) 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-

(1) Full name of work as given in estimate, (2) situation of work, (3) name of contractor, (4) number and date of his agreement, (5) date of written order to commence work, (6) date of actual completion of work, and (7) date of measurement.

Note. - As an exception, the recording of entries (5) and (6) is not required in the case of work done under a piece-work agreement.

(ii) In the case of bills for supply of materials-

(1) Name of supplier, (2) number and date of his agreement or order, (3) purpose of supply in one of the following forms applicable to the case :- (i) "Stock" (for all supplies for stock purposes), (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 (4) date of written order to commence supplies, (5) date of actual completion of supplies, and (6) 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.

Note.--As an exception, the recording of entries (4) and (5) is not required in the case of supplies made against a piece-work agreement.

(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. He will also work out and enter in the measurement book the figures for the "contents or area" column. 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 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 clause (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.

(e) The pages of the book should be machine numbered. 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.

(f) The entries should, if possible, be made in ink when this is not possible and entries have to be made in indelible-- the 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, tm 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 reasons 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.

(g) Each measurement book should be provided with an index which should be kept up to date.

Standard measurements

203. It is usual in the Works and Buildings or the Irrigation and Waterways Department to maintain standard measurement books of buildings or irrigation works in order to facilitate the preparation of estimates for periodical repairs. Where such standard books are maintained, it is also permissible to utilise them for the purpose of preparing contractors' bills for such repairs, so that it may not to be necessary to take detailed measurements on each occasion. This system can, E however, be adopted only if it has been specially authorised by Government, and subsidiary rules for the efficient maintenance of the books have been prescribed in consultation with the Accountant-General. Inter alia the following precautions are necessary :-

(i) The measurement books. used as standard books should be numbered in an alphabetical series, so that the numbers may be readily distinguished from those assigned to the ordinary books wherein detailed measurements are recorded whenever work is actually done.

(ii) The entries of measurements (and abstracts thereof) in the standard books should be recorded legibly in ink, and certified as correct by a responsible officer.

(iii) An assurance should be obtained periodically of the Divisional Officer that all the standard books of the division have been inspected by him, that the entires therein have not been tampered with, and that all corrections due to additions and alterations in the buildings have been made in the books and the latter are reliable and up-to-date records.

(iv) When a payment is based on standard measurements, the gazetted officer or subordinate preparing the bill for payment should be required to certify that the whole of the work (or work since previous running bill, as the case may be) as per standard measurements has been done and that it has not previously been billed for in any shape.

Review of measurement

204. Sub-divisional Officers should submit the measurement books in use to the Divisional office, from time to time, so that at least once a year the entries recorded in each book may be subjected to a percentage check by the divisional accountant under the supervision of the Divisional Officer. Detailed rules on this subject may be laid down by Government, who will also prescribe the procedure for a system of test check of recorded measurements by the superior officers of the department.

Works Accounts

(a) GENERAL PRINCIPLE

205. Primarily the Divisional Officer is the responsible disbursing officer of the division. Subject to such instructions, as may be issued by Government in consultation with the Accountant-General, detailing the authorities competent to prepare or examine contractors' bills or other demands for payments, and the authorities empowered to make payments thereon, the Divisional Officer may authorise a Sub-divisional Officer to make payments chargeable against the general sanction of competent authority to expenditure on works.

206. The Divisional Officer should utilise the recorded transactions of the cost of the work as a 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 larger works, especially 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.

207. 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.

(b) LABOUR ENGAGED THROUGH A CONTRACTOR

208. 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 process, 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 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.

Note.-The use of the muster roll or the measurement book is not permissible in such cases.

(c) BILLS AND VOUCHERS

(i) Forms of bills and vouchers

209. The authorised forms of bills and vouchers are the following :-

- (a) First and Final Bill, F. R. Form No. 11.
- (b) Running Account Bill, A, F. R. Form No. 18.
- (c) Running Account Bill, B, F. R. Form No. 19.
- (d) Running Account Bill, a, F. R. Form No. 20.
- (e) Hand Receipt, F. R. Form. No. 21.

The use of the forms is explained in the following rules and a few explanatory footnotes are printed on the forms.

210. First and Final Bill, F. R. Form No. 17. - This form should be used for making payments 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.

211. Running Account Bill A, F. R. Form No. 18. - 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 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.

212. Running Account Bill B, F. R. Form No. 19. - 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 be utilised for making on-account and advance payments, if any, in respect of the work.

213. Running Account Bill C, F. R. Form No. 20. - This form is used both contractors for work and for suppliers. It is intended to be used for contractors for work when only on-account payments are made. It is not to be used in 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 .

214. F. R. Form No. 20 is the only form of Running Account bills which is suited for transactions with suppliers. F.R, Form No. 19 is the only form which provides completely for all classes of running account transactions with contractors for work. If a secured advance is not outstanding, and if it is not proposed to make such an advance, the simpler form (F.R. Form No. 18) 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 No. 20 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.

215. Hand Receipt, F.R. Form No. 21. - 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. 17, 18, 19 and 20 is suitable.

216. Account of Petty Contractors, F.R. Form No. 22. - A consolidated monthly account of all petty contractors employed on the same work or section of work may sometimes be prepared in preference to a separate bill for each payee. The general adoption of this procedure is not permissible, but wherever it is desired, to continue it, F. R. Form No. 22 should be used, and the following instructions should be strictly observed in addition to those printed on the form itself as footnotes :-

(i) This form is intended solely for on account payments. It makes no provision for advances, advance payment, issues of materials, or any other recoverable payments to contractors, and should not be used if any such transactions occur or are probable.

(ii) No contractor should be treated as a petty contractor if a separate account in one of the Running Account bill forms is being maintained for him in connection with some other work.

(iii) If after a contractor's account has been maintained in Form No. 22 for some time, and the continued use of the form becomes inadmissible under clause (i) or (ii) above, the account should be removed from this form in the manner described below and there-after the appropriate form of Running Account bill should be used :-

(a) In the Petty Contractors' Account a special entry should be made as under, immediately below the entries in columns 7, 13 and 14 against the line "Grand Total" :-

Deduct up to date "Value of work done" and "Payments made" relating to the account of contractor transferred from "Petty Contractors' Account" to his personal ledger account.

(b) When a Running Account bill is prepared subsequently, the transferred figures of "Value of work done" and "Payments made" should be incorporated therein in the same

way as if the transactions had, from the very beginning, been billed for on one of the Running Account bill forms.

(ii) Preparation, examination and payment of bills

217. Contractors' bills may be prepared by the Sectional Officer in one of the forms prescribed in rules 209 to 216 applicable to the case after the measurements are entered and the contents or area calculated and recorded in the measurement book. The bill together with the measurement book should then be sent to the Sub-divisional Officer for his scrutiny and check. The entries in the measurement book relating to the description and quantities of work or supplies should be scrutinized by the Sub-divisional Officer. The rates allowed both in the abstract of measurements and the bill itself should be checked by the Sub-divisional Officer; Full rates as per agreement, catalogue, indent or other order should be allowed only if the quality of work done or supplies made is up to the stipulated specification. When the work or supplies fall Short of that standard and under the agreement it is permissible to make a final payment if the contract is determined, or an on-account payment if the contract is to run on and/or if payment is made for an Item of work which is not complete at the time that measurements are being taken, 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 term of the agreement. The Sub-divisional Officer will be responsible for seeing that the rates correctly re- present the value of work done particularly in the case of additional items of work not covered by the agreement or items acceptable but not up to specification. In respect of items of work not provided for in the accepted tender the rates should be determined by the Sub-divisional Officer with the consent of the contractor and approval of the Executive Engineer, provided that approval of the Executive Engineer will not be necessary in cases in which the original tender was accepted by the Sub-divisional Officer under powers delegated to him, but in order to enable the Executive Engineer to examine the rate finally accepted by the Sub-divisional Officer, the latter should communicate the analysis of rates to the Executive Engineer while forwarding copies of accepted tenders and rates to him. Whenever the total cost of the additional items of work not included in the tender exceed 5 per cent of the sanctioned estimate, there should invariably be 80 supplementary tender to cover the additional items.

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 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, The Government may in any special case, permit payment on production of railway receipt. If in any case the Government has permitted

payment on production of a railway receipt the payment will be treated as an advance against final settlement on receipt of the stores.

Note 3. - Incases where a work is distributed among different contractors, the percentage should be applied on the estimated amounts of the respective portions of the work given out on each agreement.

Note 4. - .All rates not shown in the agreement or differing from the rates in the agreement should be marked (by a ~cross Or otherwise) in the: margin of the measurement book by the officer entering the rate so that such rates may be brought prominently to the notice of the Sub-divisional Officer and Executive Engineer,

Note 5. - When payment at part rates is made for unfinished items of work, the following certificates should be recorded on the bills over the signature of the Sub-divisional Officer :-

Certified that the value of works for which part rates are allowed has been correctly fixed after considering the works remaining to be done under the terms of the agreement,

Note 6. - The calculation of "contents" or area in the measurement book should be checked by the Divisional Officer under the supervision of the Divisional Accountant in cases in which the bills are paid by the Divisional Officer and by the Sub-divisional Officer under the supervision of the Sub-divisional Officer in cases in which he is empowered to pay the bill.

218. 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. When the bill is on a running account; it should be compared with the previous bill. The Memorandum of Payments 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, after all calculations in the bill have been checked arithmetically under his supervision, record a formal pay order specifying, both in words and figures, 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 5 paise should be taken, but paise must not be omitted from the rates,

Note 2. - Whenever fractions of a rupee occur in the totals of contractors' bills or in the case of supplies chargeable to more than one estimate, in the totals chargeable to each estimate, fractions less than half may be disregarded, and half a rupee and over taken as a rupee-

Note 3.- If the contract is for the completed items of work and, under the provisions of rule 233 the contractor is required to obtain materials 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 rule 237. 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 rates.

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.-Signature of the contractor or his duly authorised agent in the bill {F.R. Form Nos. 18, 19 and 20) should be taken before its submission to the Division Office for payment. If in any case this is not possible, the signature may be taken at the time of payment provided that the signature of the contractor or his duly authorised agent has been taken in the measurement book at the time of measurement in token of acceptance of measurements.

218A. When a contractor or a supplier is not in a position to come personally to a Divisional Office or an office of payment for getting payment of his bills, the following procedure shall be observed by the office concerned in the matter of making the payment :

(1) The passed bills shall on no account be sent to the contractor or the supplier for the purpose of obtaining his acknowledgement before delivery of the cheques. When the "bill is ready, an intimation shall be sent to the contractor or the supplier stating that bills amounting to rupees such and such are ready for payment, and he shall be requested to send the acknowledgment in-the form of a letter or in his acknowledgment form.

(2) The contractor or the supplier shall furnish certificate in separate letter in token of his acceptance of the measurements of the work or supplies billed for, as required under the rules.

(3) The cheques shall be drawn after receipt of acknowledgment of the bills from the contractor or the supplier and these, on being crossed as "Account Payee" shall be made to the party by registered post.

(4) The documents mentioned in clauses (2) and (3) shall be posted with necessary remarks of the officer concerned on the body of the bills before drawal of the cheques.

219. If the Sub-divisional Officer is not empowered to make the payment, the bill should be submitted (with or without the measurement book as may be prescribed) to the Divisional Office where the payment will be authorised by the Divisional Officer after the necessary scrutiny.

220. 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 measurement must be invariably scored out by a diagonal red ink line, and when the payment is made an endorsement must be made, in 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 book in which the detailed measurements are recorded and the date on which the measurement was made.

221. (a) Payments for work done or supplies made on a running account should ordinarily be made monthly. Both the "quantities" and "amount" of each distinct item of work or supply should be shown separately in the bill, except in the case of advance payments when quantities need not be specified.

Note.-As an exception to this rule, the details need not be reproduced in a subsequent bill if the details of all the items or that bill are contained in a single previous bill.

(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, when the work or supply is compared 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. - If the contractor refuses to give an acknowledgment to the effect that the payment made to him was in full settlement of all demands, it is not necessary to insist on obtaining a qualified acknowledgment.

(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 working estimate, for which separate works abstracts are prepared under the relevant rules in Account Code, Volume III, should also appear in separate running accounts.

Note. - In exceptional cases where more than one working estimate is covered by a single contract the contract agreement should not be split up but the estimate should be consolidated to facilitate the maintenance of proper accounts in respect of that contract. If this procedure cannot be observed some special account procedure should be devised on the merits of each case by the Accountant-General who should be consulted by the Executive Engineer concerned. No consolidation of estimates or special accounts procedure is necessary where separate estimates covered by the single contract relate to different account heads or where separate estimates whether relating to different account heads or not. are covered by a single running rate contract as in the case of the painting of roads, etc. and where separate agreements are drawn on the basis of such rate contracts with other details varied to suit the requirements of each job.

222. When an on-account or final bill has been received, and there is likely to be delay in passing it for special reasons which should be recorded, an Executive Engineer may, at his own discretion make a part payment against the amount billed for, to such extent as he deems advisable in Hand Receipt Form (F. R. Form No. 21). In such cases, the number and date of the Hand Receipt Voucher, and the amount paid will be noted prominently, at the time of payment, on the original bill against which the part payment is made.

The Hand Receipt Voucher (and its counterfoil) should bear reference to the number, date and amount of the bill against which the payment is made, to the number, date and amount of the voucher, if any, on which previous on-account payment was made and also to the page number of the measurement book. This payment should be treated in accounts as advances.

The following certificate should also be recorded on the Hand Receipt Voucher over the signature of the Executive Engineer :

Certified that the payment now made against the contractor's bill is to the best of my belief less than the net amount, billed for, after allowing for deductions on account of security deposit and value of materials issued, if any, and that the payment made will be adjusted against the bill which is being checked.

223. (a) If the system of making advance payments to contractors for work has been adopted, 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 the value of work done less the proportionate amount of secured advance ultimately recoverable on account of the materials used.

(b) 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 facie indicative of overpayment in the first instance.

224. When secured advances [vide rule 227(a)] are allowed by the Divisional Officer to a contractor whose contract is for finished work, it should be seen that an Indenture in F. R. Form No. 23 has been signed by the contractor, and a detailed account of the advances must be kept in Part II of Running Account Bill B. There should be separate entries, in respect of each class of materials, of the quantities brought to site by the contractor and the amounts 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 I and II of the bill should be compared to see that this order is being complied with. As recoveries are made, the outstanding accounts of the items concerned in Part II 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 I of the bill.

Note. - No record should be kept in measurement books of the quantities of the materials, but certificate 3 printed on the bill should be signed by the Sub-divisional or

Divisional Officer in terms of rule 227(a).

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(d) AID TO CONTRACTORS

225. 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 agreement. 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 rules 227 and 228.

Note 1. - For rules relating to the issue of materials to contractors, see rules 233 and 234.

Note 2. - With a view to avoiding 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.

226. If any liabilities or work are incurred on behalf of contractors under the provisions of rule 225, arrangements should be made for withholding sufficient balances from their bills or for making necessary recoveries from them in due course.

(d) ADVANCES TO CONTRACTORS

227. 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, requires an advance on the security of materials brought to site. Divisional Officers may, in such cases, sanction advances up to an 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 only 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 all 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 overpayment which may occur in consequence.

(b) Recoveries of advances so made 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.

(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 the necessary precautions for securing Government against loss and for preventing the system from becoming general or continuing longer than is absolutely essential.

228. An advance payment [see rule 3(3)] 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 quantity of work paid for has actually been done, and the officer granting such a certificate will be held personally responsible for any overpayment which may occur on the work in consequence. Final payments may, however, in no case be made without detailed measurements.

(f) WORK-CHARGED ESTABLISHMENT

229. Works establishment will include such establishment as is employed upon the execution, or the immediate technical supervision, of a specific work or of sub-works of a specific project or upon the subordinate supervision of the departmental labour, stores, and machinery, in connection with such a work or sub-works. 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.

Note 1. - Wages of members of the work-charged establishment should be drawn and paid on F. R. Form No. 24 - "Pay Bill of work-charged establishment", which is a combined pay bill and acquittance roll form.

Note 2. - Chaukidars employed to guard departmental stores and machinery in connection with a specific work or sub-works of a specific project may be treated as works establishment.

Note 3. - Superintending Engineers may waive the rule, which prescribes that works establishments must be; employed upon a specific work, and determine in such cases the proportions in which the cost of such establishment shall be allocated between the works concerned.

In the case of repairs, however, the cost may be debited monthly in accordance with the proportions fixed in advance by the Superintending Engineer for the year or the total period of engagement, irrespective of the fact that the establishment has not yet been employed on the particular work during the month for which the debit is made, provided that the establishment is employed on the work for some time during the period it is engaged and that no debit is made on account of the wages of establishment for periods of unemployment, except in cases of short casual leave granted on full pay or on reduced wages.

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230. Superintending Engineers and Divisional Officers may, subject to limits of pay of Rs. 425 and Rs. 250 per mensem, respectively, for each post, sanction the entertainment of work-charged establishment subject to the following conditions :-

(1) that provision for such establishment has been made in a separate sub-head of the sanctioned estimate, and

(2) that the pay of any such work-charged post shall not exceed the prescribed rate in cases where such rates have been definitely laid down by higher authority for any particular class of posts.

N. B.- Lump sums fixed in lieu of estimates for repairs will be deemed to include such provision.

Note. - The basic pay only is taken into account in assessing the limits of pay for the purpose of this rule.

231. In all cases, the previous sanction of the Divisional Officer or the Superintending Engineer or the Chief Engineer, as the case may be, is necessary Orders communicating sanction 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 the estimate) of the work and the nature of the duties on which the man engaged should be employed.

231A. Members of the work-charged establishment are not entitled to any pension or to leave salary or travelling or other allowances except in the following cases :-

(a) Wound and other extraordinary pensions and gratuities are in certain cases admissible in accordance with the pension rules.

(b) Single railway fares or the actual necessary cost of travelling may be allowed by the Divisional Officer for journeys performed (1) within the jurisdiction of his local Government or to and from a district of Foreign State or Settlement adjoining his division, and (2) in the interest of the work on which the men are employed or in connection with any other public work provided they can carry out such work without detriment to their main functions.

(c) Grain compensation allowance is admissible to men who are drawing rates of pay which have been fixed with reference to normal circumstances .

Note 1. - 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 local Government.

Note 2. - This rule does not apply to members of temporary establishment entertained for the general purposes of a Division or sub-division or for the purpose of the general supervision as distinct from the actual execution of work. The leave salaries, travelling allowance and other allowances of such establishments are regulated by the rules applicable to temporary establishments.

Note 3. - Exception to the rule in the case of certain classes of officers, as approved by the Finance Department will be incorporated in the Code of the administrative Department concerned.

231B. No bills need be prepared to 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.

(g) ISSUE OF MATERIALS

(i) GENERAL

232. The issues of materials to works, whether from stock, or by purchase, transfer, or manufacture are divided into two classes :-

(1) Issues to contractors. - Issues 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.

(ii) Issue of materials to contractors

(a) General conditions

233. (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 rule 181 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. b JIB 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 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 therefor, by deduction from his bills, at the rates specified, regardless of fluctuations 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 contractors 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 reason 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 or the work (or the schedule of rates) it should be stated in clear terms in 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.

234. (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 the 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 rate 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 material 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 stated. 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 storage charges. 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, the grant of which is governed by rules 225 and 227.

(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-vide rule 129(c).

235. All materials required for issue to a contractor under the foregoing rules (rules 233 and 234) 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 materials including the rates and values chargeable to him should at once be taken from the contractor.

(b) Accounts Procedure

236. When the materials are obtained by purchase, full details of the articles received should at once be entered in the measurement book in F. R. Form No. 15 in the manner prescribed in rule 202(c). (See also rules 118 and 119.)

237. 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.

238. As the issue of materials to contractors under the foregoing rules is permissible solely for the bona fide requirements of Government works Sub-divisional Officers 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 Deeds of that work. This precaution is particularly necessary when the rates at which any materials are issued under rule 233 are lower than the prevailing market rates, or the latter are expected to rise appreciably. In such cases, if the transactions are of any importance, the use of F. R. Form 25 (without values) is recommended for watching that the aggregate of the quantities of any or all materials issued to a contractor from time to time, for use on a work, remains within the estimated requirements of his contract.

(c) Return of surplus materials

239. Government does not undertake to take over from contractors, whether before or after the completion or determination of contracts, surplus materials which were originally procured by the contractors for themselves or were issued to them and charged to their accounts. Such materials are the property of the contractors and can be taken over by Government, if required, for use on other works in progress only under special orders of Government. If the materials were, originally supplied by Government the price allowed to the contractor on reacquisition should not exceed the amount charged to the contractor, excluding the storage charges, if any.

Note. - Contractors are, however, not at liberty to remove from site of works without the written permission of 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.

(a) Tool and plant lent for use

240. The rules 233 to 239 do not apply to tools and plant. Articles borne on the Tools and Plant account of the division may, in accordance with any local rules on the subject, 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.

(iii) Direct to works

(a) control over issues of stores

241. 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 F. R. Form

No. 25 for these works, he should make his own arrangements for maintaining the control over the issues.

(b) Disposal of surplus materials

242. (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 Rite 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 ho of use on other works within a reasonable time, be transferred to works in progress or brought on to the stock account.

(c) If the surplus materials are unlikely to be of any use within a reasonable time, a list of such materials should be maintained in the Sub-divisional and Divisional Offices, as supplement to the half-yearly stock returns, unless the Superintending Engineer considers this unnecessary.

(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 are originally issued.

Note.-These rules do not apply to surplus materials which were originally procured by contractors for themselves or were issued to them and charged off to their accounts.

(c) Verification of unused balances

243. Unused balances of materials charged direct to works should be verified at least once a year in the manner prescribed in rule 122. Whenever this verification is made, a report of verification of the materials should be prepared by the Sub-divisional Officer in F. R. Form No. 25 and submitted to the Divisional office.

244. 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 a 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.

245. 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 rule 243 should be prepared by the Sub-divisional Officer and submitted to the Divisional office.

246. 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 F. R. Form No. 25 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 work are expected to be closed within three months, or
- (3) the balances were verified at any time during the year.

(h) COMPLETION REPORTS AND STATEMENTS

247. (a) A consolidated completion statement in F. R. Form No. 26 should be prepared monthly of all completed works other than those referred to in clause (b) the 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. This statement should show for each work or group of works the estimated amount, the outlay and the excess. In cases in which the completion statement is utilised instead of a revised estimate under rule 196 sufficient details must be given, if the excess is more than 5 per cent to satisfy the authority whose sanction is necessary.

(b) A detailed completion report; in F. R. Form No. 26 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 Divisional Officer, 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 and should mention the names of the engineers and subordinates by whom the work was supervised.

Note. - The Superintending Engineer may, if he so desires, require a detailed completion report to be prepared on the completion of any other work.

248. If an excess over estimate is not within the Divisional Officer's powers to deal with, a detailed completion report in F. R. Form No. 26 should be prepared or the item should be included in a consolidated completion statement of works and repairs in F. R. Form No. 27.

(i) SCHEDULE OF RATES

249. To facilitate the preparation of estimate, as also to serve as a guide in settling rates in connection with contract agreements, a schedule of rates for each kind of work commonly executed should be maintained in the division and kept up to date. 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, So far as may be practicable, be recorded.

The rates entered in estimates should generally agree with the scheduled rates but where, from any cause, the latter are not considered sufficient, the deviation should be explained in detail in the report on the estimate.

(j) CONTRACTOR'S LEDGER

Scrutiny of accounts by contractors

250. A contractor requiring a copy of his running account bill 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 rule 225.)

(k) SUNDRY RULINGS

Employment of military labour

251. When military labour is employed on the execution of a work, no advance should be granted by the Works and Buildings Department; the Officer commanding the units can obtain advance from the Controller of Military Accounts concerned.

Sale of Government land and immovable property

252. All lands, the property of Government, should ordinarily be sold through the Revenue Department.

253. When any immovable public property is made over to a local authority for public, religious, education or any other purposes, the grant should be made expressly on the conditions, in addition to any others that may be settled, 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, therefor, shall in no case exceed the amount (if any) paid to Government for the grant, together with the cost, or their present value, which ever may be less, of any buildings erected or other works executed on the land by the local authority.

Transfers of land or building from one department to another under the same Government

254. When any land or building is transferred from one department to another under the same Government, the transfer shall be free of all charges, except when the property is transferred to or from a commercial department in which case the full market value of it will be charged.

(I) LUMP SUM CONTRACTS

General

255. In a lump sum contract the contractor agrees to execute a complete work with all its contingencies in accordance with the drawings and specification for a fixed, sum, the following being its essential characteristics :-

(i) A schedule of rates is specified in order to regulate the amount to be added to or deducted from the fixed sum on account of additions and alterations not covered by the contract.

(ii) Except as provided in clause (i), no allusion is made in the contract to the departmental estimate of the work, schedule of rates or quantities of work to be done.

(iii) Detailed measurements of the work done are not required to be recorded except in respect of additions and alterations.

256. The form of contract is prescribed by Government in consultation with its Law Officers. As the account rules are based on the assumption that the essential conditions mentioned above will be observed in drawing up contracts, it is necessary that, before the form is finally determined, the advice of the Accountant-General should be sought on the question whether the form proposed meets the requirements of audit.

Payments for work done

257. Subject to the terms of the contract and such subsidiary instructions as may be laid down by Government to ensure that the works are executed in accordance with the prescribed specification, plans and drawings, payments for work done are not made to the contractor otherwise than on the certificates of the officers in charge of the work, as detailed in rules 258 and 259 below.

258. Whenever it is proposed to make any intermediate payment a certificate should be given by a responsible officer of Government (not below the rank of Sub-divisional Officer) to the effect that, by superficial or general measurement or by some other suitable method laid down by Government, he has satisfied him self that the value of the work done is not less than a specified amount in conformity with contract agreement and that, with the exception of authorised additions and alterations, it has been done according to the prescribed drawings and specification.

259. In the case of final payments, in addition to a record of detailed measurements in respect of additions and alterations, there should be a certificate of completion of the work according to the prescribed drawings and specification signed by an officer not below the rank of Executive Engineer.

260. In order that a proper financial control may be exercised over the payments made, it is necessary that the accounts of additions and alterations should be kept quite

distinct from those of the rest of the work. There is no objection to payment for additions and alterations being made before the completion of the work, if the detailed measurements of them have been made.

Forms of bills

261. The forms of bills used for payments in connection with lump sum **contracts** are F. R. Forms Nos. 28 and 29:

162. Form 28 is intended for intermediate payments which may be made to the contractor in accordance with his contract. No details of work done need be reproduced in the bill, but a reference should be given to the number and page of the measurement book in which the measurements of additions and alterations are recorded.

The form provides for the "secured advances" if any, which under rule 227 (a) may be allowed to the contractor. When such advances are allowed, an indenture in F. R. Form No. 23 should invariably be obtained from the contractor and a detailed account of the materials should be kept in Part II of the bill in the manner described in rule 224. No record of the materials need be kept in the measurement book, the certificate (3) printed on the bill must, however, be signed by the Sub-divisional Officer in terms of rule 227.

263. Form No. 29 is intended for final payments made to a contractor. The details of additions and alterations alone should be given in the bill. For the rest the certificates prescribed in rule 259 will be sufficient. As a further precaution, the contractor should be required to add to his acknowledgement in his own handwriting a statement that he has received the payment in full settlement of all demands. [See, however, note below rule 221(b).]

(m) WORKSHOP General

264. 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.

265. No work should be undertaken for municipalities or private parties before the whole estimated cost, including all charges for supervision, profit, etc., that may be leviable under the rules for the time being in force, has been paid to the Divisional Officer or into a Government treasury to the credit of the Works and Buildings or the Irrigation and Waterways Department. This rule may be relaxed at the discretion of the Divisional Officer or Superintendent of the Work-shop, in the case of Government officers where full recovery is not open to doubt. In such cases a rough estimate of the probable cost must be prepared in advance and the officer concerned required to give an undertaking that he agrees to pay the actual charges in full on completion of the work. The full expenditure incurred must be deducted from the Government servant's pay for the following month. In all cases prior to work being put in hand, an undertaking should be procured from the party concerned that it will not hold the department responsible for loss by fire or theft or any other factor which could not be foreseen when the estimate was prepared. In cases where it is found that the original estimate is likely

to be appreciably exceeded, a revised estimate should be prepared and the procedure outlined above adopted.

Estimate

266. The estimate should provide for all charges, including the prescribed percentages for indirect charges enumerated below and should be sanctioned by competent authority and adopted by the indenting officer, local body or Individual -

- (a) Supervision, etc., charges under rule 131.
- (b) Interest on capital cost of buildings, plants and machinery.
- (c) Maintenance charges of buildings, plants and machinery.
- (d) Depreciation of buildings, plant and machinery.
- (e) Establishment charges including one per cent on account of Audit and Account Establishment.
- (f) Profit.

The amount to be realised from the indenting party will, however, be based on the actual cost though the authorised limit of cost, which the officer in charge of the workshop may incur without further authority, is that shown in the accepted estimate.

Note 1. - If the execution of a job for another division or department is likely to extend beyond one financial year, the limit of the cost, which may be incurred in each official year, should also be settled beforehand.

Note 2. - The profit referred to in clause (f) above is not charged in the case of jobs executed for other divisions of the State.

The percentage for supervision, etc., charges referred to in clause (a) should be calculated on the value of materials issued to each job. The other charges are ordinarily calculated on the total cost of labour and stores pertaining to the job.

NON-GOVERNMENT WORKS

267. For every non-Government work there must be a duly sanctioned detailed estimate or requisition, as the case may be, in the same way as for a Government work.

Note. - Non-Government works are divided into three classes, viz., (i) Deposit works, (ii) Local Loan works, and (iii) Takavi works.

- (i) Deposit works

268. The Works and Buildings or the Irrigation and Waterways Department may

occasionally, at the discretion of Government, be called upon to execute works for which the outlay is provided wholly or in part from -

(a) funds of a public nature, but not included in the financial estimates and accounts of the State.

(b) contributions from the public.

Government may delegate the power of authorizing the undertaking of deposit works to Chief and Superintending Engineers and to Divisional Officers, subject to such limitations and restrictions as it accordance suitable.

269. Where a work is to be carried out partly from funds provided in the estimates of the Works and Buildings or the Irrigation and Waterways Department and partly from the funds of the foregoing nature, the contribution will be considered as a lump sum in addition to the Government grant, and the work executed in strict accordance with the procedure laid down for Government works.

270. In all cases the contribution should be realised before my liability is incurred on account of the work. In cases where Government is satisfied that the money will be forthcoming when required, it, may authorise the recovery from the contributor by suitable instalments on fixed dates. No interest will be allowed on sums deposited as private contributions for works. 271. In cases where the department undertakes to design and construct a work wholly from the sources alluded to in rule 268 such as, a town hall or reservation for a municipality, or a school or hospital for which funds have been raised by subscription, the following rules will be observed :-

(I) The design and estimate will, in the first instance, be drawn up in communication with the party or partial depositing or administering the funds, and must be submitted for the technical sanction of such departmental authority as the extent of the estimate would require in the case of technical sanction to an ordinary Government work. (II) Provision must be made to cover the cost of establishment, tools and plants at the prescribed percentage rates together with an addition of one per cent. for audit and accounts establishment. No reduction of these charges may be made in the case of works costing Rs. 1,000 or more but when a cost of the work is less than Rs. 1,000 these charges may be reduced or remitted with the previous sanction of Government. <BR.

(III) Prior to the work being put in hand a written approval to the estimate and design must be obtained from the authority depositing or administering the funds and an acknowledgement procured to the effect that, in undertaking the work, the Works and Buildings or the Irrigation and Waterways Department does not bind itself to complete the work within the amount of the estimate and that the authority depositing or administering the funds agrees to finance any excess that may occur. Any material alteration in design must be similarly dealt with. <BR.

(IV) The necessary funds for the prosecution of the work must be realised and paid into the Government Treasury either in a lump sum or in such instalments and by such dates as Government may decide in each case. No advance of Government money for such purpose will be permitted, and, in the case where the money is paid by instalments, Government will not be responsible for any increase in cost or damage to the incompleting work, caused by a temporary

stoppage of the work pending receipt of further instalments.

(V) It will be the duty of the officer in charge of the work to bring at once to the notice of his superiors and of the local body or individuals any anticipated excess over the estimate, as well as to provide the fullest information in connection with the progress of expenditure, so that no responsibility may attach to Government in the event of the work having to be stopped for want of funds.

(VI) Government undertaking such works should satisfy itself that the extent to which Government is responsible in regard to the execution of the work is thoroughly understood both by the parties for whom the work is to be constructed and by the executive officers to whom its construction is to be entrusted.

(VII) Where the work is of magnitude, or there are any special circumstances which seem to render such a course desirable, an agreement should be drawn up under legal advice. (VIII) It must be distinctly understood that contributions on account of one work can, in no circumstances, be utilised in meeting outlay on account of another work, the contributions for which may be in arrears.

Note. - No percentage charges prescribed for establishment, tools and plant and audit shall be levied from outside bodies on the interest on the capital cost of a dredger. The charges payable for the hire of Government dredgers by parties other than departments of the Government of West Bengal, will not therefore, include a percentage charge for establishment, tools and plant and audit, on the interest on the capital cost of the dredgers included in the estimate -of the cost of the work undertaken for the outside bodies in question.

(ii) Local loan works.

272. (a) No department or Government officer may incur any expenditure any liabilities against a sanctioned loan, unless a statement in writing is first obtained from the Accountant-General that the amount is available out of such a loan and has been placed in a separate account so as to be available for the proposed expenditure. The amount so placed should be treated as appropriation for the work, and should not be exceeded without special orders.

(b) Funds spent under clause (a) 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 officer.

273. The limit of funds set aside for expenditure on a work during the year should be ascertained from the Accountant-General by the officer 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.

(iii) Takavi Works

Provision of Funds

274. It is not imperative, as in the case of deposit works, that the estimated cost of a takavi work shall be deposited by the person or persons interested in the work, before any expenditure is incurred on it, as, if the amount due is not received in cash direct from them, it is recoverable through the District and Revenue authorities in the same way as arrears of Land Revenue. Endeavour should, however, be made to effect direct and prompt recoveries of the probable cost of takavi works, as recoveries through the District and Revenue authorities cause considerable trouble and delay in adjustment.

Recovery through District and Revenue authorities

275. The following procedure is prescribed for effecting recoveries, through the District and Revenue authorities on account of the cost of individual takavi works, not covered by cash deposits received direct from the cultivators concerned :-

(a) A certificate showing (1) the full name of the work, (2) the name and address of the responsible cultivator or cultivators, (3) the authority for undertaking the work, (4) the total expenditure incurred, (5) the amount (with full particulars), if any, recovered in cash, and (6) the net amount still recoverable should be prepared in duplicate by the Divisional Officer, on the completion of the work, and submitted to the Collector or Deputy Commissioner of the district concerned.

(b) On receipt book of the duplicate copy duly accepted, the amounts accepted should be credited, on the authority of it, to the takavi works advances account by debit to the head [705-Loans for Agriculture (executing. Public undertakings)-XIV-Other Agriculture Loans-Non Plan-Advances to cultivators] and the District and Revenue authorities will thereafter be responsible for effecting the necessary recovery.

SECTION IV - PUBLIC BUILDINGS

Fixtures and furniture

276. Every public building [rule 3(24)] should be provided with all necessary fixtures, the periodical repair of these fixtures should be carried out by the Works and Buildings Department and charged to the repair estimate of the building. All petty repairs of fixtures and replacement of broken glass in doors and windows required in the intervals between the periodical repairs should be carried out by the officer in occupation of the building (see rule 5 of Appendix 11) and charged to his contingent accounts. The Divisional Officer will not supply nor repair furniture, screens, purdahs, or tat ties, nor will he perform any of the duties specified above as devolving on the departmental officer in charge. Furniture for new offices may, however, be supplied by the Divisional Officer, provided the cost of such furniture is included in the estimates of the offices concerned. This rule does not apply to the case of furniture of travellers' rest houses, staging bungalows or circuit houses, the outlay on the supply and repair of which will be treated as charges of the Civil Department. In the case of 'Works and Buildings' and 'Irrigation

and Waterways' Department inspection bungalows, the furniture should be supplied and repaired at the cost of those Departments.

Furnishings of official residence of the Governor

277. Rules for the renewal, maintenance and repairs of furnishings of official residences of the Governor of West Bengal are reproduced in Appendix 14.

Purchase of Government buildings

278. No building may be purchased for public purposes without the orders of Government.

Sale or dismantlement of Government Buildings

279. Permanent public buildings, whatever be their book value, constructed from State revenues may be sold or dismantled under the orders of Government. The limits and conditions on which sale and dismantlement may be conducted by subordinate authorities are regulated by Delegation Orders.

Temporary buildings erected during the construction of work may, Under the sanction, previously obtained, of the Superintending Engineer, be sold or dismantled on the completion of the work or when the purpose for which they were erected has been served.

Hire of office accommodation

280. When no suitable Government building is available private buildings may be hired for public purposes the rent being paid by the public office or department occupying it. When the building is entirely used for office accommodation the rent is wholly chargeable to Government, while, when it is partly used for office purposes and partly for residential purposes, the share of the rent payable by Government will be proportionate to the amount of the main building set aside solely for office use. Powers of authorities to sanction office accommodation are given in the Delegation Orders.

Note.-The rules relating to the payment of municipal rates and taxes are contained in rule 22 of Appendix 11.

Register of immovable Government properties

281. Each Superintending Engineer will keep a register of all immovable Government properties in charge of the department within his circle, and each Divisional Officer a similar register of all the immovable Government properties within his division. In these registers the value of the land comprised in a property will be shown separately from the value of the immovable Government property (or properties) thereon, the value of each separate structure being also shown separately, In the case of a purchased property the

price paid will be apportioned between the various items comprising the property, e.g., land, main building, servants' quarters, compound wall, well, etc,

The capital value of any portion of the immovable Government property which is abandoned or dismantled without replacement should be written off from the total capital value of the immovable Government property.

Residences of Government servants

282. Residences for Government servants may be built or purchased by Government-

(i) when it is the recognised duty or established custom of Government to do so,

(ii) when it is necessary on public grounds for the officer to reside in, or alone to, the locality in which his duties are performed,

(iii) when it is necessary to provide residences where no civil station or cantonment exists, and where a lengthened term of residence would render camp accommodation unsuitable, e. g., buildings along lines of roads or canals, for the housing of officials employed on their construction or maintenance,

(iv) when it is shown to the satisfaction of Government that suitable house 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.

283. (I) When it is more convenient or economical to do so buildings may be leased with the sanction of Government instead of constructing or purchasing 3 residence for a Government servant. The present and future incumbents for which accommodation is provided should pay rent as prescribed in Chapter XVI of the West Bengal Service Rules, Part I,

(II) 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. In the event of any addition or alteration to the building being made subsequent to the signing of the lease at the request of the occupant and at Government expense, the consent of the owner must first be obtained in writing unless the work is considered by Government to be essential for sanitary reasons, and the rent payable by the occupant will be increased under the following rules :-

(i) If the lessor agrees to take over the work done on the expiry of the lease and to pay to Government the original cost of that work, less an allowance for deterioration, which should be fixed before the work is done, the occupant will be required to pay the following additional charges :-

(a) 6 per cent, on the capital cost of the additional work;

(b) the percentage or amount fixed for deterioration;

(c) the annual estimated charges for maintenance and repairs of the additional work (if repairs are executed by Government); or

(ii) If the landlord refuses to accept any liability for additional work, the rent payable by the occupant will be increased by a sum sufficient to cover during the period of the lease--

(a) the capital sum expended including interest at 6 per cent.;

(b) the annual estimated charges for maintenance and repairs of the additional work.

Note.-The amount to be recovered monthly from the tenant should be fixed when the work is completed and should be distributed equally throughout the remaining period of the lease.

In case (i) the capital cost will be held to be the total expenditure less half the amount which will be recovered on account of deterioration.

In case (ii) interest will be calculated on half the amount of the outlay.

(III) Capital expenditure under sub-clause (i) or (ii) of clause (II) should not ordinarily be incurred as will raise the rent of the leased building to an amount in excess of 10 per cent of the average pay and allowances, if any, of the class of official who will usually occupy the building.

284. Rent for residential buildings owned by the Government of West Bengal but occupied by a Government servant under the administrative control of another Government should be assessed and rents recovered in full under F. R. 45B of the Posts and Telegraphs Department Compilation of the Fundamental and Subsidiary Rules irrespective of whether the rent is more or less than the prevailing rent in the locality.

Sanitary, water-supply and electrical Installation in Government buildings occupied as residences

285. The provision of sanitary, water-supply and electrical installations in Government buildings occupied as private residences may be sanctioned by Government.

286. When a Government building is let to a private person or to a Government servant under the control of other State or Union Governments, rent for sanitary, water-supply and, electrical installations will be charged at a uniform rate of 8 per cent per annum on the outlay Incurred.

These charges are payable by tenants in addition to the standard rent of the residence under F. R. 45B of the Posts and Telegraphs Department Compilation of the Fundamental and Subsidiary Rules.

Note 1.-The rent to be charged to private persons must be recovered monthly in advance.

Note 2.-When a Government servant is on leave not exceeding four months and is occupying residence without permission or when such Government servant is on leave exceeding four months or is otherwise not on duty he is to be considered as a private person and should be charged rent as provided in this rule.

Note 3.- Any remission of the rent may for special reasons be sanctioned by Government

Chapter 8

Loans and Advances

I - INTRODUCTORY

287. Loans and advances made by Government are classified by Major heads corresponding to functional Major heads in the Capital account section of the Budget with Minor heads under each to correspond to functional Programmes (such as, Minor Irrigation, Seeds, Manure and Fertiliser, etc.) for which loans are given, the recipient institutions or organisations (such as, Municipalities, Municipal Corporations, Panchayati Raj Institutions, Public Sector and other Undertakings, Co-operative Institutions, Cultivator, Port Trusts and other parties) and the schemes, for which loans are given (such as Co-operative Farming, Lift Irrigation, etc.) being indicated at the sub-head level. The Major heads are assigned code numbers ranging from 611 to 799. There is an omnibus Major head, "766-loans to Government servants, etc.", to record all loans of this category. In respect of loans given for miscellaneous purposes which either cut across various functions or cannot be identified with any particular function, there is another omnibus Major head called, "767-Miscellaneous loans."

288. The rules in this Chapter should be observed generally by all departments, etc., in granting loans and advances of public money unless any special rule is framed or a special order is issued in a particular case by the Government with the concurrence of the Finance Department authorising a deviation from the provisions of these rules whether in respect of grantee, conditions for the grant. terms or repayment or remission or concession in regard to levy of interest, etc.

II - GENERAL RULES

Sanction

289. (1) The grant of loans and advances in general, unless otherwise stated in respect of any particular category of loans will require the sanction of Government.

(2) The powers delegated to subordinate authorities to sanction loans and advances to Government servants are regulated by the orders contained in rules 308.325 et seq. Detailed rules relating to permanent advances are contained in rule 88.

290. (i) Every loan to a Municipality, Port Trust, or other Corporation will be recorded in the books of the Accountant-General and no part of it may be issued except under his

orders.

(ii) No public department or public officer may incur any expenditure or any liabilities against such loan funds, unless a statement in writing is first obtained from the Accountant-General that the amount is available out of the loan funds and has been placed in a separate account by the Accountant-General so as to be available for the proposed expenditure.

(iii) Funds spent by any public department or officer under rule (ii) shall reckon for interest as if they were drawn on the last day of the month in the accounts of which they are included by the spending department or officer.

Estimates

291. Provision should be made in the Budget for all loans and advances which can be foreseen. Heads of Administrations and other estimating authorities should, the before, make a timely estimate both of the gross advances and recoveries of the coming year and should communicate it to the Accountant-General and Finance Department for inclusion in the estimates.

Conditions of Repayments

292. Recoveries of amounts advanced to Government servants is governed by the detailed instructions laid down in rules 304 and 308-325 et seq.

293. The following general instructions apply to all loans and advances to local bodies, etc., other than advances to cultivators, etc., which are governed by special rules, and subject to the provisions of relevant Acts or rules made thereunder, the conditions under which the loans are granted should be regulated accordingly :-

(i) A specific term should be fixed which should be as short as possible, within which each loan or advance should be fully repaid with interest due. The term may in very special cases extend to 30 years.

(ii) The term is to be calculated from the date on which the loan is completely taken up or declared by competent authority to be closed.

(iii) The repayment of loans should be effected by installments, which should ordinarily be fixed on a half-yearly basis, due dates for payment being specially prescribed.

(iv) 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 first half-yearly repayments should not be demanded until six months after the last installment is taken; meanwhile simple interest only should be realised. But should it appear that there is undue delay on the part of the debtor in taking the last installments of a loan, Government may at any time declare the loan closed and order repayment of principal to begin.

Note 2. - If in any case particular dates have been fixed for the payment of interest, or for the repayment of installments of debts, then such repayments should not begin 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 not be due until 31st December following. Simple interest only will be due on the intermediate 30th June.

Note 3.-The instructions are applicable, mutatis mutandis to loans the repayments of which are made by other than half-yearly installments.

Note 4.-When the repayment of an advance with interest made by fixed equal periodical installments, punctual payment of the installments is indispensable. If any installment is not punctually repaid, the fixed installment will not in the end discharge the loan.

294. Borrowers should be required to adhere strictly to the terms settled for the loans made to them. Modifications of these terms in their favour can be made subsequently only for very special reasons.

Interest

295. (1) Interest should be charged at the rate prescribed by Government for any particular loan or for the class of loans concerned,

(2) A loan bears Interest for the day of advance, but not for the day of repayment. Interest for any shorter period than a complete half-year should be calculated as

Number of days X yearly rate of interest, unless any other method of 365 calculation is prescribed in any particular case or class of cases.

Note.-The method prescribed above does not apply to loans and advances to Government Rrvants fs.ling under section ill of this Chapter.

Defaults in Payment

296. (1) Any default in the payment of interest upon a loan or advance, or in the repayment of the principal, will be promptly reported by the Accountant. General to the authority which sanctioned the loan or the advance. On receipt, of such a report, the authority concerned should immediately take steps to get the default remedied.

Note.-The responsibility of the Accountant-General under this rule refers only to the loan the detailed accounts for which are kept up by him.

(2) The authority which sanctions a loan may, in so far as the law allows enforce a penal rate of interest including compound interest upon all overdue instalments of interest or principal and interest. If a penal rate is enforced it should not, except under special orders of Government, be less than 8 per cent per annum.

Irrecoverable Loans and Advances

297. Government or any subordinate authority to whom power has been delegated can remit advances which are found to be irrecoverable.

298. In respect of revenue and other advances, for the detailed control, accounting and supervision of which departmental officers are responsible, it is the duty of the departmental authorities concerned, as soon as any such advance is ascertained to be irrecoverable, to take the necessary steps to get it written off the accounts under the sanction of competent authority and to advise the Accountant-General, in order that he may make the necessary adjustment in the accounts. Irrecoverable advances written off should nevertheless be registered by the departmental authorities in a separate account or record, in order that any possible eventual recovery may be made.

Account and Control

299. Subject to such general or specific directions as may be given by the Auditor-General in this behalf, detailed accounts of individual loan and advances other than those mentioned in rule 300 below will be maintained by the Accountant-General who will watch their recovery and see that the conditions attached to each loan or advances are fulfilled.

300. In the case of revenue and other advances mentioned in subsidiary rules 451 and 455 of the Treasury Rules, the responsibility for supervision, accounting and control devolves upon the departmental authorities. Every return of revenue advances made to the revenue authorities should be accompanied by a memorandum setting forth the figures of the treasury plus and minus account and agreeing them with the figures of the return.

Annual Returns

301. The Accountant-General will submit to Government an annual statement showing the details of outstanding loans and advances borne on his books and Government will review the same.

III.-LOANS AND ADVANCES TO GOVERNMENT SERVANTS General

302. (a) All permanent, quasi-permanent and permanent status Government servants who are not otherwise disqualified will be eligible to house building loans. A temporary Government servant who has rendered at least one year's continuous service under this Government will also be eligible to house-building loans provided the sanctioning authority is satisfied that he is likely to continue in service of Government at least till the completion of construction of the house for which the loan is sanctioned and the property is mortgaged to Government. In case where such a temporary Government servant applies for a house-building loan for the purpose of purchase of land for subsequent construction of house thereon, he will be eligible to the loan provided the sanctioning authority is satisfied that he is likely to continue in service of Government at least till he is in a position to mortgage the title to the land and also the building.

(b) Advances for purchase of motor cars, motorcycles, scooters/scooterette, Auto-

cycles, etc., will also be admissible to the abovementioned categories of Government servants, subject to the fulfilment of the conditions mentioned above and provided that the sanctioning authority is satisfied that they are likely to continue in the service of the Government at least till the conveyance, for which the advance is sanctioned, is purchased and/or mortgaged to Government.

(c) An advance of pay and travelling allowance on transfer or tour, as admissible under rules 320-323, may be made to the above mentioned categories of Government servants, subject to conditions laid down in the aforesaid rules, and provided that proper surety against each such case is obtained to ensure adequate security of Government money.

Note 1. - An advance for the purchase of a bicycle may be made to a quasi-permanent Government servant subject to the conditions laid down in rule 318.

Note 2. - A temporary Government servant, on his transfer from one place to another in the interest of public service, may be given an advance or Travelling Allowance equal to the actual fare plus 25 per cent. of the incidental charges as ordinarily admissible provided the head or the office is satisfied that -

(i) the advance will be recovered before the expiry of the sanctioned term of the temporary post, and

(ii) the temporary Government servant is not likely to leave his appointment just after the transfer.

303. Simple Interest at the rate specially fixed for the purpose by Government will be charged on advances granted to Government servants for house-building and for the purchase of motor cars, motor boats, motor cycles and other conveyances, and typewriters the grant of which is regulated by the rules laid down in rules 308-319. The Interest will be calculated on balances outstanding on the last day of each month.

Note 1.-In cases, where pay bills for a month are disbursed before the end of the month an instalment in repayment of an advance received through the pay bill will be taken as having been refunded on the first of the following month, the normal date for the disbursement or pay.

Note 2.-If in any particular case any advance is drawn in more than one instalment, the rate of interest recoverable should be determined with reference to the date on which the first instalment is drawn.

304. All advances are subject to adjustment by the Government servants receiving them in accordance with the rules applicable to each case. When all advance is adjustable by recovery, the amount to be recovered monthly should not be affected by the fact of the borrowing Government servant going on leave of any kind with leave salary or his drawing subsistence grant. The sanctioning authority may, in exceptional cases, order a reduction in the amount of the monthly Instalment, provided that in the case of interest-bearing advances to Government servants, the whole amount due should be completely recovered within the period originally fixed.

305. In the case of interest-bearing advances to Government servants an authority empowered to deal with an application for an advance should ascertain from the Finance Department whether funds are available.

This enquiry should be made after all preliminary investigations have been gone through, e.g., in case of house-building advances, examination of the title deeds of the land on which the house is to be built and which is to be mortgaged to Government.

The amount required will then be earmarked pending sanction. If in any case the advance is not sanctioned after the amount is intimated as available, the fact should be reported to the Finance Department as early as possible so that it may be reallocated.

306. The bill on which advances are drawn must quote the authority sanctioning them and payment will be made by the treasury or Sub-Treasury or Calcutta Pay & Accounts Office or other disbursing offices. on the authority of such sanction. All such sanction shall be communicated to the Treasury /Sub-Treasury/Calcutta Pay & Accounts Office/Disbursing Offices by the sanctioning authority whose signature will also be kept on record at those offices.

307. The mortgage bonds required to be executed under the following rules for interest-bearing advances will be exempt from stamp duty.

Interest-bearing Advances-Advances for House-building, Purchase of conveyance, etc.

**(a) House-building Advances
(i) CONSTRUCTION OF HOUSE**

308. Loans/Advances to Government servants for the construction of houses are regulated by the following rules:-

(I) Advances may be made by the authorities declared as heads of Departments (vide Appendix 15) to Government servants serving under them who desire to build houses for occupation by themselves, or their families. No advance is ordinarily permissible to a Government servant who is likely to retire before complete recovery can be effected.

(II) All such advances must be bona fide required for the purpose of building suitable houses for the personal residence of the Government servants concerned or his family, and if more is advanced, than shall be actually expended for the purpose the surplus shall be refunded to Government.

(III) The amount of the loan for purposes of construction of/additions and alterations to house will be paid in three instalments in the following manner :

(i) Up to 50 per cent. of the amount of the loan : After observance of the usual formalities prescribed under the rules for security of the loan.

(ii) Next 25 per cent. of the amount of the loan : After production of satisfactory evidence in support of the progress of construction up to plinth level (in the case

of new Construction) or considerable progress in the case of additions addition and alterations.

Balance 25 per cent or loan : After production of satisfactory evidence Showing that the house under construction has reached roof level or showing that 50 per cent, of the estimated work has been completed in the case of additions and alterations to a house.

In the case of purchase of ready-built house/flat or repayment of a private loan incurred, the amount of the loan admissible may be paid in one instalment after observance of the usual formalities prescribed under the rules for security of the loan

(IV) No advance shall exceed thirty-six months' pay of the Government servant to whom it is made, not more than one advance shall be made for the same house; and no Government servant may receive an advance while any portion of a previous advance with interest accrued thereon in accordance with rule 303 is outstanding against him.

(V) Advances will be recovered by the deduction of monthly instalment. The maximum period of recovery of the amount of the loan and the interest accruing thereon will be 15 years, i.e. in 180 monthly instalments of which the first 140 instalments will represent recovery of principal and the balance 40 instalments interest accrued on the loan.

In the case of a permanent Government servant whose remaining service before superannuation is less than 15 years but who draws the maximum amount of loan equivalent to 36 months' pay or such amount as cannot be repaid out of his monthly salary for the rest of the period of his service, the recovery will be made in the following manner provided he furnishes a collateral security in the form of hypothecation of his death and retiring gratuities in addition to the normal security and also authorises Government to deduct the outstanding principal and interest accrued on the loan from his death/retiring gratuity:

(i) the recovery will be made by deduction from his monthly salary during the remaining period of his service at a monthly rate not less than the amount payable on the basis of repayment within 15 years (i.e. 1/40th part of the principal of the loan ; and

(ii) the outstanding balance of the principal of the loan as on the date of his superannuation together with interest due will be recovered in lump by deduction from his death/retiring gratuity.

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 instalment when the remaining balance including any fraction of a rupee should be recovered.

(VI) In order to secure Government from loss consequent on a Government servant dying or quitting the service before complete repayment of the advance with interest accrued thereon, in accordance with rule 303, 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 F. R. Form No. 32 and reconveyance F. R. Form No. 34.

(VII) The Government Servant 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 to a person who may not possess full proprietary rights; in the land which he had already taken or intends to take lease for construction of house provided the sanctioning authority is satisfied that the applicant has 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 being 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 subdemise by the le (the mortgagor). The mortgage bond in such cases will be prepared in F. R. Form No. 33.

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 may, at its discretion, ask the Government servant taking the advance to produce for inspection receipts for these payments within fifteen days of their falling due. If the sanctioning authority finds that such dues have not been paid by the borrower steps may be taken to recover the said dues including interest thereon, if any, from the pay of the Government servant for payment to the parties concerned.

Note 2. The applicant's title to the property should be; examined by the Government Law Officers before the advance is actually paid. In order to facilitate the examination by the Legal Remembrancer of the title to the land or house of the applicant for the grant of an advance for the construction or purchase of a house or making repairs, additions or alterations thereto or for repayment of private loan referred to in rule 3JO the papers relating to the title should be for- warded to the Legal Remembrancer through the local Government Pleader who will first examine the title calling for such proof 88 may be necessary and record his opinion before sending the papers to the Legal Remembrancer. It should be seen that in the case of an advance for the construction of a house or making repairs or additions and alterations thereto the applicant has undisputed title to the land on which it is proposed to build or to the land together with the structures thereon to which it is proposed to make repairs, additions or alterations 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 and 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 bond. The procedure to be followed in dealing with applications for advances for the construction, purchase and repairs of houses is set forth in

Appendix 16.

Note 3. - A copy of the sanction should invariably be forwarded to the Accountant- General, The Head of the office in the case of a non-gazetted Government servant. and the Controlling Officer in the case of an erstwhile gazetted Government servant should record a certificate either in the bill in which the advance is drawn, or separately (which to be enclosed with the bill) to the effect that the mortgage bond in F. R. Form No. 32 has been executed by the Government servant taking the advance and that it has been duly registered.

(VIII) If the Government servant ceases to be in service for reasons other than normal termination or dies before repayment of loan, the outstanding dues become repayable forthwith. Government may in deserving, cases permit the Government servant concerned or his successors-in-interest as the case may be, to repay the outstanding amount together with interest in suitable instalments. Failure to repay the loan for any reason whatsoever will entitle the Government to enforce the mortgage and to take such other action to effect recovery of that outstanding amount as may be permissible.

(IX) Application for an advance 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.

(X) The last-pay certificate granted to Government servants under advances must specify the original amount of such advance the amount repaid and the balance together with interest accrued in accordance with rule 303 remaining due. "

Note. - Advances may also be given, where considered necessary, for the purchase of land or taking lease of land on which to construct a house, if the other conditions laid down in this rule are satisfied and the total amount of the advance for the purchase of the land and the construction of the house does not exceed thirty-six month's pay of the Government servant concerned.

The Government servant should sign an agreement in F. R. Form No. 30 at the time of taking an advance for the purchase of land or for taking lease of land and the amount should not exceed what is required for the purpose. A mortgage deed in F. R. Form No. 31 should be executed before any further advance is drawn for the purpose of constructing the house. The mortgage deed must be registered within four months of its execution.

In order to save Government from loss, the applicant's title to the property should be carefully examined by the sanctioning authority and the instructions laid down in appendix 16 should be followed.

(ii) PURCHASE OF HOUSE OR FLAT

309. (I) An advance may be made by the head of a department to a Government

servant serving under him for the purchase of a house or a flat. The general principles of rule 308 will be applicable and the Government servant will be required, in addition to a mortgage-deed, to deposit with Government satisfactory evidence of a clear-title to the house or the flat.

Note 1. - An advance drawn under this rule may include provisions not only for the cost of the house purchased, but also for the cost of any repairs or improvements which the purchase of the house may desire to make.

Note 2. - The advance may be drawn in full at once, but satisfactory evidence should be produced before the Accountant-General to show that the amount advanced for the purchase has been spent within three months of its drawal and the amount advanced for repairs or improvements (see Note 1) within a further period of two months. A certificate to this effect from the Head of the Office will ordinarily suffice. The repayment in this case shall commence with the first issue of pay after the advance is taken. Interest will be calculated in accordance with rule 303 and the recovery thereof will be made as laid down in clause (V) under rule 308.

Note 3.-For the purpose of payment of the advance the Controlling Officer should record on the bill or separately a certificate to the effect that he has secured and retained with him an agreement in F. R. Form No. 30 signed by the applicant pending execution of the final mortgage bond in F. R. Form No. 32 after the house or the flat is actually purchased. The fact of execution and registration of the latter bond should also be intimated to the Accountant-General as soon as possible.

Note 4. - In case where the price of the house or the flat is higher than the house building loan admissible to the Government employee the applicant should indicate the sources from which the balance amount of the price of the house or the flat will be met within one month from the drawal of the loan and without encumbering the property in any way so that the mortgage to be executed in favour of the Governor will be a first charge as required under the rules.

(2) An advance may also be given by heads of departments for the purpose of purchase of flats/houses from the West Bengal Housing Board on instalment basis provided that-

(i) the Government servant concerned shall submit with his application for the loan the original or an attested copy of the letter of allotment of the flat/house by the West Bengal Housing Board containing in that communication or in a further communication from the Board the following particulars:

(a) the price of the flat/house,

(b) the actual amount payable initially before delivery of possession of the property,

(c) the conditions for payment of the balance price of the flat/house in instalments, and

(d) whether the Board has permitted the Government servant to mortgage the flat/house in favour of the Governor as a second charge ;

(ii) in Case where the initial payment for the flat/house is higher than the house-building loan admissible to the Government servant, he should indicate the details of the sources from which the balance amount of the initial payment of the flat/house will be met immediately for payment to the West Bengal Housing Board :

(iii) he must give an undertaking in the prescribed form of agreement to be executed at the time of drawing the loan for the purchase of a flat house on instalment basis that he shall mortgage the flat as a second charge within two months from the date of drawal of the loan; and

(iv) the second mortgage should be executed in the prescribed form of Mortgage Deed for house-building loans for purchase of a flat/house on instalment basis from the West Bengal Housing Board-

All other existing terms and conditions regulating the grant of house building loan to Government servants shall apply mutatis mutandis.

(iii) REPAYMENT OF PRIVATE LOAN

310. An advance may also be given by heads of departments for the purpose of repaying a private loan taken by a Government servant for any of the following purposes-

- (i) for the purchase of a site for construction of house thereon ;
- (ii) for taking lease of a site for construction of house thereon provided the lease term does not expire before the full repayment of the principal and interest on the loan ;
- (iii) for the construction of a house ;
- (iv) for the purchase of a ready-built house ;
- (v) for taking lease of a ready. built house provided the lease term does not expire before the full repayment of the principal and interest on the loan ;
- (vi) for making additions and alterations to a house of which the Government servant concerned is the sole and undisputed owner provided-

(1) that the usual conditions specified in the Note below clause (X) of rule 308 and in rule 309 are satisfied;

(2) that the applicant has through his private loan acquired an unencumbered title to the land or the house purchased or taken lease of; and

(3) that the original loan for the purchase or taking lease 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.

(iv) REPAIRS TO HOUSE

311. An advance may be made under the following rules by the-head of department to a Government servant to enable him to effect repairs to his house:-

(I) An advance may be made only if (1) 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 one advance is admissible in respect of the same house.

(III) No advance shall exceed six months' pay of the Government Servant to whom it is made, and it will be drawn as laid down in clause (III) under rule 308.

(IV) An advance may be made to a Government servant to repair a house which he has built or purchased with a previous advance under rule 308 or 309, but unless Government permits otherwise, at least five years must elapse since the previous advance was drawn.

(V) Subject to the above, the general principles of rule 308 or 309, as the case may be, shall apply, the maximum period for repayment of such advances being two years. Interest will be calculated and recovered in accordance with clause (V) under rule 308.

(v) ADDITIONS AND ALTERATIONS TO HOUSE

312. An advance may also be made by the head of the department for making additions and alterations to a house, which may not have been originally built with an advance from Government but which is the sole and undisputed property of the Government Servant applying for an advance, subject to the following conditions :-

(i) That a maximum advance of thirty-six months' pay subject to a limit of Rs. 10,000 will be admissible for additions and alterations to a house, provided the outlay involved is large in comparison with the value of the house and all the conditions for the grant of an original house-building advance have been fulfilled, provided that an advance for additions and alterations to a house built with an advance from Government will be admissible. Repayment of such advances will be made in accordance with clause (v) under rule 308.

(ii) That not more than one advance shall be made to an officer for additions and alterations to a house.

Subject to the above, the general principles laid down in rule 308 regarding construction of a house shall apply.

Sundry rulings

313. The "gross" amount of advances granted under rules 308-312 should not exceed the amount provided in the Estimates.

314. Government may by special orders withdraw or restrict the powers of sanction under these rules exercised by heads of departments.

315. 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 Appendix 16.

(b) Advances for purchase of conveyance

(i) MOTOR CAR OR MOTOR BOAT

316. Government may sanction an advance to a Government Servant for the purchase of a motor car or 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 Government servant 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

(a) twelve months' pay or Rs 16,000 or the anticipated price of the car or the boat whichever is the least, if the car or the boat is a new one;

(b) Rs. 10,000, or six months' pay, or the anticipated price of the car or the boat whichever is the least, if the car or the boat is an old one. If the actual price paid is less than the advance taken, the balance shall be refunded forthwith to Government.

(3) A Government servant 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;.

(4) Recovery shall be made by deducting monthly instalments equal to one-seventy-twoeth part of the advance in the case of a new car or boat and one-forty-eighth part of the advance in the case of an old car or boat from the pay bill of the Government servant, It shall commence with the first issue of pay after the advance is drawn. The authority sanctioning an advance may, however, permit recovery to be made in a smaller number of instalments if the Government servant receiving the advance so desires. The amount of interest calculated in accordance with rule 303 shall be recovered in one or more instalments, each such instalment being not appreciably greater than the instalments by which the principal was recovered. The recovery of the interest shall 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 instalment when the remaining balance including any fraction of .rupee should be recovered.

(5) Except when a Government servant 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 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 the aid of an advance which with the interest accrued in accordance with rule 303 has not

been fully repaid. If a Government servant wishes to transfer such a car or boat to another Government servant 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 Government servant, provided that he records a 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) 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 rule 303 has been fully repaid, the sale proceeds must be applied, so far as may be necessary, towards the repayment of such outstanding advance with interest. Provided that when the car or boat is sold only in order that another car or boat may be purchased Government may permit the Government servant 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. - The grant of an advance after a conveyance has been purchased is not admissible. In special cases, however, an advance may be granted provided it was applied for before actual purchase of the conveyance. An advance may also be granted for a conveyance which has already been purchased but paid for in part, provided the amount of such advance does not exceed the balance of the price of the conveyance. The Government servant drawing an advance should certify on the bill on which the advance is drawn that the advance is not being drawn for a conveyance which has already been purchased and paid, or, for that the advance claimed in the bill is not more than the minimum amount required to meet the balance of the price of the conveyance, if it has been paid for in part.

Note 2. - A Government servant may be allowed advances to purchase more than one car or boat at a 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 Government servant does not exceed the limit within which advances may be given.

Note 3. - A Government servant who draws an advance 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. At the time of drawing the advance the Government servant will be required to execute an Agreement in F.R. Form No. 35 and, on completing the purchase, he will further be required to

execute a Mortgage Bond in F.R. Form No. 36 hypothecating the car or boat to the Governor 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.

When an advance is drawn, the sanctioning authority will furnish to the Accountant-General and the concerned Treasury Sub-Treasury / Calcutta Pay and Accounts Office / the disbursing officer a certificate that the Agreement in F .R. Form No. 36 has been signed by the Government servant drawing the advance and that it has been examined and found to be in order. The sanctioning authority 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 Accountant-General for examination before final record.

Note 4. - The form of Mortgage Bond executed by a Government servant drawing an adv- for the purchases of a motor car or motor boat provides for insurance against full 1088 by fire, theft or accident. Insurance on owner-driven or other similar qualified terms is not sufficient for the purpose of this rule. Insurance policies at a reduced rate of premium shall however be accepted as adequate in cases where-

- (a) the owner of the car undertakes to meet the first portion up to Rs. 100 of a claim preferred against an insurance company in the event of an accident, or
- (b) the car is not insured against accident for any season of the year during which it is not in use but is stored in a garage, e.g., during the summer when the Government servant used to move to Darjeeling.

Such insurance should be effected within one month from the date of purchase of the car or boat. After the insurance is effected the Government servant concerned shall send the insurance policy to the Accountant-General, West Bengal, within one month from the date of insuring the car. In the case where such a policy is renewed he shall also send to the Accountant-General, West Bengal, the certificate of renewal immediately after the renewal is effected. Contravention of these orders will render the Government servant liable to refund the whole of the amount advanced with interest accrued unless good reason is shown to the contrary. 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 Government servant should refund the difference to Government. The amount to be refunded may be recovered in not more than three monthly instalments.

Note 4A.- When a Motor Car/Boat is obtained with the assistance of advances from Government and is mortgaged to Government the Insurance Policy taken on the Motor Car/Boat shall invariably contain a clause as in F.R. Form No. 36A of the West Bengal Financial Rules, Volume II. and the insurance in such a case shall be arranged with such an Insurance Company as is prepared to insert the aforesaid clause in the Insurance Policy.

Note 5. - Advances for the purchase of motor cars or motor boats 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 Government for the necessary sanction. The Government may grant sanction in such cases subject to the provision that the advance should be regulated by the same conditions as would apply if the Government servant were serving directly under Government. In special Cases, however, where a Government servant'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 State Budget provided the Government servant's duties are such as to render the possession of a motor car or a motor boat practically a necessity.

Note 6. - The "gross" amount of advances granted in any year under this rule should not exceed the amount provided in the Estimates.

Note 7. - The grant of an advance under this rule to a Government servant who proceeds on deputation out of India and desires a motor car for use during his deputation is not admissible.

(ii) MOTOR CYCLES, SCOOTERS, SCOOTERETTA, Auto-cycles etc.

317. Government may sanction an advance to a Government servant for the purchase of a motor cycles, scooters, scooteretta, auto-cycle, etc. 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 Government servant should use a motor cycle, scooter etc. in the discharge of his duties.

(2) That the substantive pay of the officer is not less than Rs. 500 but does not exceed Rs. 1,200 a month.

(3) That the amount of the advance does not exceed Rs. 3,000 or the anticipated price of the motor cycle, scooter, scooteretta, auto-cycle, etc., whichever is less and in the case of purchase of an old motor cycle, scooter, scooteretta or auto-cycle, the advance shall be restricted to Rs. 2,000 or four months' pay of the officer, or the anticipated price of the conveyance, whichever is less. A second advance for the purpose should not be given before completion of three years from the date on complete recovery (including interest) of the first advance for the purchase of the same type or different type of conveyance. 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 instalments equal to one forty-eighth part of the advance from the pay bill of the Government servant concerned, commencing from the first issue of pay after the advance is drawn, and that the amount of interest calculated in accordance with rule 303 is recovered as laid down in clause (V) under rule 308. The authority sanctioning an advance may, however, permit recovery in a smaller number of instalments if the Government servant receiving the advance so desires.

Note. - The amount of the advance to be recovered monthly should be fixed in

whole rupees except in the case of the last instalment when the remaining balance including any fraction of a rupee should be recovered.

(5) That, except when a Government servant 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, scooter etc. necessary, the previous sanction of Government is necessary to the sale by him of the conveyance purchased with the aid of an advance which with interest accrued in accordance with rule 303 has not been fully repaid. If the Government servant wishes to transfer such a conveyance to another Government servant who performs duties of a kind that renders the possession of a motor cycle, scooter, etc. necessary, the Government may permit the transfer of the liability attaching to the conveyance to the latter Government servant provided that he records a declaration that he is aware that the conveyance transferred to him remains subject to the mortgage bond and that he is bound by its terms and provisions.

(6) That in all cases in which a conveyance is sold before the advance received for its purchase from Government with interest accrued in accordance with rule 303 has been fully repaid, the sale proceeds must be applied, so far as may be necessary, towards the repayment of such outstanding balance with interest. Provided that when the conveyance is sold only in order that another conveyance may be purchased the 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 conveyance ;
- (b) the amount outstanding shall continue to be repaid at the rate previously fixed ;
- (c) the new conveyance must be insured and mortgaged to Government as required by these rules.

Note.-Notes I to 7 under rule 316 apply to this rule also.

(iii) OTHER CONVEYANCES

318. An advance may be made by the head of departments to a Government servant for the purchase of a bicycle subject to the following conditions :-

(1) An advance will be allowed only if in the opinion of head of the department the possession of a bicycle will add to the efficiency of the Government servant concerned. Advance for the purchase of bicycle will be given only to Government servant whose pay does not exceed Rs. 500 per mensem.

(2) The total amount to be advanced to an officer shall not exceed Rs. 250 or the anticipated price of a bicycle, whichever is less :

If the actual price paid is less than the advance taken, the balance shall forthwith be refunded.

Note. - A further advance for purchase of bicycle shall not be given before completion or three years from the date of complete recovery (including interest) of the earlier advance.

(3) Recovery will be made, by deducting monthly instalments equal to one twenty-fifth part of the advance from the pay bill of the Government servant concerned. It will commence with the first issue of pay after the advance is drawn. The amount of interest calculated in accordance with rule 303 will be recovered as laid down in clause (V) under rule 308.

Note.- The amount of the .advance to be recovered monthly should be fixed in whole rupees except In the case of the last Instalment when the remaining balance including any fraction ora rupee should be recovered..; .

(4) The bicycle purchased with the advance will be considered to be the property of Government until the advance with interest accrued thereon in accordance with rule 303 is repaid.

(c) Advance for purchase of typewriters

319. An advance may be made by the Judicial Department to a Judicial officer to enable him to substitute typewritten documents for official records written with; the pen subject to the following conditions :-

(1) That the total amount to be advanced to an officer should not exceed Rs. 800 or the anticipated price of the typewriter, whichever is less. If the actual price paid is less than the advance taken, the balance should be forthwith refunded to Government;

(2) That the advance is recovered by deducting monthly instalments equal to one-twelfth part of the advance from the pay bill of the officer concerned commencing with the first issue of pay after the advance is drawn. The amount of interest calculated in accordance with rule 303 will be recovered in one or more instalments, each such instalment being not appreciably greater than the instalments 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. The authority sanctioning the advance may, however, permit recovery in a smaller number of instalments If the officer receiving the advance so desires.

Note. - The amount of the advance to be recovered monthly should be fixed in whole rupees except in the Case of the last instalment when the remaining balance including any fraction or a rupee should be recovered.

(3) That at the time of drawing the advance the officer executes an agreement in F .R. Form No. 35 and on completing the purchase of the typewriter, he executes a mortgage bond in F.R. Form No. 36 hypothecating the machine to Government as security for the advance.

Note. - When the advance is drawn, the sanctioning authority will furnish to the Accountant- General and the concerned Treasury/Sub-Treasury/Calcutta Pay and Accounts Office/Other disbursing officer a certificate that the agreement in F .R. Form No, 35 has been signed by the officer drawing the advance and that it has been examined and found to be in order. The sanctioning authority should see that the typewriter is purchased within one month from the date on which the advance is drawn and should submit every mortgage bond promptly to the Accountant-General for examination before final record.

(4) That, except when the 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 typewriter necessary, the previous sanction of Government is necessary to the sale by him of the typewriter purchased with the aid of an advance which with interest accrued in accordance with rule 303 has not been fully repaid. If the officer wishes to transfer such a typewriter to another officer who performs duties of a similar nature, the Government may permit the transfer of the liability attaching to the typewriter to the latter officer provided that he records a declaration that he is aware that the typewriter transferred to him remains subject to the mortgage bond and that he is bound by its and terms provisions.

(5) That in all cases in which a typewriter is sold before the advance received for its purchase from Government with interest accrued in accordance with rule 303 has been fully repaid, the sale-proceeds must be applied, so far as may be necessary, towards the repayment of such outstanding balance with interest. Provided that when the typewriter is sold only in order that another typewriter may be purchased the 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 typewriter;
- (b) the amount outstanding Shall continue to be repaid at the rate previously fixed ; and
- (c) the new typewriter must be assured and mortgaged to Government required by these rules.

Interest-free advances - Advance to Government servants on transfer, tour, etc.

(a) Advances on transfer

320. Advance may be made to a Government servant under orders of transfer, up to an amount not exceeding one month's pay plus the travelling allowance to which he may be entitled under the rules in consequence of the transfer. Such advances may be sanctioned by any officer who should not ordinarily be of lower rank than the principal District Officer in the department concerned. The advances should be recorded on the Government servant's last pay certificate. The advance of pay should be recovered from the pay of the Government servant in three equal monthly instalments beginning with the months 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 the Government servant's

travelling allowance bill. .

An officer under order of transfer shall not, however, be allowed to draw advance pay and travelling allowance by the authority competent to sanction such advances under this rule, unless he is satisfied that the said officer will be released immediately for carrying out the order of transfer. Advance sanctioned under this rule to an erstwhile gazetted officer will be recovered by the disbursing officers, namely, the treasury officers including the sub-treasury officers and the Accountant-General, West Bengal, from the salary and travelling allowance bills (other than bills for leave salary) of the officer concerned after a period of three months from the date of drawal of such advance if he retains the advance even after a period of three months of such drawal without making over charge or without refund the same to Government account.

Advances sanctioned to a non-gazetted Government servant under this rule will be recovered similarly by the Drawing Officers concerned.

The recovery of advances made to both erstwhile gazetted and non-gazetted officers who carry out the order of transfer will be made at the new station of posting in terms of note 2 below this rule.

Note 1. Government may delegate the power to grant advances under this rule to any other subordinate authority irrespective of his rank.

A list of principal authorities in district and subdivisional headquarters of several departments who are competent to sanction advances in cases of transfer is given in Appendix 17.

Note 2.-The Word "pay" in the above rule is a general term and included leave salary. This rule should be read with rule 304. The advance is, therefore, recoverable from the leave salary drawn by the Government servant concerned after his transfer. As regards the word "after" the transfer in the said rule is not complete until the Government servant takes charge of the new appointment. Consequently the pay or leave salary drawn by Government servant after the transfer is the pay or leave salary drawn by him after he has taken over charge of the new appointment. Recovery of the advance under rule 320 should not, therefore, commence until he joins his new appointment and draws a full month pay or/and leave salary.

Note 3. - A tender from Alipore to Calcutta does not necessarily involve change of residence from one station to another and as such the drawal of an advance under the above rule is irregular.

Note 4. - The advance referred to in this rule is also permissible to a Government servant who receives orders of transfer during leave.

Note 5. - The above rule 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 traveling allowance has not already been drawn. (See rule 105 of the West Bengal Service Rules, Part II)

Note 6. - When a single lump sum advance is drawn to cover the traveling expenses both of the Government servant 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 Government servant's family do not actually make or complete the journey with him. In such a case, the Government servant's family do not actually make or complete the journey with him. In such a case the Government servant should certify on each adjustment bill submitted by him that a further bill in respect of traveling 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 7. - The advance of pay under this rule may be allowed to be drawn at the new station soon after the arrival of the Government servant there, on production of the last pay certificate showing that no advance was drawn at the old station.

Note 8. - The amount of the advance to be recovered monthly be fixed in whole rupees, the balance being recovered in the last instalment.

Note 9. - Government servants competent to sanction advances under this rule may sanction such advances for themselves also.

Note 10. - Advances to Government servants on transfer to foreign service may be sanctioned by the authorities that are competent to sanction the transfer. The reimbursement of the advance to Government by the Foreign Employer shall be made in lump by sending a cheque or Demand Draft in favour of the Accounts Officer in whose books the advance is originally booked.

Note 11. - The Director of Land Records and Surveys, West Bengal, may sanction, without reference to Government, advance of pay and traveling allowance on transfer, as admissible under this rule, to the temporary Government employees under his administrative control provided that proper surety against each such case is obtained to ensure adequate security of Government money.

(a) Grant of advance in lieu of leave salary

320A. Advance may be sanctioned in lieu of leave salary to a Government servant proceeding on leave for a period of not less than one month. The amount of advance shall be fixed in whole rupees and shall not exceed the net amount of leave salary for the first in whole rupees and shall not exceed the net amount of usual deductions. The advance may be sanctioned by the authority which sanctions the leave and shall be adjusted in full in the first leave salary bill in respect of the leave availed of by the Government servant concerned. In case the advance cannot be adjusted in full, the balance shall be recovered from the next payment of pay and leave salary.

Note 1. - This concession may be allowed to a Government servant under deputation to this Government.

Note 2. - The advance in lieu of leave salary sanction to Government servant

may be drawn from the Treasury/Sub-Treasury/Calcutta P.A.O. without any previous authority from the Accountant-General, West Bengal.

For the purpose of sanctioning an advance in lieu of leave salary to a Government servant, the nature and period of leave admissible to him may be ascertained from the previous leave application of the officer or any other records available with the authority sanctioning the leave and the leave earned during the period from the date of his last return from leave to the date he again proceeds on leave.

To determine the amount of advance in lieu of leave salary admissible to a Government servant, the details of deductions to be effected from the leave salary may be ascertained from the previous pay bills of the officer concerned. In addition to this deduction in respect of advance, if any, the recovery of which has not commenced before the officer proceeds on leave but falls due during its currency or deduction to be made in respect of any other event which comes to notice, namely, taking of Postal Life Insurance Public and court attachment may also be taken into account to the extent information is readily available.

Note 3.-When a Government servant proceeds on leave for more than a month from about -the middle of a month, the advance in lieu of leave salary may be made on the basis of leave salary payable for one month of leave from the date of commencement of the leave.

Note 4.-The following procedure shall be followed in respect of an advance in lieu of leave salary to a Government servant on foreign service in India, namely.

(1) The advance may be paid without any authority from the. Officer responsible for authorising/drawing leave salary. As soon as the foreign employer pays the advance, he shall place a demand on. the Government officer responsible for authorising/drawing leave salary duly supported by the cash receipt obtained from the Government servant.

(2) The Head of the Officer (or on his behalf the Drawing Officer) shall check the correctness of the amount paid as advance and refund the amount of the advance to the foreign employer by means of a bank draft. If it is found that the advance already paid by the foreign employer is more than the correct amount admissible under the rules, the Drawing Officer shall reimburse only the correct amount and request the foreign employer to recover the balance from the Government servant direct.

(3) The amount of bank draft shall be classified under the final head of account to which the leave salary is debitable.

(4) Suitable entries shall also be made by the Head of the Office (or Drawing Officer) for watching the adjustment of the advance from the final leave salary.

(5) The foreign employer shall indicate in the last pay certificate the outstanding advance so that the recovery of the advance is not lost sight of by the Audit Officer/Accounts Officer or Head of Office.

(b) Advance on arrival in India on first appointment, on returning from leave or deputation out of India

321. Advance may be made to a Government servant not subject to military rules-

(i) on arrival in India on first appointment. of an 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 produce 110 last pay certificate, an advance may be granted by the Accountant-General, on the Government servant furnishing a declaration that he has not received any advance in England.

(ii) on return from leave other than leave on average pay not exceeding four month! or deputation out of India, not exceeding two months' substantive pay of Rs. 1,000, whichever is less, in addition to any advance made in England, provided no advance has been drawn under rule 320.

322. The advance may be drawn under the orders of the Accountant-General 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 instalments of one-third of pay fixed in whole rupees.

Note 1. - The recovery of an advance made under the Military wave Rules to a Military Officer in civil employ subject to the Military Leave Rules is regulated by those rules.

Note 2.-Special passage advances made in England by the High Commissioner at his discretion to enable Government servants to return to duty shall be recovered in 36 monthly instalments and bear interest at the usual rate for such advances - vide rule 303.

(c) Advances for journeys on tour

323. (l)(a) An authority not ordinarily of lower rank than the principal district officers in a department may sanction advances for journeys on tour to 8. . Government servant under his administrative control who is required to proceed on tour in the discharge of his duties, including a prolonged tour in the interior places which are difficult to access. Such advances may be granted for an amount sufficient to cover his personal travelling expenses for a period .not exceeding thirty days as well as expenses on contingent charges arising out of the tour.

(b) Advances under this rule to a principal district officer, who is not his own controlling officer, may be sanctioned by his controlling officer. An officer who is declared to be his own controlling officer for the purpose of travelling allowances may sanction an advance under this rule to himself. In all other cafes the Secretary or the Joint Secretary-

in-charge of a department shall be competent to sanction advances to the Government servants under the administrative control of that department.

Note 1.-In this rule (i) "personal travelling expenses" mean air fare rail fare, steamer fare, bus fare, road-mileage and daily allowance, and (ii) "contingent charges" mean expenses for hire of conveyance or animals for carriage of records, tents and other Government properties.

Note 2.-The advances mentioned in this rule are treated as final charges and are to be drawn and accounted for as "office expenses" or "travelling expenses" of the establishment.

(2)(a) A second advance may be sanctioned to a Government servant prior to adjustment of the first advance at the discretion of the controlling officer provided the Government servant concerned has already submitted an account of expenses incurred out of the advance in respect of the first journey. In the relevant bills for a second advance a certificate is to be given to the effect that an account of expenses incurred out of the first advance has been received.

Note 3. - In respect of non-gazetted and erstwhile gazetted Government servants who draw their claims through a drawing office in establishment bill form, the certificate mentioned in clause (a) above is to be signed by drawing officer. In respect of a self-drawing officer such certificate is to be signed by the controlling officer. The self-drawing officers who are their own controlling officers for the purpose of travelling allowance claims, may draw second advances provided that they furnish a certificate to the effect that an account of the expenses incurred out of the first advance has already been furnished.

(b) Where possible the advances may be paid out of the permanent advances at the disposal of the head of office or drawing officer, as the case may be, the amount of such advances being restricted to personal travelling expenses for a period not exceeding thirty days as well as expenses on contingent charges arising out of the tour. The heads of offices/drawing officers who allow payment of advances shall watch recovery of advances by opening a suitable register.

(c) The amount of advance granted under this rule shall be adjusted immediately on the completion of the tour or by the 31st March each year whichever is earlier. Advances drawn in the month of March each year, may however, be adjusted on completion of the tour or by the 30th April of the same year, whichever is earlier.

(d) The drawing officer as well as disbursing officers, namely, the Treasury Officers, including a Sub-Treasury Officer and the Pay and Accounts Officer, Calcutta, shall be competent to recover, after giving notice to the controlling officer, the amounts of outstanding advances from the salary or travelling allowance bill of the Government servant concerned, on the expiry of a period of three months from the date of drawal of the advance, if he fails to submit an account of expenses incurred out of the advance to the controlling officer or if the advance is not adjusted in full in the manner provided in clause (c) above.

(a) Other Advances

324. Advances may be granted-

(i) by the Principal District Officer, to a Treasury Officer or District Superintendent of Police for expenses connected with a remittance of treasure to be adjusted when the duty is completed ;

(ii) by the head of an office, for law suits to which Government is a party. Such advances are treated as final charges, not as advances recoverable and are to be drawn and accounted for as payment for professional and special services ;

(iii) to patients proceeding to a Pasteur Institute for anti-rabic treatment under the rule in Appendix 18;

(iv) by the 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 ;

(v) by a Superintendent of Police- -

(a) to a probationary Sub-Inspector of Police of a sum not exceeding Rs. 150 on his successfully passing out of the Training College or School in order to enable him to purchase uniform and equipment provided he applies for it within three months from the date of his leaving the college or school, and

Note 1.-A bicycle does not form part of the equipment of a Sub-Inspector of Police and an advance to meet the whole or part of the cost of a bicycle should not be granted.

Note 2. - The amount of the advance should be recovered in monthly instalments of Rs. 15, the recovery commencing six months after the date of his leaving the college or school.

Note 3. - To ensure repayment the probationer to whom the advance has been made should execute a registered bond with two sureties binding themselves jointly and severally to repay the amount within the stated time. ,

(b) to recruit constables of an amount not exceeding half a month's pay to be recovered in not more than three equal instalments ;

(vi) by the Principal, Police Training College, Barrackpore, to probationary Sub-Inspectors of Police , when they are posted to districts after completing the college course, up to the amount of the travelling allowance which they may get under the rules. The advance should be recovered in three equal monthly instalments from their pay;

(vii) by the Chief Engineer, Works and Buildings Department, to the Inspector of Lightning Conductors to meet contingent charges for the carriages of instrument box, cables and other paraphernalia in connection with his tour for the inspection of lightning conductors attached to private explosive magazines in West Bengal provided that the advance drawn by the Inspector on each occasion is adjusted immediately after he returns from tour or by 31st March, whichever is earlier;

(viii) to a Government servant temporarily deputed for the purpose of training in the survey and settlement work away from the place where he is stationed up to an amount not exceeding one month's pay, but without travelling allowance and subject to the conditions laid down in rule 320 ; and

(ix) by the Director of Land Records and Surveys, to .Government servants of the Survey and Settlement Departments for the purchase of horses subject to the following conditions :-

(a) that the amount of advance should not exceed one month's pay of the Government servant taking the advance, subject to a limit of Rs. 300 and

(b) that the amount of advance should be recovered in three equal instalments by deduction from the pay bill of the Government servant taking the advance ;

(x) by the Director of Fire Services to the employees of the West Bengal Fire Services temporarily deputed for the purposes of training in fire services work away from the place where they are stationed up to the month's pay, subject to a maximum of Rs. 150 but without advance of travelling allowance, subject to the conditions laid down in rule 320 of West Bengal Financial Rules, Volume I.

325. The Director of Land Records and Surveys, West Bengal, is authorised to-

(i) sanction advances to khalasis, etc., before they take the field, railway fare plus one month's pay to each man, up to a maximum of Rs. 15,000 each year ;

(ii) to draw and disburse an advance up to Rs. 7,000 annually towards the close of the field season, in order finally to payoff traversers and their squads as soon as their work is finished and to give them their railway fare to their houses at the same time; and

(iii) grant to amins who join their duties in the Settlement Department and who may stand in need of an advance, an advance of Rs. 10 each to be recovered in one instalment from the first bill drawn for their work, or in exceptional cases in two instalments.

Chapter 9

Budget

SECTION 1 - GENERAL

Responsibility for preparation of Annual Budget Estimates

320. Under: Article 202(1) of the Constitution of India, the responsibility for the preparation of the annual statement of the estimated receipts and expenditure of the State and its presentation to the Legislature lies with the Finance Department. Full details of the receipts and expenditure of the " Annual financial Statement" are given in One annual publication, "Detailed Civil Budget Estimates".

327. The materials on which the budget estimates are based should be obtained by the Finance Department from the local budgeting officers. The authorities who will be responsible for the submission of budget estimates under the different heads, the form in which and the dates on which such estimates are to be furnished to Government and to the Accountant-General, West Bengal, will be prescribed by the Finance Department.

328. Under Article 149 of the Constitution of India, the Accountant-General, West Bengal, will. be responsible for rendering such, assistance in the preparation of the annual budget estimates as may be settled in consultation with the Finance Department and shall supply any information in connection with the budget estimates which he is in a position to supply and to offer any opinion or advice in connection therewith which may be required by Government.

Note. - The nature of the assistance rendered by the Accountant-General, West Bengal and the detailed instructions connected therewith are laid down in rule 360.

Form in which the Budget Estimates should be presented to Legislature

329. The Budget of the State to be presented to the Legislature should show in detail the receipts and expenditure of the State in separate columns-

- (i) the actuals of the past year,
- (ii) the budget estimates of the current year ,
- (iii) the revised estimates of the current year, and
- (iv) the budget estimates of the ensuing year.

330. The estimates of expenditure shall show separately -

- (i) the sums required to meet expenditure described by the Constitution of India as expenditure charged upon the Consolidated Fund of the State, and
- (ii) the sums required to meet other expenditure proposed to be made from the Consolidated Fund of the State.

and shall distinguish expenditure on revenue account-from other expenditure.

Note.-A list of expenditure declared "charged" upon the Consolidated Fund of the State is given in Appendix 19. Any question whether any proposed expenditure falls within a class of expenditure charged on the Consolidated Fund of the State shall be decided by the Legislature of the State or by the Governor.

331. So much of the estimates of expenditure as relates to expenditure charged upon the Consolidated Fund of the State is not submitted to the vote of the Legislative Assembly. So much of the estimates as relates to other expenditure is submitted to the Legislative Assembly in the form of "Demands for Grants".

Major Heads under each demand will contain, first, an abstract by sub-Major heads, if any, and Minor heads of the total amount required; then, a statement of the detailed estimates distributed under different sub-heads and detailed heads.

Note. - The sub-heads as they appear in the Budget Estimates for a year (as voted by the Legislature) will be the sub-heads prescribed by the Finance Department for that year. Any changes in the prescribed sub-heads found necessary by the departmental authorities or by the Accountant-General during the course of the year will be introduced only under the formal authority of the Finance Department to be communicated officially to the departmental authorities and the Accountant-General. In preparing the budget for a year, the departmental budgeting authorities and the Accountant-General will normally adopt the sub-head" appearing in the Budget Estimates of the previous year with any changes that may have been authorised by the Finance Department, officially during the course of that year.

Schedule of authorised expenditure

332. After the demands for grants have been assented to by the Legislature, a Bill (called "Appropriation Bill") will be introduced to provide for appropriation out of the Consolidated Fund of the State of the Grants made by the Legislature, as well as the several sums required to meet the expenditure "charged" upon the Consolidated Fund of the State. The Bill, when passed, will be called the " Appropriation Act" for the year.

Punctuality in the submission or estimate

333. The officers by whom the different budget estimates are to be prepared and the dates by which these estimates are to be submitted to Government and the Accountant-General, West Bengal, are shown in Appendix 20. As the time available for examination and consolidation of the estimates is very limited, any delay in the submission of a single estimate will dislocate the budget programme seriously. It is, therefore, of the utmost importance that all the budgeting authorities should adhere strictly to the dates fixed for the transmission of their estimates to the authorities concerned.

Form of the estimates to be prepared by local officer

.334. Each budgeting authority will be responsible for the correct preparation of the estimates (both for revised and budget) in respect of the receipts and expenditure with which he is concerned. The forms in which these estimates are to be prepared will be supplied by the Finance Department on such- dates as may be fixed. ,BR>

335. The estimates should be prepared in quadruplicate. One copy should be kept for record in the office of the local budgeting officer, the remaining copies being sent simultaneously to the Accountant-General, West Bengal, the Finance Department and the administrative department concerned.

Where, however, the administrative department is itself responsible for the preparation of the estimates, only three copies need be prepared-one copy being kept for record in the department and the remaining copies being sent simultaneously to the Accountant-General, West Bengal, and the Finance Department.

SECTION II - INSTRUCTIONS FOR THE PREPARATION OF REVISED AND BUDGET ESTIMATES RELATING TO HEADS OTHER THAN PUBLIC WORKS AND IRRIGATION

Introductory

336. The instructions in the following rules should be borne in mind in framing the revised estimates of the current year and budget estimates of the ensuing year.

Note. - The instructions for the preparation of budget estimates for Public Works and Irrigation Departments are contained in rules 353 to 359.

A - Revised Estimates

337. The Revised Estimates are forecasts, as accurate as it is possible to make, of what the actual receipts and expenditure of the current year will be.

(i) REVENUE RECEIPT

338. In regard to "Revenue Receipts", the most important guide to the preparation of "Revised Estimates" will ordinarily be found in the actual receipts of those months of the current year which have already elapsed, If an officer observes that the actual receipts from a particular source of revenue reveal a growth or diminution compared with those of the corresponding period of the previous year he will, unless there are definite reasons to the contrary, be justified in assuming a continuance of the growth or decline at the same rate during the remaining months. The proportionate estimate based on this assumption should, however, be corrected by a; consideration of the other materials which are available for the formation of a sound forecast; the progress of collection of revenue, for instance, or the anticipation of agricultural or commercial depression may suggest that the rate of growth or decline will be retarded or accelerated, and the proportionate estimate should, therefore, only be used by the estimating officer, as one among a number of factors which influence his decision. It is rarely suitable for use in estimating land revenue and other receipts, for which the demand is fixed, or income, such as that from sale of land and houses, which necessarily fluctuates widely from year to year.

339. In all cases and especially in dealing with important revenue receipt estimates the reasons, which have led to the adoption of the figures proposed for the Revised Estimate, should be briefly but clearly explained. This explanation should recount the particular circumstances which have, in the budgeting officer's opinion, led to a recorded increase or decrease in the revenue of the earlier months, and the grounds on which they expect to obtain the balance of the estimates in the latter part of the year; it should not be merely mechanical.

(ii) EXPENDITURE

340. In regard to expenditure heads the following more important points should be borne in mind in framing the Revised Estimates :-

(i) Under the head "Salaries." the Revised Estimates are to be based on the actuals of the past few months of the current year plus the probable requirements for the remaining months of the year calculated with reference to the pay and allowances charges of incumbents likely to be on duty during the remaining months and leave salary likely to be drawn.

(ii) For the fluctuating items of expenditure, neither the actuals of the previous year, nor the progress of actuals of the current year should be used as the only guide, but due consideration should be given to exceptional circumstances of the previous years and special features of the current year.

Every attempt should be made to make the estimates as accurate as possible.

341. The reasons which have led to the adoption of the figures proposed for the Revised Estimates should be briefly but clearly explained.

342. The Revised Estimates of expenditure are merely forecasts, based on later information, of what the actual outlay of the year will be; they do not operate either to increase or to reduce the grants which have been placed at the disposal of officers in the sanctioned budget.

B. - Budget Estimates

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(i) REVENUE RECEIPTS

343. The Actuals of the previous years and Revised Estimates of the current year ordinarily afford the best guide in framing the budget estimates of the ensuing year; and in the absence of definite reasons to the contrary, it is ordinarily advisable to assume a continuance of any growth or decline which is revealed by these figures. The salient factors which have led to the adoption of figures proposed for the Budget Estimates should be clearly and briefly explained.

(ii) EXPENDITURE

344. (i) The estimates under the head "Salaries" should actually include the full amount of pay (including increments) and allowances likely to be drawn by the incumbents on duty during the year. Provisions for leave salary may also be proposed in the estimates when considered necessary. They should, however, be exhibited separately under the head, "Salaries" and the reasons for the provision briefly explained.

In justification of the estimates under "Salaries" full details of the number of officers and their pay together with the number should be supplied with the estimates in the prescribed form unless otherwise ordered by the Finance Department in regard to

estimates under certain heads,

(ii) In respect of the charges of a fluctuating nature, instructions given in rule 340(ii) may be borne in mind.

345. The Budget Estimates of expenditure, to be prepared in the District and Departmental offices, must be rigidly confined to ordinary charges and to charges which, although not yet incurred, have been finally sanctioned for being incurred in the ensuing financial year. They must not include provision for any new unsanctioned schemes which it is desired to introduce in the ensuing financial year.

346. Proposals for new expenditure on schemes, which it is desired to introduce in the ensuing financial year, should be separately submitted by the administrative departments to the Finance Department in the form of schedules. The instructions regarding the preparation of these schedules are contained in rules 347 to 352.

Schedules of new expenditure

347. The estimates of new expenditure proposed to be included in the budget of the ensuing year should be dealt with separately (vide rule 346) in accordance with the instructions laid down in the following rules. ,

Note.-The term "new expenditure" applies not only to expenditure on all new services the provision for which has not been previously included in the sanctioned grant or appropriation but also to new items like those involved in additions to, or extensions of, an existing service, commitment or facility, e.g., provisions for new buildings, new roads, additions to existing establishments. grants-in-aid, contributions and similar items of expenditure. In cases of doubt whether expenditure of a particular kind should be included in the statement of new expenditure, the matter should be referred to the Finance Department for orders.

348. The estimates of new expenditure are, for the sake of convenience divided into two parts in the preliminary stages of the budget, viz :-

- (a) expenditure on new major constructional works (i.e., above Rs. 10,000) to be carried out by the Public Works Department, and
- (b) other new expenditure including minor works.

349. The schedule of new expenditure, proposed for inclusion in the next year's budget should be furnished to the Finance Department, in duplicate, by the administrative department concerned not later than the 30th September and should be prepared in such form with such details as may be prescribed by the Finance Department-vide sample forms appended to these rules. Only such schemes, which have been administratively approved, should be included in the schedule of new expenditure, in their order of priority.

On the 1st September each year reminders will be issued by the Finance Department to all administrative departments pointing out that their schedules are due, in duplicate, on the 30th September.

350. To ensure that all items of new expenditure for which it is desired to make provision in, the budget are actually included in the schedules, the administrative department should maintain registers in which they will enter, at the time of receipt, all proposals involving new expenditure in the following year .

351. No, proposal for new expenditure, which has not been included in the schedule of new expenditure, will be accepted by the Finance Department after the 30th September. No schedule will be received by the Finance Department after that date except under special orders of the Minister in charge of the Finance Department.

Administrative departments should, however, report to the Finance Department all proposals for new unavoidable expenditure which are received by them after the 30th September up to the 15th November.

352. No schedules need. be prepared for individual minor works for which lump provisions are made in the Public Works budget. If administrative department is of opinion that the lump Sum allotted each year for minor works is inadequate, a schedule in the prescribed form showing the proposed increase in the lump provision should be sent to the Finance Department not later than the 30th September.

SECTION III - SPECIAL RULES FOR THE PREPARATION OF BUDGET ESTIMATES FOR PUBLIC WORKS AND IRRIGATION DEPARTMENT EXPENDITURE.

(a) Public Works

353. The following instructions should be followed in the preparation of the Revised and Budget estimates of Non-Plan works expenditure under the head "259-Public Works ' , and othe! functional Major heads which will be submitted by the Public Works Department to the Accountant-General and to the Finance Department on the 1st November :-

- (1) The estimates will be submitted in Form A - sample of which is given below.
- (2) Entries against "New works" will be made in the second (current year's budget) column only. The total expenditure anticipated during the current year on works shown in column 2 will be included in column 3 opposite "Works in progress" while the budget of the following year for "New works" will be decided on a consideration of the Schedules of major works and estimates for minor works (including those submitted by the Public Works Department), and not on the estimates submitted to the Accountant-General.
- (3) Supporting the entries against "Works in progress" a statement in Form B (sample of which is given below) should be forwarded to the Accountant-General and to the Finance Department simultaneously with the estimates in Form A. The information to be given in this form should be obtained from the reports of the Executive and Superintending Engineers, and It should be seen that the

Instructions for filling up the form are clearly understood by them, and are exactly followed.

On the 10th of January, a similar form based in the same way on reports from Executive and Superintending Engineers, and containing later information than available as to the amount likely to be spent on works in the current financial year, should be submitted to the Finance Department. The date for the submission of this supplementary statement should be most carefully observed, since it will be of no use unless it is received in good time. .

In issuing these and any subsidiary instructions to Executive and Superintending Engineers, it should be pointed out to them that the Revised estimates, which they submit of the expenditure they are likely to incur on works, do not operate to reduce the sanctioned grant for those works; and that it is their duty to frame the Revised estimate as accurately as possible, after taking into consideration, among other things, the pace at which the work is progressing, the difficulty or otherwise of labour, the possibility of collecting materials, etc.

Repairs

354. In framing the Revised estimate of repairs the instructions contained in rules 340(ii) and 342 should be borne in mind. For the Budget estimate of repairs, the Revised estimate With necessary additions for repairs to new works executed in the course of the year will ordinarily be the safest guide.

Establishment charges, etc.

355. Past actuals will ordinarily be the best guide for the Revised estimate of establishment charges; and past actuals and the Revised estimate will be the best guide for the Budget estimate. In both cases allowance should be made for any increase or reduction in the charges due to any revision of the number or pay of the establishment which may have taken place in the year to which the Revised estimate relates.

356. Proposed revisions of the number or pay of establishments in the ensuing year will, of course, be shown in the Public Works Department Schedule of new expenditure, unless they have been finally sanctioned for introduction in the ensuing year. In that case the cost will be included in the Budget estimate submitted to the Accountant-General.

Detailed list of works in progress

357. By the 10th of January at the latest, the Public Works Department should furnish to the Finance Department a complete detailed list of works in progress under Public Works in the estimates of the ensuing year for inclusion in the Explanatory Memorandum, which will be presented to the Legislature by the 15th of February or so.

Form A

(Vide rule 353)

Instructions for filling up Form B

358. The following instructions should be followed in filling in the different columns of the form :-

column 2.-There should be entered in this column-

(a) In detail, all major works included in the original Budget estimate for the year in which the statement is submitted, except those the construction of which has been definitely and finally postponed. Even though it is known that nothing will be spent in the year on a major work included in the original budget estimate, that work should be entered in the list unless it has been finally decided to drop the proposal to go on with it.

(b) In detail, all major works which, though not included in the original Budget estimate, have been or are likely to be taken up in the course of the year in which the statement is submitted.

(c) Minor works in lump.

Column 3. - When the original estimate has been revised, the latest sanctioned estimate must be entered because this gives the latest information of the probable cost of the work. .

column 4. - This column shows the expenditure incurred on a work up to the end of the previous financial year.

Column 5. - This column shows the original grant as passed by the Legislature and sanctioned by Government.

Column 6. - In this column should be entered not the maximum amount which can conceivably be spent but the best forecast the officer carrying out the work can make at the time the statement is submitted of the amount which he is likely to spend in the year. He should be particularly careful not to overstate the amount.

The aggregate of the amounts entered in column 6 constitute the Revised estimate of expenditure on original works in progress.

Column 7. - The figures in this column will be calculated as follows :-

The difference between the figure in column 3 and the sum of the figures in columns 4 and 6 represents the amount required for the completion of the work. This amount will be entered in column 7, if it is considered likely that all of it can be spent in the ensuing year. If, however, it is thought unlikely that the work can actually be completed in the ensuing year, then only such less amount as it is thought likely to be spent should be entered.

Minor Works.-The entries against the item "Minor Works" should be calculated in exactly the same way by the details of works, and mutatis mutandis the instructions regarding major works in the notes under column 2 apply to them. But the details of minor works

need not be included in the statement submitted to the Accountant-General; it will be sufficient to give lump sum totals.

(b) Irrigation

369. The following estimates of receipts and non-Plan expenditure should be submitted by the Irrigation and Waterways Department to the Accountant-General and to the Finance Department on the 1st of November :-

Irrigation.-Revenue Accountant

- 131 - Water and Power Development Services.
- 132 - Multipurpose River Projects.
- 133 - Irrigation, Navigation, Drainage and Flood Control Projects.
- 331 - Water and Power Development Services.
- 332 - Multipurpose River Projects.
- 333 - Irrigation, Navigation, Drainage and Flood Control Projects.

Irrigation-Capital Account .

- 531 - Capital outlay on Water and Power Development Services.
- 532 - Capital outlay on Multipurpose River Projects.
- 533 - Capital outlay on Irrigation, Navigation, Drainage and Flood Control Projects.

These estimates will be submitted in the same form as shown in the "Detailed Civil Budget Estimates" (vide Rule 326) ; the instructions given in clauses (2) and (3) of rule 353 as well as those in rules 354 to 356 will apply mutatis mutandis.

SECTION IV. - ASSISTANCE RENDERED BY THE ACCOUNTANT-GENERAL

360. Under Article 149 of the Constitution of India the Accountant-General will be responsible for the following items of work connected with the preparation by the Finance Department of the annual budget estimates of the State Government :-

1. (i) The estimates under the following heads will be prepared by the Accountant-General and submitted to the Finance Department in the prescribed form on such dates as may be fixed by the Finance Department :-

- (a) 049-Interest Receipts.
- (b) 066-Contributions and Recoveries towards Pension and other Retirement Benefits.
- (c) 068-Miscellaneous General Services-Unclaimed Deposits.

- (d) 065-Other Administrative Services-Fees for Government Audit.
- (e) 249-Interest Payments.
- (f) 266-Pensions and other Retirement Benefits.
- (g) Receipts and Expenditure relating to Public Account Section of the Budget.

(ii) The Accountant-General will prepare the estimates for "Public Debt" and "Loans and Advances" and submit the same to the Finance Department not later than the 10th December in the form prescribed for the purpose. As for the preparation of these estimates, the Accountant-General has, in his turn, to depend on departmental officers. The departmental budgeting officers will, therefore, furnish to the Accountant-General the materials required by him in such form and by such date as may be prescribed by the Accountant-General.

(iii) The Accountant-General will also be responsible for the following items of work connected with the annual budget estimates :-

(a) To fill in the actuals of the previous year and the first six months of the current year by detailed heads of account in the printed form of the detailed budget estimates for each major head. The printed form for the purpose will be supplied to the Accountant-General by the Finance Department on or about the 10th September, which should be returned by the Accountant-General after due completion not later than the 20th November.

(b) To consolidate the local officer's estimates (both Revised and Budget) where necessary. i.e., in those cases where more than one budgeting officer is concerned with one budget head. The estimates as proposed by different budgeting officers, under those heads with which more than one budgeting officer is concerned, should be consolidated so as to arrive at the total detailed head figure for the State as a whole for purposes of adoption in the printed form of detailed budget estimates referred to in item (a) above.

(c) To check the estimates under "Salaries" with reference to Audit Registers.

(d) To examine the local Officer's estimate with a view to seeing that no unsanctioned charge is included in the estimates and that no sanctioned charge of which the Accountant-General has any information is omitted.

(e) To enter the figures for Revised and Budget estimates proposed by local Officers (after consolidation where necessary) in the printed budget estimate forms [vide item (a) above].

(f) To note in the "Remarks" column of the budget form, the results of scrutiny of the estimates under "Salaries" as well as of the validity of the charge included in the estimates [vide item (d) above] where any comments or remarks are considered necessary.

(g) To furnish to the Finance Department the actuals for the first seven months of the current year under the principal heads of revenue by the 5th December in such form as is prescribed by the Finance Department.

(h) To fill in the eight months' actuals in thousands of rupees for the current , and

previous years by detailed heads for each major head; for this purpose printed detailed budget estimate forms will be supplied by the Finance Department about the 3rd week of December for return by the Accountant-General after due completion, not later than the 12th January.

(i) To furnish to the Finance Department the actuals in thousands of rupees for the first 9 months of the current year under the principal heads of revenue by detailed heads by the 11th February on such form as may be prescribed by the Finance Department.

SECTION V. - ESTIMATES OF RECEIPTS AND CHARGES IN ENGLAND

361. Omitted.

362. Omitted.

SECTION VI. - ESTIMATES OF STORES TO BE INDENTED FROM THE UNITED KINGDOM

363. Omitted.

SECTION VII. - SUPPLEMENTARY ESTIMATES

384. The estimates of expenditure embodied in the Annual Financial Statement said before the Legislature under Article 202(1) of the Constitution of India (vide rule 326) are understood to represent, Government's full requirements for the Financial year, and nothing but pressing emergencies that cannot be accommodated within the supplies available, should occasion the presentation to the Legislature of demands for further funds or of estimates of further "charged" expenditure.

365. When unforeseen circumstances make it necessary to incur expenditure not contemplated in the Appropriation Act, every effort should be made to meet it from savings elsewhere within the same Grant (voted or charged, as the case may be) by postponement or curtailment of less urgent expenditure. Only if it is not possible to make the requisite amount available by this means, recourse should be had to Supplementary estimate. .

The statement will then be dealt with in the same way as the Annual Financial Statement and the original demands for Grants are dealt with, and eventually, a Supplementary appropriation out of the Consolidated Fund of the State may be authorised by passing another "Appropriation Act", before the close of the financial year.

It is not permissible to incur out of the Consolidated Fund of the State, expenditure on a "New Service" or any expenditure in excess of the total provision under a "Grant", pending enactment of the Supplementary Appropriation Act. If such expenditure is found to be unavoidable before the enactment of the Supplementary Appropriation Act, application should be made to the Finance Department for sanctioning necessary

advance from the Contingency Fund of the State for the purpose to be recouped after the Supplementary Appropriation Act has been enacted (vide rule 382).

The responsibility in regard to proposals for Supplementary estimates rests in the first place on the Chief Controlling Officer who should be in a position to explain clearly not only why a Supplementary Grant or Appropriation is required but also why the need for funds was not foreseen when the original estimates were framed.

Greatest care should be taken by administrative departments in submitting proposals for Supplementary estimates as, if on the closing of the accounts any Supplementary Grant or Appropriation actually obtained are found to have been unnecessary or excessive, the Audit will draw attention to the fact in the Audit Report on the Appropriation Accounts and the action of the department will attract the criticism of the Public Accounts Committee.

SECTION VIII.-A"THORISATION OF EXPENDITURE IN ANTICIPATION OF BUDGET PROVISION

366. When an additional appropriation is required urgently under any head of accounts and no savings can be foreseen under the same Grant though the Grant as a whole has not yet been exceeded, the administrative department may, with the concurrence of the Finance Department, sanction the expenditure and shall inform the Accountant-General, that funds will be provided later either by reappropriation, or, if this proves impracticable, by Supplementary Grant or Appropriation, as the case may be. The administrative department concerned will be responsible for seeing that funds are provided by one or other or both of these means before the end of the financial year.

SECTION IX. - CENTRAL (AGENCY) BUDGETS

367. The State Government administrator, as the agent of the Government of India, certain Central subjects in so far as their operation in this State is concerned. Estimates of revenue and expenditure relating to such Agency subjects have accordingly to be furnished to the Government of India. A list of these subjects is given below along with the names of officers responsible for their preparation and submission to the Accountant-General and the Finance Department. All these estimates should reach the Accountant-General and the Finance Department by the 25th September at the latest.

List of Central (Agency) Budgets and the officers responsible for their preparation

Estimates of revenue and receipts

368. The estimate of revenue and receipts should be prepared in triplicate in the form supplied by the Accountant-General. The reasons which have led to the adoption of the figures proposed for the estimates should be briefly and clearly explained. One copy of the estimates should be kept for record in the office of origin, the remaining copies being sent simultaneously to the Finance Department and the Accountant-General. The Accountant-General will transmit the estimates with his remarks to the Finance

Department. The estimates adopted by the Finance Department will be communicated to the Accountant-General by the 3rd week of October at the latest. The Accountant-General will include the in the consolidated estimates which he sends to the Ministry of Finance, Government of India.

Estimates of expenditure

369. The estimates of expenditure should be prepared in two parts. Part n should include all new items of expenditure which under the procedure prescribed by the Government of India have to be placed before the Standing Finance Committee of the Parliament and Part I should include the rest of the estimates.

370. The estimates of Part I expenditure must be confined to ordinary charges which, although they have not yet been incurred, have been finally sanctioned for being incurred in the ensuing year. They are not to include provision for any new unsanctioned schemes which it is desired to introduce in the ensuing financial year . Provision for such schemes is to be included in Part II of the estimates. Estimates of Part I expenditure should be prepared in triplicate in the form supplied by the Accountant-General. The reasons which have led to the adoption of the figures proposed for the estimates should be briefly arid clearly explained. One copy of the estimates should be kept for record in the office of origin, the remaining copies being sent simultaneously to the Finance Department and the Accountant-General.

371. The Accountant-General will transmit these estimates with his remarks to the Finance Department not later than the 10th October. The estimates adopted by the Finance Department will be sent to the appropriate administrative departments of the Government of India so as to reach them not later than the 1st November, a copy of the estimates being sent to the Accountant-General as well as to the administrative departments of the State Government which are concerned with the respective estimates.

372. Proposals for new expenditure should be submitted by estimating officers direct to the administrative department during the course of the year as soon as the necessity for the expenditure comes. to notice, without reserving them for a consolidated report at the time of submission of the estimates. Each proposal should be sent by the administrative department to the Finance Department by the 15th August at the latest for concurrence to administrative approval. After administrative approval it should be sent up to the administrative departments of the Government of India by the 15th September at the latest in the form given below, a copy being sent simultaneously to the Finance Department for information.

Proposals which are ready for submission to the Government of India before the 15th September should not be held up till just prior to that date but should be submitted as they become ready. The new schemes so sent up should be included in Part II of the Budget, the letter in which the proposal was forwarded to the Government of India being mentioned against each scheme :-

Btatement of new items of expenditure for inclusion in the budget estimate of _____
_____ for 19__-19__

SECTION X - GRANT AND ITS DISTRIBUTION

373. The amount of "Grant" or "Appropriation" as included in the Appropriation Act will be communicated ,by the Finance Department by the "prescribed date to the departments concerned in the shape of lump sums known as primary units of appropriation or detailed heads of accounts. The department concerned will then make arrangements for distributing and communicating the sanctioned funds among the controlling and disbursing officers in the manner laid down in the following rule :-

374. The distribution of Grant is usually effected as under

(i) The whole or a part of the appropriation for a primary unit within a Grant may be placed at the disposal of controlling or a disbursing officer, or the primary unit may be broken up into a number of secondary units (each of which will cover either one or a number of detailed heads of account) and the appropriation for any of these, wholly or in part, may be placed at his disposal.

(ii) A controlling officer, at whose disposal an appropriation for a primary or a secondary unit has been placed, may, out of it. allot funds for expenditure on a specific item or on a group of items.

Note 1 - Any distribution of appropriation among specific items or groups or items which may be made by a disbursing officer for purposes of his control over the expenditure need not be communicated to audit.

Note 2 - The controlling officers and disbursing officers including Treasury officers/Sub- Treasury officers and Calcutta Pay and Accounts office shall follow the provisions of rule 18 of Delegation of Financial Power Rules, 1977.

(iii) The sum total of all appropriations made by any controlling authority from a unit should not exceed the amount of the unit or a portion thereof placed at his disposal.

(iv) The appropriation for a unit can be increased or decreased only by a formal order of reappropriation authorising a transfer of funds from one to another.

375. An appropriation is intended to cover all the charges, including the liabilities, if any, of past years, to be paid during the financial year or to be adjusted in the accounts of that year. Any unspent balance lapses and is not available for utilisation in the following year. Such unspent balances should be surrendered by the controlling officers to the administrative departments by, the 14th February and by the administrative departments to the Finance Department by the 21st February each year.

Expenditure in anticipation of funds

375A. When communication Under rule 373 regarding sanctioned funds is not. received before the commencement of the financial year, disbursing officer may, fu anticipation of receipt of such communication, authorise expenditure on pay and other charges on the basis of those incurred in the last month of the preceding year.

Note. - The expenditure authorised by the disbursing officers shall be recorded in the column showing the appropriation or allotment in contingent bills.

SECTION XI - REAPPROPRIATION

(i) General rules

378. Any appropriation or reappropriation within the grant of a year can be authorised at any time before, but not after, the expiry of the financial year to which it relates.

377. Reappropriation. of funds from one Grant to another Grant are not permissible, as such reappropriations will have the effect of reducing or increasing the amounts of the Grants concerned as specified in the Schedule of authorised expenditure appended to the Appropriation Act and will this be ultra vires of the provisions of the Constitution.

378. No reappropriation from a "voted;" to a "charged" head and vice versa is admissible.

379. The Finance Department can sanction any reappropriation of funds within a Grant from one head to another provided such reappropriation does not involve transfer of funds from a "voted" to a "charged" head or vice versa The powers of appropriation delegated to the departments of Government and to other subordinate authorities are laid down in rules 380 and 381.

380. Department other than the Finance Department may sanction, without previous reference to the Finance Department, any reappropriation within Grant at their disposal subject to the following conditions .-

- (i) that the Grant as a whole i. not likely to be exceeded ;
- (ii) that a reappropriation from a "charged" to a "voted" head or vice versa is not involved ;
- (iii) that the expenditure which will be met by the reappropriation does not involve the undertaking of a new or unapproved or recurring liability;

Explanation - Savings that become available as a result of the postponement, whether deliberate or unavoidable, of expenditure for which specific provision exists in the budget may be reappropriated to accelerate the implementation to any approved scheme already in progress, because even should such acceleration involve an immediate temporary increase in Government's recurring liabilities, Government will not be assuming a new unapproved (ultimate) recurring liability.

(iv) that the savings are known in sufficient time to permit of their being spent to good purpose and that the expenditure is not incurred merely to prevent savings lapsing ;

(v) that a reappropriation sanctioning the undertaking of a "new service" is not involved:

Note 1 - No satisfactory definition of "new service" has been evolved, but the general purport of the term is reasonably clear. When there is any doubt the case

should be referred to the Finance Department.

Note 2 - If a grant is controlled by two or more administrative departments, an administrative department desiring to sanction a reappropriation from a head controlled by another administrative department must obtain the concurrence of the latter to such reappropriation.

(vi) that there should be no appropriation between the heads indicated below except with the prior concurrence of the Finance Department :

(a) transfer of funds from one Major heads to another Major heads within a grant, e.g., funds from Revenue head should not be transferred to Capital head or from One Capital head to Loan head and vice versa.

(b) provisions for planned schemes, Centrally, Sponsored and Central Sector Schemes should not be diverted -to Non-Plan Schemes and vice versa. .

(c) provisions for "office expenses" should not be increased by reappropriations.

Orders sanctioning reappropriation under these powers will issue from the department concerned to the officer making the application. A copy of every such order must be sent forthwith both to the Accountant-General and the Finance Department.

381. Subject to the conditions specified in rule 378 and also to the condition that funds may not be reappropriated to meet an item of expenditure which has not been sanctioned by proper authority, the officers mentioned in the schedule below may sanction, without previous reference either to the Finance Department or to the administrative department concerned, reappropriations within the appropriations under a Grant which are placed at their disposal.

Orders sanctioning reappropriations under these powers will issue from the officer concerned to the Accountant-General. A copy of every such order must be sent forthwith to the Finance Department and to the administrative department of Government concerned.

List of officers empowered to sanction reappropriations

1. Director of Public Instruction.
2. Director of Health Services.
3. Secretary, Board of Revenue.
4. Commissioners of Divisions.
5. Inspector-General of Prisons.
6. Director of Land Records and Surveys.
7. Chief Conservator of Forests.
8. Inspector-General of Police.
9. Commissioner of Police, Calcutta.
10. Director of Industries.
11. Director of Agriculture.
12. Commissioner of Excise.
13. Registrar of Co-operative Societies.

14. Director of Veterinary Services.
15. Superintendent of Government Printing.
16. Chief and Superintending Engineers (Public Works and Irrigation and Waterways Departments).
17. Superintendent and Remembrancer of Legal Affairs.
18. Superintendent, Government Gardens, Calcutta, and Lloyd Botanic Garden, Darjeeling.
19. Director of Cinchona.
20. The Chief Justice of the High Court.
21. Inspector-General of Registration.
22. Chief Engineer, Public Health Directorate.
23. Secretary, Public Service Commission.
24. Director of Fisheries.
25. Commissioner of Commercial Taxes.
26. Commissioner, Agricultural Income-tax.
27. Chief Engineer, Housing Directorate.
28. Director, Bureau of Applied Economics and Statistics.
29. Secretary, West Bengal Legislative Assembly.
30. Chief Engineer, Directorate of Agricultural Engineering.
31. Milk Commissioner.
32. Conservator of Forests.

SECTION XII - EXPENDITURE NOT PROVIDED FOR

382. Expenditure for which no provision has been made in the Budget estimate of the current year should rarely, if ever, be incurred.

If on account of exceptional reasons, expenditure, which is either not provided for in the Budget estimates of the current year or is in excess of the Budget provision, has to be incurred, and if the authority incurring the expenditure is not in .3 position, to find funds by reappropriation, application should be made for the provision of additional funds, accompanied by a statement in F .R. Form No. 38 showing how the expenditure is proposed to be met. When such an application is sent the reasons for considering it indispensably necessary, that the outlay should be immediately incurred and not postponed to the next financial year should be stated. It should also be explained why the need for the expenditure was not foreseen in time for its inclusion in the Budget estimates. It should be borne in mind that under the Constitution of India no expenditure can be incurred out of the Consolidated Fund of the State in excess of the Grants or Appropriations authorised by the Legislature through Appropriation Acts.

In cases when under unavoidable circumstances an unforeseen expenditure is required to be incurred on a new service or in excess of the grant provided by the Appropriation Act, the Finance Department should be moved through the appropriate administrative department for authorising payment of the amount out of the contingency Fund of the State pending authorisation of such expenditure by the Legislature through an Appropriation Act. The amount so advanced from the Contingency Fund should be repaid into the Fund as soon as the necessary appropriation has been obtained through the Appropriation Act.

383. When Demands (original or supplementary) for appropriation of the necessary amounts for the expenditure are placed before the Legislature, suitable provision should always be made for anticipated liabilities and the provision in the Account Rules, "that adjustment should not be made in the previous year's accounts if the disbursements could not have been reasonably anticipated in time for a grant being obtained" should not be used as a cloak to conceal the results of defective budgeting. The onus of proving that the disbursements could not have reasonably been anticipated should lie on the Controlling Officer.

SECTION XIII - WATCHING OF ACTUALS

384. It is an important function of a Departmental Controlling Officer or a Disbursing Officer at whose disposal a grant is placed, to keep constant watch over the progress of expenditure under different units of appropriation separately for voted and charged items and to keep a separate record of all liabilities. He should also keep himself informed of such circumstances as may affect the progress of expenditure, in order to take early steps for obtaining supplementary grants or surrendering any probable savings as may be necessary.

385. The responsibility of Departmental Controlling Officers cannot possibly be exercised effectively unless they are in possession of the most up to date information as to the progress of the expenditure incurred by the various Government servants subordinate to them. In order to fix this responsibility with regard to the expenditure under various heads, the Finance Department should prepare a list of Controlling Officers in respect of the different budget heads and lay down detailed instructions for the maintenance of accounts by departments and their verification, month by month, with those maintained by the Accountant-General. The Controlling Officers must not depend on the figures of the Audit Office, as these figures must always be two months in arrears and cannot include items of expenditure which may have been passed for payment, but not paid, and that office cannot be in as good a position as the Controlling Officer to advise as to the possible future expenditure. The Audit Office may be asked to check their figures, but for the reasons indicated above, should not ordinarily be asked to advise as to the probable expenditure during the year. For such information, Departmental Controlling Officers must rely upon their own subordinate Government servants, and the records of past expenditure which should be maintained in their offices.

Note 1. - The detailed procedure laid down by Government in regard of control of expenditure (including maintenance of departmental accounts and the verification of departmental figures with those in Accounts office books) is set forth in Appendix 21.

Note 2. - The above rules for watching the progress to expenditure do not apply to the Public Works and the Forests Departments where initial and subsidiary accounts are compiled in whole or part departmentally. Their accounts are kept in such a way as to ensure satisfactory budget control. The detailed procedure to be observed by the officers of these departments in regard to control of expenditure may be prescribed by departmental regulations.

SECTION XIV - APPLICATION FOR SANCTION TO EXPENDITURE

386. In all applications for sanction to expenditure it should be distinctly stated whether provision for the proposed charge has or has not been made in the Budget estimates of the year, and if it has not been made, whether the funds can be found by reappropriation.

SECTION XV. - GENERAL RULES FOR PAYMENT AGAINST GRANTS

387. No Government servant may, without previously obtaining an extra appropriation, incur expenditure in excess of the amount provided for expenditure under the heads concerned, and when a Government servant exceeds the annual appropriation he may under orders of Government, be held responsible for the excess.

Note. - In the rare cases where expenditure in excess of the amount provided is urgent and inevitable, this may be incurred, but the officer incurring it does so on his own responsibility and must immediately report the fact to his immediate superior with the request that additional funds may be provided to cover the excess and at the same time explain why it was not possible to foresee the necessity for an extra grant.

388. Expenditure can only be incurred on a work or other object -

- (i) if sanction of competent authority has been obtained as required by any statutory rules or by any orders, general or special, issued thereunder by competent authority, e.g., the rules in any authorised code,
- (ii) if funds to cover the charge during the year have been provided by competent authority, and
- (iii) if no breach of any of the standards of financial propriety is involved.

389. All charges incurred must be paid and drawn at once, and under no circumstances may they be allowed to stand over to be paid from the grant of another year. If possible, expenditure should be postponed till the preparation of new budget has given opportunity of making provision, and till the sanction of that budget has supplied means, but on no account may charges be actually incurred in one year and thrown on the grant of another year.

SECTION XVI - AVOIDANCE OF RUSH OF EXPENDITURE TOWARDS THE CLOSE OF FINANCIAL YEAR

389A. It is contrary to the interest of the State that money should be spent hastily or in an ill-considered manner merely because it is available or that the lapse of a grant could be avoided. In the public interest grants that cannot be profitably utilised should be surrendered. The existence of likely savings should not be seized as an opportunity for introducing fresh items of expenditure which might wait till next year. A rush of expenditure particularly in the closing months of the financial year will ordinarily be regarded as a breach of financial regularity.

Chapter 10

Power of Sanction

GENERAL LIMITATION

390. No department shall, without previous consultation with the Finance Department, authorise any orders (other than orders pursuant to any general delegation made by the Finance Department) which, either immediately or by their repercussions, will affect the finance of the State or which, in particular, either -

- (a) relate to the number or grading or cadres of posts or the emoluments or other conditions of service or posts ; or
- (b) involve any grant of land or assignment of revenue or concession, grant, lease or licence of mineral or forest' rights or a right to water power or any easement or privilege in respect of such concession; or
- (c) in any way involve any relinquishment of revenue.

POWER OF SANCTION TO EXPENDITURE

391. Departments other than the Finance Department of Government may incur, without previous reference to the Finance Department, expenditure of non- recurring nature (excluding the appointment of a temporary establishment not otherwise authorised, or the deputation of an officer)-

- (a) provided that budget provision has been made on this account, or
- (b) if no budget provision has been made on this account, provided that-
 - (i) it does not exceed Rs. 200 for anyone item,
 - (ii) it is not on account of an item of contract contingencies ;
 - (iii) it does not involve any debit against the budget of the ensuing year,
 - (iv) the expenditure can be met by reappropriation within the same minor head of account from a lump sum provision for charges of the same nature, such as "Purchase of stores" and "Purchase of books", etc. ;
 - (v) there is nothing novel, doubtful or irregular in the character of the charge.

Orders sanctioning such expenditure will issue from the department concerned to the officer making the application. A copy of every order under (a) must be sent forthwith to the Accountant-General through the Finance Department. A copy of every order under (b) must be sent forthwith- to the Accountant-General, also, if the charge is met by reappropriation to the Finance Department.

Note. - Secretaries to the West Bengal Legislative Assembly exercise the financial powers mentioned in this rule.

392. Subject to the conditions laid down in rule 391, a Department of Government may, with the previous consent of the Finance Department, delegate its powers of sanction to expenditure to any officer subordinate to it, the limitations and conditions as may be

imposed being expressly specified in the orders of delegation; all such delegation orders should be communicated to the Accountant-General through the Finance Department.

WRITE OFF OF LOSSES

393. (a) The irrecoverable value of stores or public money lost by fraud or the negligence of the individuals or other causes, may be finally written off by Government. Heads of Departments or other subordinate authorities have the power to write off losses within such limits as may be specified in the orders of delegation, subject to the conditions (1) that the loss does not disclose a defect of system, the amendment of which requires the orders of Government, and (2) that there has not been any serious negligence on the part of some individual Government servant or Government servants which might possibly call for disciplinary action requiring the orders of higher authority. See also note below Annexure A of Appendix 10 (Part II).

(b) All sanctions to write off should be communicated to the Accountant-General for scrutiny in each case and for bringing to notice any defect of system which appears to require attention.

Note 1 - This rule applies also to irrecoverable loans and advances sanctioned by Government.

Note 2.- The expression "Value of stores" used in this rule should be interpreted as meaning "Book value" where priced accounts are maintained, and "Replacement value" in other cases.

394. Subject to the conditions laid down in rule 393, the authorities named below may write off irrecoverable value of stores or public money up to the limits noted against them :-

In each case.

Rs.

- (1) Heads of Departments 1,000
- (2) Deputy Inspector-General of Police 1,000
- (3) Principal, Medical College, Calcutta 200
- (4) Superintendents of Medical Schools and Superintendents of Hospitals, Calcutta 200
- (5) Superintendent of Pasteur Institute, Calcutta 10
- (6) District Officers 200
- (7) Settlement Officers 200

Note.-A statement as to the fulfilment of the two conditions referred to in rule 393(a) should be stated in the order.

- (8) District Inspector of Schools and District Inspectress of Schools-

- (a) Worn out or obsolete machinery, tools, furniture, etc., sold or disposed of up to a limit of Re. 100 for each item and books upto an aggregate value of Rs. 100 ;
- (b) Missing articles (including books) up to a limit of Rs. 50 in each case ;
- (c) Worn out or obsolete books up to a limit of Rs. 50 in each case ;
- (d) Unrealisable fees and fines up to a limit of Rs. 50 in each case.
- (e) Physical Director and Physical Directress-

- (a) Worn out or obsolete machinery , tools, furniture, apparatus, tents, etc. . up to a limit of Rs. 100 in each case ;
- (b) Worn out and obsolete books up to a limit of Rs. 50 in each case ;
- (c) Unrealisable Government dues, viz., fines, seat rent, etc., up to a limit o Rs. 50 in each case.

(10) Governing Bodies of Government Colleges- ~~~

- (a) Worn out or obsolete machinery, tools, tents, furniture, apparatus up to a limit of Rs. 200 in each case and books up to an aggregate value of Rs. 200 ;
- (b) Unrealisable fees and fines up to a limit of Rs. 50 in each case.

(11) Divisional Forest Officers-StoreB, tools, plants, live-stock, timber or other stock up to a limit of Rs. 250 in each case.

(12) Director-in-charge, Cooch Behar State Transport-Stores or public money in respect of Cooch Behar State Transport up to the limit of Rs. 200 in each case.

(13) Superintendonts of Police, Commandants, Armed Police Battalions; and Principal, Police Training College, Barrackpore-Stores rendered unserviceable, or dead stock articles (excluding the articles of uniform) up to a limit of Rs. 500 in such case.

395. Collectors and Settlement Officers may sanction the sale of old or unserviceable furniture and ",-rite off of their values up to a limit of Rs. 1,000 in each case.

Explanation - In this rule and in rule 394, the expression 'in each case' refers to the total value of stores or public money rendered irrecoverable during one incident, e.g., theft, fire, etc. and written off at one time. Losses arising out of the same incident may not be split up and written off separately. Losses due to one specific cause, e.g., fire, theft, flood, etc., should be written off at one time only. There is no objection to losses arising out of more than one cause being written off at one time.

396. The Superintendent of River Police may sanction the write off of unserviceable stores and dead stock. All condemned articles shall be sold and the proceeds credited to the treasury or if the sale is not possible, shall be destroyed in the presence of the Superintendent of River Police. A certificate shall also be given in the following form :-

"Certified that the loss or damage does not disclose a defeat of system or serious negligence on the part of any officers."

REMISSION OF DISALLOWANCE BY AUDIT AND WRITING-OFF OF OVER-PAYMENTS MADE TO GOVERNMENT SERVANTS

396A. (1) The departments other than the Finance Department of Government may, without previous reference to the Finance Department, for reasons to be recorded, waive the recovery of an amount disallowed by an Audit Officer or found to have been overpaid to a Government servant in the following cases, namely :-

- (a) When the amount disallowed was drawn by the Government servant concerned under a reasonable belief that he was entitled to it ;
 - (b) When the enforcement of the recovery will, in the opinion of the Department concerned, cause undue hardship or it will be physically impossible to effect the recovery ; and
 - (c) When in the case of disallowance made within one year of the date of payment of emoluments of the nature of pay is defined in sub-rule 28, rule 5 of the West Bengal Service Rules, Part I ;
 - (i) the Government servant is not in receipt of pay exceeding Rs. 6,000 a year, or the overdrawal has not the effect of raising the Government servant's pay beyond Rs. 6,000 in any year; and
 - (ii) the overdrawal has not been occasioned by delay in notifying a promotion or reversion.
- (2) All sanctions to waive recovery under clause (1) shall be communicated to the Accountant-General who may require that the action taken in any case should be reported to the Finance Department for orders.

COMMUNICATION OF SANCTION

397. Sanctioning authorities should communicate to the Accountant-General copies of all orders sanctioning expenditure. When the consent or sanction of the Finance Department is required by the rules, such consent or sanction must be expressed in writing and communicated to the Accountant-General. 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 Accountant-General.

397A. All financial sanctions and orders issued by a department within its own financial powers, as a department of the State Government shall be communicated direct to the Accountant-General by the department concerned. All other orders involving financial sanctions, which may be issued by departments of the State Government, that is sanction beyond their financial powers, shall be communicated to the Accountant-General quoting the unofficial number and date of concurrence of finance in terms of rule 17 of Delegation of Financial Power Rules, 1977.

398. 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 Accountant-General to see that it is correctly classified as special pay or compensatory allowance, as the case may be. In cases in which from official record in an open letter is considered undesirable, the reasons for the grant of such additions to pay should be communicated confidentially to the Accountant-General. A similar procedure should also be followed in all other cases in which the rules require that reasons for the grant of special concessions or allowances

should be recorded.

399. Sanctions accorded by Government which involve any grant of land, or assignment of revenue, or concession, grant, lease or licence of mineral or forest rights, or a right to water power, or any easement or privileges in respect of any such concession or which in any way involve relinquishment of revenue, and which do not ordinarily enter the accounts of financial transaction of the State, should be communicated to the Accountant-General in a consolidated yearly return, giving the details necessary for enabling him to audit the sanctions accorded. The return be submitted not later than the 20th April of every year.

DATE OF EFFECT OF SANCTIONS

400. Statutory Rules have effect from the date on which they are passed and executive orders take effect from the date of the orders conveying the sanction.

In all cases these rules are subject to any special provisions, as to the date of effect in the rules, orders or sanctions themselves.

LAPSE OF SANCTION

(i) General

401. 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 provisions in the budget estimates.

Provided that in the case of a sanction for a provident Fund advance the reference in this rule to "a year" shall be construed as a reference to 'a period of three months'.

Note 1. - This rule does not apply to a case where an allowance sanctioned for a post of 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 proper authority.

Note 2. - In the absence of any indication to the contrary in the order itself, a sanction can only be held to lapse if and when it is superseded by an order of later date.

Explanation. - The period of one year referred to in this rule should be calculated from the date of issue of the sanction and the 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 cases in which part payment has been made within the stipulated period, the subsequent payment of the balance may, subject to the existence of budget provision, be made without a fresh expenditure sanction. The bill for the subsequent payment besides containing a reference to the expenditure sanction should also contain a reference to the number and date of the vouchers under which the first payment was made.

In cases where there is a specific provision in a sanction for any fresh charge that the expenditure would be met from the budget provision of a specified financial year, such sanction will lapse on the expiry of the specified financial year.

(ii) Special Rules for the Works and Buildings or Irrigation and Waterways Department

402. The approval or sanction to an estimate for a civil work, other than annual repairs, will unless such work has been commenced, cease to operate after a period of 5 years from the date on which it was accorded.

Government may fix the month which is to be considered as the last month of the working year for the purpose of annual maintenance estimate. The sanction to an ordinary repair estimate lapses on the last day of the year fixed by Government.

Note. - Working year for building repairs has been fixed so as to synchronise with the financial year, i.e., from April to March, and that for road repairs from 1st June to 31st May.

ADDITIONAL GRANTS (OR APPROPRIATIONS) AND REAPPROPRIATION

403. The voted or charged provision of a year under a Grant appearing in the schedule of authorised expenditure can be increased only by a supplementary voted grant or supplementary charged appropriation included in the supplementary schedule of authorised expenditure.

The powers of a department of Government and other subordinate authorities. to sanction reappropriation of funds within a Grant are contained in Section "X1-reappropriation" of Chapter 9-Budget.

Chapter 11

Service, Provident and other Funds

GENERAL

404. A subscriber to a Service, Provident and other Funds is primarily responsible for seeing that his subscription is paid regularly and correctly either by deduction from his pay bill or in cash in accordance with the rules of the Funds concerned.

The instructions for the guidance of Drawing and Disbursing Officers in regard to recovery of subscriptions from Government servants and withdrawal of Fund money from treasury are laid down in Subsidiary Rules 391 to 400 of the Treasury Rules.

Note. - The list of subscribers to Postal Life Insurance Fund shall be maintained in a register and not in the form T.R.52. The pro forma of the register and instructions for its maintenance and the manner of preparation of the monthly schedules to be attached to the pay-bills are mentioned in the Annexure below for the guidance of Drawing and Disbursing officer :

ANNEXURE

Procedure for Recovery and Accounting of Postal Life Insurance Premia

The Drawing Officers shall maintain in the form mentioned below a corrected and up-to-date register of Policy-holders under their control. The names of the policy-holders shall be noted in alphabetical order according to surnames leaving sufficient space between two entries to enable names of new policy-holders inserted in the right place. A separate entry shall be made in the register for each policy in the case of a policy-holder having more than one policy. On receipt of an intimation from the Director! Postal Life Insurance, Calcutta, about the issue of a policy in favour of a subscriber authorising the Drawing Officer to commence recovery from pay or on receipt of a Last Pay Certificate In respect of the subscriber, transferred from another office, the Drawing Officer shall make note of the particulars of the policy in the register. The name of the Office from which the subscriber has been transferred shall invariably be noted in the remarks column. Wherever a subscriber is transferred to another office or his policy is discharged, his name shall be scored out from the register giving necessary remarks regarding discharge of policy or indicating the office to which the insurant has been transferred as the c- may be.

2. After the preparation of the monthly bill but before its encashment the recoveries shown in the bills on account of Postal Life Insurance shall be checked up with the register to see that the recovery has been made from all the subscribers and the correct amount has been recovered. This check will discover the cases, of omissions to make recovery as, well, as cases of noting of Postal Life Insurance recoveries In a wrong column of the pay bill. The amounts of the recovery shown ill the bills shall be posted in the monthly column ill the register with proper reference to the bills or the vouchers, reason for short, excess or non-recovery being briefly noted in the remarks column. Extracts of this register shall then be made out in the schedules. The schedule shall be attached to the relevant bills in support of the recoveries.

3. While taking extracts it should be seen that the names of those insurants from whom recoveries were made in the previous months but no recoveries have been made during the current month either on account of transfer or discharge of that policy or on account of leave salary being not drawn or the official being on leave without pay, shall be included in the current month's schedule with necessary remarks noted against their names. Similarly, the remark "New Policy" or "transferred from _____ Office" .shall be given in the schedule against the names of the Insurants

: :entered for the first time In current month. Reasons for short or excess recovery shall be noted briefly In the remarks column. In short, schedule of Postal Life Insurance recoveries to be attached to the bills, shall be a record not only of those from whom the recovery has actually been effected but also of those from whom recovery was being effected previously but has not now been effected.

: :In case of double recoveries or late recoveries, the reasons for late drawal of pay or pension together with an inclination of the month of pay or pension from which premium has been recovered, shall be recorded In the remarks column. this information is absolutely necessary determine the liability of the insurant to pay fine or Interest and the currency of the policy.

: :4. Though each policy of the insurant shall be entered separately in the register and the schedule, the total amount recoverable monthly from each policy-holder .on account of all policies shall be shown in the register by bracketing all the policies. This will serve as a guide for preparation of monthly bills where recoveries in respect of each policy cannot be shown separately. This total in the register shall be kept corrected up-to-date on additions of new policies and exit of old ones.

: :The rules in this Chapter contain general instructions which should be followed by Government servants in regard to admission to a Provident Fund, nominations of subscribers, sanctions to temporary withdrawals from Fund accounts as well as such other matters with which the Executive authorities are primarily concerned.

ADMISSION

: :**405.** No one should ordinarily subscribe to a Provident Fund for the first time without having his account number assigned by the Accountant-General.

: :**406.** Any person desiring admission to a Provident Fund should submit his application (in duplicate) together with a nomination in the prescribed form duly filled in to the Accountant-General for assignment of an account number. Such applications and nominations should be forwarded to the Accountant-General through their heads of offices. One copy of the application form will be returned after the account number has been assigned to the subscriber by the Accountant-General.

: :**407.** Absence of any nomination or irregular nomination causes great difficulty and delay in closing the fund account of a deceased subscriber and consequent delay in the payment of the claim. It is, therefore, of utmost necessity in the interest of subscribers to submit the nomination to the Accountant-General as expeditiously as possible an~ to see that the nominations are made in accordance with the rules of the Fund as they may stand amended or altered from time to time.

: :**408.** If a subscriber wishes to revise his existing nomination, he shall submit a. revised nomination in the prescribed form to the Accountant-General, who, on receipt of the revised nomination, will return the superseded one to the subscriber duly cancelled.

TEMPORARY ADVANCES

: :**409.** Temporary advances may be granted to subscribers to Provident Funds by the authority defined in the rules of the Provident Funds for such purposes as are admissible under the relevant rules of the Fund.

: :**410.** The following instructions should be borne in mind in according sanction to the grant of temporary advances :-

- (i) That the rules of the Provident Fund concerned permit the grant of such advances.
- (ii) That the purpose for which the advance is sanctioned is specifically stated in the order of sanction or communicated confidentially to the Accountant-General when such purpose is confidential.

- (iii) In the case of Contributory Provident Fund it should be seen that the advance is covered by the subscribers' own contributions with interest thereon. No portion of the Government contributions or interest thereon can be drawn.
- (iv) That the repayment of the advance is sanctioned in such number of equal monthly instalments as are prescribed in the rules of the Fund.
- (v) That the amount of the advance and that of the monthly refund instalments are fixed in whole rupees. .
- (vi) That the order sanctioning the advance provides for the payment of interest leviable under the rules of the Fund.

FINANCING OF POLICIES FROM PROVIDENT FUND ACCOUNTS

: **411.** Withdrawals from the Provident Fund Accounts for payment of insurance premia under the relevant rules of the Fund are made in the following way:-

: Any Government servant, desiring to withdraw money from his Provident Fund Accounts or the purpose of financing policies either on his own behalf or on behalf of a Government servant, should first submit the particulars of the Policies to the Accountant-General for scrutiny. If the policies proposed or existing are found to be acceptable, orders authorising the Withdrawals will be issued by the Accountant-General. These orders cover withdrawal for the payment of the first premium as well as all subsequent withdrawals for the payments of future premia after the required intervals.

: In the case of the Contributory Provident Fund, however, specific authority from the Accountant-General is required for each subsequent withdrawal also except in such cases as may be specially permitted by the Accountant-General.

: **412.** Within 3 months (or such other period as may be fixed by the Accountant-General in a particular case) from the date of withdrawal of the amount to pay the first premium of a policy, the subscriber should send the policy to the Accountant-General for safe custody with or without assignment as prescribed in the rules of the Fund.

: **Note.** - In the case of I.C.S Provident Fund, the policies financed out of the said Fund are neither required to be hypothecated to Government nor deposited with the Accounts Officer.

SCRUTINY OF PREMIUM RECEIPTS

: **413.** The following procedure, which has been prescribed by the Auditor- General, should be observed in the scrutiny of premium receipts in support of withdrawals from Provident Fund Deposits for payment of insurance premia :-

(1) The premia receipts of erstwhile non-gazetted establishment need not be sent to the Accountant-General, but should be scrutinised by the head of office and a certificate in the following form furnished to the Accountant-General in July each year in respect of the financial year ended 31st March:-

: "Certified that (i) the life insurance policies of erstwhile non-gazetted

subscribers serving in my office, taken out under the operation of the General Provident Fund (West Bengal Services) /Contributory Provident Fund (West Bengal) Rules have been forwarded to the Accountant-General except the policies of subscribers of account Nos. _____. (ii) Premia on policies of erstwhile non-gazetted subscribers assigned to the Governor of West Bengal have been paid to the Insurance Companies in proof of which receipts from the companies have been duly produced to me for scrutiny and necessary endorsements have been made on the receipts to the effect that no abatement of Indian Income Tax is admissible thereon.”

(2) In the case of erstwhile non-gazetted subscribers temporary transferred to the audit control of another Accounts Officer, similar certificates should be called for from the heads of offices to which they have been transferred and furnished to the Accountant-General.

(3) Premia receipts of erstwhile gazetted Government servants should, however, be sent to the Accountant-General for necessary scrutiny.

(4) As soon as a subscriber is promoted to a post equivalent to erstwhile gazetted rank, whether temporarily or permanently, and draws his premium from the Fund account a special intimation should be sent to the Accountant-General.

(5) If there be no case of premium payment during the whole year, a nil certificate should be furnished.

: **414.** With a view to ensure proper scrutiny of premium receipts and submission of the certificate prescribed in rule 413, each head of office should maintain register in the following form in which a separate page should be allotted to each subscriber :-

Premium Receipt Register

The policies of the erstwhile non-gazetted Government servants which are financed out of Provident Fund Deposits should be entered in this register through which the regular payment of premium to the Insurance Company watched and steps taken towards obtaining the wanting receipts. The premium receipts should be scrutinised with reference to relevant entries in the register, and after necessary entries have been made in column 7 therein, the premium receipts should be returned to the subscribers with the following endorsement :-

No abatement of Indian Income-tax is admissible.

FINANCING POSTAL INSURANCE POLICIES OUT OF SUBSCRIPTION TO A PROVIDENT FUND

415. If a subscriber to a Provident Fund desires to pay his monthly premium on a Postal Insurance Policy out of his Provident Fund subscription, the Accounts Officer shall make the necessary adjustment through the pay bill. When the monthly premium on the Postal Insurance Policy is not wholly covered by the amount of his monthly subscription to the Fund, the balance of the premium shall at the request of the subscriber be adjusted monthly by the Accounts Officer against the subscriber's accumulations in the Fund

through the pay bill provided & certificate is recorded on the bill to the effect that the balance at his credit covers the sum to be adjusted in the bill-see rules 416 to 418.

416. The procedure to be adopted in the preparation of pay bill and Fund schedules in cases where Postal Insurance Policies of Government servants are financed from Provident Fund Accounts is indicated below-

(i) If the subscription to the Fund be more than the amount of monthly premium-

Rs.

Say, Fund subscription 50 and
Postal Insurance premium. .40
Column 10 of the Establishment pay bill (T. R. Form No.26)
should show-
Rs. 50 as monthly subscription, and
Rs. 40 as deduction on account of Postal Insurance premium.
Re. 10 net amount to be credited to the Fund.

(ii) If the subscription to the Fund be less than the monthly premium- 1)11

Say, Fund Subscription 30 and
Deduction on account of Postal Insurance premium 45
Rs. 50 as monthly subscription, and
Rs. 40 as deduction on account of Postal Insurance premium. -

Re. 10 net amount to be credited to the Fund.

(iii) Where the net amount to be thus credited or debited to the Fund includes a fraction of a rupee the fraction should be rounded to the nearest higher or lower rupee according as the broken portion does or does not exceed 50 Paise.

417. In the pay bills of self-drawing officers and in the schedules attached thereto, similar information as above (vide rule 416) should be given.

418. The procedure laid down in rule 416 should also be followed in the case of subscribers to the Contributory Provident Fund subject to the further condition that the resultant credits or debits to the Fund should be rounded off to the nearest rupee as shown below-

(i) If the monthly subscription is Rs. 10 and the Postal Insurance premium is Rs. 5-69 the following entries should be made in the pay bin :-

Rs. p
9 69 Deduction on account of monthly subscription.
Less 5 69 Postal Insurance premium.

4 0 Net subscription to be credited to Contributory Provident Fund.

(ii) If the amount of premium payable is more than the monthly Subscription the figures in the bill will be as follows :- .

Rs. p.

10 19 Deduction on account of monthly subscription.

Less 12 19 Postal Insurance premium.

-2 0 0 Net amount to be debited to Contributory Provident Fund.

Note - The procedure outlined above for the Contributory Provident Fund should be adopted in the case of subscribers to the General Provident Fund also.

FINAL WITHDRAWALS

419. The amount which accumulates to the credit of a subscriber will become his absolute property and will be refunded to him on the happening of any of the following contingencies :-

(a) When he quits the service ;

(b) When he submits an application for final withdrawal while on leave preparatory to retirement or while on leave he has been permitted to retire or has been declared by competent medical authority to be unfit for further service.

In the event of death of a subscriber before the amount standing to his credit has become payable or where such amount having become payable has not been paid, the Fund money of a subscriber will be refunded to his nominee or disposed of in the manner laid down in the rules of the Provident Fund concerned.

REPORT OF QUITTING SERVICE OR DEATH

420. The death, retirement, resignation, etc., of all Government servants, who were subscribers to Provident Funds, should be reported to the Accountant- General by the heads of departments or offices, as the case may be, as soon as the event occurs (see also rule 421). When, however, a self-drawing officer who was a subscriber to Provident Fund, quits the service of Government, he should apply direct to the Accountant-General and furnish the information required under rule 421 for the refund of his fund money.

PARTICULARS REQUIRED FOR THE CLOSURE OF FUND ACCOUNTS

421. As soon as the death, retirement, etc., of a Government servant, occurs, the head of the office or department, as the case may be, should furnish the following particulars to the Accountant-General for the final closure of the subscriber's fund account :-

(i) Name of the subscriber with designation.

(ii) Account number of the subscriber.

(iii) The actual date (forenoon or afternoon) of retirement, resignation, death, etc.

Note.-In the case of resignation it should be stated if the resignation has been accepted by the competent authority. (iv) Full particulars of any temporary

advance drawn during the 12 months preceding the date on which the Fund money becomes payable.

Note. - Certificate required under the rule may be given by the Principal District Officer in the Department and the authorities mentioned in Appendix 16.

(v) A certificate by the head of the office stating whether any withdrawal from the fund as made by the subscriber during the 12 months preceding the date on which the Fund money becomes payable, for payment of insurance premia and if so full particulars of the same.

(vi) Amount of the last Fund deduction with the number and date of the treasury voucher in which the same was deducted.

(vii) In the case of subscribers to the Contributory Provident Fund an additional certificate should be given stating what amount has been ordered by Government to be deducted in the case of-

(a) dismissal;

(b) resignation within 5 years of the commencement of service ; and

(c) any amount due under a liability incurred by the subscriber to Government.

(viii) Name of the treasury or sub-treasury at which the payment is desired.

PLACE OF PAYMENT

422. In the case of retired Government servants who are self drawing officers the final payment of Fund money may be drawn from any treasury whether within or outside the State of West Bengal. Should such a retired Government servant desire payment from a treasury outside the State, he should furnish the Accountant-General with his specimen signature in duplicate attested by two or more persons of respectability in the town, village or pargana in which the retired Government servant resides.

423. In respect of non-gazetted Government servants the final payment or Fund money should be made by the head of the office where the subscriber last served, except in the case of the Police Department, where payment may be made by the Superintendent of Police in other districts within the State.

Note. - Final payment may also be made by a sub-treasury and also by cheque / draft where possible.

REVALIDATION OF AUTHORITIES FOR PAYMENTS

424. An authority for payment of Fund money will remain current for 3 months from the date of its issue, and will be revalidated by the Accountant-General on the requisition of the Disbursing Officer after the authority memorandum previously, issued has been returned both by the Disbursing Officer and the Treasury Officer/ Sub-Treasury Officer/Pay & Accounts Officer, Calcutta P. A. O., with a certificate of non-payment.

Chapter 12

Local Funds

425. The expression Local Funds has been defined in S. R. 439 of the Treasury Rules, West Bengal.

428. The procedure for paying moneys appertaining to local fund into Bank or Treasuries as well as the rules for the withdrawal of such moneys are laid down in S. R.'s 358, 373 and 440 to 443 of the Treasury Rules, West Bengal.

427. Service stamps may not be used by local fund officers or any Government officer acting in a capacity connected with a local fund such as President or Secretary of a Local Fund Committee but service lapels 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.

Note. - Telegraphic messages, the charges for which are to be borne by local fund, should be classed as "Private" and not as, 'State'.

428. Unless any of the following arrangements have been authorised by the Government, a local fund is required to pay in advance the estimated amount of charges to be insured or cost of services rendered by Government on account of the fund:-

- (a) Payments as made by Government may be charged to the balances of the deposits of the local fund in Government books.
- (b) Recovery from local fund may be postponed till the time when Government has to make payment for the charges.
- (c) Payment may be made as advances from Government funds in the first instance pending recovery from the fund.

APPENDIX 2

(See Rule 42)

General principles to regulate the enforcement of responsibility for losses sustained by Government through fraud or negligence and detailed instructions for making departmental investigations of losses of Government money, etc.

A. The following general principles have been laid down by the Government of West Bengal to regulate the enforcement of responsibility for losses sustained by Government through fraud or negligence of individuals:—

1. Means should be devised to ensure that every Government servant realizes 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 the expenditure and the custody of his own money. While, therefore, Government are prepared to condone an officer's honest errors of judgment involving financial loss, provided the officer can show that he has done his best up to the limits of his ability and experience, they are determined to penalize officers who are dishonest, careless or negligent in the duties entrusted to them.

2. It is of the greatest importance to avoid delay in the investigation of any loss due to fraud, negligence, financial irregularity, etc. If the irregularity is detected by audit in the first instance, it will be the duty of the audit officer to report immediately to the administrative authority concerned. If the irregularity is detected by the administrative authority in the first instance, and if it is one which should be reported to the Accountant General in terms of Rule 39 of the West Bengal Financial Rules he must make that report immediately. Every important case should be brought to the notice of superior authority as soon as possible—the administrative authority should report to his superior and the audit authority to his superior. 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 investigation; 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 Accountant-General for the services 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 enquiry.

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 or 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 facilitated the fraud, the supervising officer at fault may properly be penalized either directly by requiring him to make good in 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, a touring officer's tents, a factory motor lorry, an engineer's instruments) should not be recovered in full up to the limit of the officer's capacity to pay.

6. One reason why it is important to avoid delay (*vide paragraph 2* preceding) is that in the course of a prolonged investigation Government servants who are concerned may qualify for pension, and it is held that under the rules as they now stand a pension once sanctioned cannot be reduced or withheld for misconduct committed prior to retirement. It follows from this that, as a primary precaution, 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.

7. The fact that officers who were guilty of frauds or irregularities have been demobilized or 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.

B. The following rules have been laid down by the Government of West Bengal for the guidance of officers in making departmental enquiries in cases of fraud and embezzlement of Government money in which Government servants are involved and in which a prosecution is, or is likely to be, instituted:—

1. It has been found that, where fraud or embezzlement of Government funds has occurred, there is a tendency for the authority concerned to regard the institution of criminal proceedings as absolving him from the responsibility of conducting immediately a thorough departmental enquiry, which reluctance may be enhanced by an apprehension that such an enquiry may prejudice the result of the trial. Departmental enquiries should not ordinarily be delayed pending decision of criminal cases, as there is a danger that at a later stage the evidence may disappear and a departmental enquiry be thereby rendered infructuous.

2. As exhibits must remain with the court until the case is disposed of, departmental proceedings cannot as a rule proceed concurrently with a criminal prosecution, but it is essential that everything should be done to carry departmental proceedings as far as possible before prosecution begins. The particular stage to which departmental proceedings, prior to prosecution, should be taken must depend on circumstances and cannot be precisely defined. If it is intended to prosecute, a finding and sentence should not be recorded in the departmental proceedings till after the disposal of the criminal case; but it is emphasized that the proceedings should be completed up to the point that can properly be reached.

3. A common type of case is that where a number of persons are involved, one or more criminally and others in such circumstances as show negligence, or warrant the suspicion of criminal abetment without sufficient proof to justify prosecution, or have similar features which necessitate a criminal prosecution of some and a departmental enquiry against others. In such cases the authority has sometimes neglected to institute a formal departmental enquiry, or to carry it to the requisite stage before criminal proceedings are taken, with the result that many months later, when the criminal case is over, effective departmental action has been found impracticable.

4. The general rule should be that in all cases of fraud, embezzlement, or similar offences, departmental proceedings should be instituted at the earliest possible moment against all the delinquents, and conducted with strict adherence to the rules up to the point at which prosecution of any of the delinquents begins. At that stage it must be specifically considered, whether further conduct of the departmental proceedings against any of the remaining delinquents is practicable if it is, it should continue as far as possible which will not, as a rule, include finding and sentence. If the accused is convicted, the departmental proceedings against him should be resumed and formally completed. If the accused is not convicted, the departmental proceedings against him should lie dropped unless the authority competent to take disciplinary action is of the opinion that the facts of the case disclose adequate grounds for taking departmental action against him. In either case the proceedings against the remaining delinquents should be resumed and completed as soon as possible after the termination of the proceedings in Court.

5. The proceedings contemplated in these instructions are those which are regulated by the Civil Services (Classification, Control and Appeal) Rules, or Bengal Subordinate Services (Discipline and Appeal) Rules, 1936. Where action is taken under the Public Servants (Inquiries) Act, XXXVII of 1860, this ordinarily takes the of a criminal prosecution as regards the persons accused: but the procedure as regards to others involved against whom the Act is not employed should be in accordance to the instructions given above.

C. The following supplementary instructions have been issued by the Government of West Bengal for the guidance of departmental officers, with special reference to cases in which prosecutions in the criminal courts are, or are likely to be, necessary:

1. *Reports to be submitted to the Accountant-General and Government.*—(i) A losses of the kind referred to in Rule 39 of the West Bengal Financial Rules must b.

reported forthwith by the officer concerned, not only to the Accountant-General but also to his own 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.

(ii) Reports submitted under (i) above must be forwarded forthwith to Government through the usual channel with such comments as may be considered necessary.

2. *Criminal investigation and prosecution.*—(i) In cases calling for prosecution on a criminal charge, it is important that a first information should be lodged with the police at the earliest possible moment. This step should not be delayed for the mere sake of completing departmental proceedings: it should be taken as soon as it is decided that a criminal investigation, with a view to prosecution, ought to be instituted.

(ii) The decision whether a first information is to be lodged or not will rest with the District Magistrate except in cases in which the alleged offender is subordinate to the District Judge when it will rest with the District Judge.

(iii) First information should be lodged by the senior officer of the department concerned who is available in the district or subdivision. Where that officer is the District Magistrate, District Judge or District Superintendent "of Police, he may, and ordinarily should, direct an officer of suitable seniority subordinate to him to lodge the first information.

(iv) Officers lodging first information will—

(a) request the Superintendent of Police to arrange for the investigation to proceed from day to day;

(b) arrange 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 alleged embezzlement, but who is fully conversant with the rules and procedure of the office in which the loss has occurred.

(v) If, on completion of the police investigation, 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.

3. *Sanction of Government under section 197, Criminal Procedure Code.*—If this sanction is required by the circumstances of the case, it should be applied for after police investigation has been completed but before the investigating officer has taken action under section 170, Criminal Procedure Code. The application should be made by the senior officer of the department stationed in the district.

4. *As regards prosecution in the courts.*—When the case is put into Court by the police, the officer who lodged the first information, or his successor present in the station, will see that all witnesses serving in the department, and all documentary evidence in the control of the department, are punctually produced, and will also appoint an officer of the department (preferably the officer who attended the investigation) to attend the proceedings in Court and assist the prosecuting staff,

5. *As regards appeals.*—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 present in the district 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 in the usual way.

Appeals against acquittals can be made only under the orders of Government.

6. *As regards further reports to Government.*—The senior officer in the district of the department concerned will see that, in addition to the reports required under paragraph 1, prompt reports are submitted to Government through the usual channel regarding—

- (a) the decision to lodge a first information or not;
- (b) the decision to prosecute or not 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.

7. *Consultation with Government.*—Notwithstanding anything in paragraphs 2 and 6, any matter may, if necessary, be referred to Government through the usual channel before action is taken and this should be done in all cases in which the alleged offender is a member of a State or all-India Service. Such references must be made, and transmitted, with the greatest possible expedition.
