

15.11.34.2

Government of Madras.

EDUCATIONAL DEPARTMENT.

MISCELLANEOUS.

Recd.

Regd.

} 1911.

Enclosures

Spare copies

G.O. No. 720, 14th October 1911.

Pay of menials.

Recording notes relating to the decision of the Financial Department that orders sanctioning the employment of menials, whose pay is debited to contingencies, should be sent to that department for concurrence.

BACK PAPERS.

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

FURTHER PAPERS

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

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GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

Read—Notes connected with the question whether orders sanctioning the employment of menials, whose pay is debited to contingencies, should be sent to the Financial Department for concurrence.

Order—No. 720, Educational, dated 14th October 1911.

Recorded.

(True Extract.)

L. DAVIDSON,
Ag. Secretary to Government.

EDUCATIONAL DEPARTMENT.

NOTES CONNECTED WITH G.O. No. 720, EDUCATIONAL, DATED
14TH OCTOBER 1911.

[SUBJECT.—Extract from the Notes connected with G.O. No. 582, Educational, dated 22nd August 1911, regarding revision of the pay of the menials of certain Government training schools.]

The pay of these menials is debited to "Contingencies"—*vide* paragraph 3 of G.O. No. 442, Financial, dated 8th October 1910, and the sanction of Government thereto is necessary under article 98 (m) of the Civil Account Code, as it is a recurring charge. It does not, however, appear that the sanction of the Financial Department is necessary for any contingent charges. In these circumstances, it is for consideration whether the order in this case should go to the Financial Department for acceptance.

T.K.—7-8-11.

Please see G.Os. No. 359, Educational, dated 9th June 1911, No. 387, Educational, dated 20th June 1911 and No. 515, Educational, dated 29th July 1911. In all these cases, which dealt with the employment of menials whose pay was debited to contingencies, the drafts were sent to Financial for acceptance and were accepted by that department. This may also be sent to Financial, which may be requested to say whether similar cases should in future be sent to them.

K. RANGASWAMI AYYANGAR—8-3-11.

Yes.

L. DAVIDSON—9-8-11.

To the Financial Department.

FINANCIAL DEPARTMENT.

The net extra cost, according to the Director of Public Instruction's proposals is Rs. 11½ *per mensem* or Rs. 138 *per annum*, and the charge is debitable to the head "Contingencies".

2. The Educational Department enquire whether orders like the present should be sent to this department for acceptance before issue.

According to rule VII of the rules regulating interdepartmental references, no orders involving expenditure of public money should ordinarily issue without previous reference to the Financial Department. Page 4 of Public Memorandum No. 3819-1, dated 17th September 1909.

An exception to this rule has been allowed in the case of expenditure not exceeding Rs. 1,200 for each item, which administrative departments of the Secretariat can themselves sanction subject to certain specified conditions. This exception does not, however, include charges of a permanent character as in the present case. Please see also articles 284 and 285 of the Civil Account Code, Volume I.

3. Again, prior to the issue of G.O. No. 442, Financial, dated 8th October 1910, when the pay of menials was debited to the group head "Establishment", permanent changes in their pay could not be made without reference to the Financial Department. It does not appear that in making a change in the debit of their pay from "Establishment" to "Contingencies" it is intended to relax this rule.

The debit to "Contingencies" does not alter the character of the charge, which is a *permanent* recurring one, and must therefore come to Financial.

C. REILLY—15-8-11.

4. The draft order in the present case may, it is submitted, be accepted.

C.P.K.—14-8-11.

K. P. ANANTAN—14-8-11.

C. REILLY—15-8-11.

A We accept the draft order. If the Educational Department will let us have a copy of these notes we will examine the general question whether the concurrence of the Financial Department is required in such cases. I am disposed to dispense with it. The amount of such charges can never be large.

H. A. STUART—17-8-11.

To the Educational Department.

EDUCATIONAL DEPARTMENT.

Issue.

K. RANGASWAMI AIYANGAR—22-8-11.

[G.O. No. 582, Educational, dated 22nd August 1911.]

FINANCIAL DEPARTMENT.

The question, whether the pay of menial establishments, which, under recent orders, is now debited to contingencies should come to Financial for sanction before issue, is examined with reference to Chief Secretary's remark at A above.

2. The pay of these menials was hitherto charged under "Establishment charges". The reasons for changing the

Paragraph 2 of Government Order.

menials is now debited to "Contingencies" does not, however, in any way affect the nature of the charges therefor. This continues to remain of a permanent recurring character. Even now, sanction to permanent recurring contingent charges requires the sanction of the Government in the

Article 284, Civil Account Code, Volume I.

Financial Department. A clear distinction has always been drawn between *permanent* recurring and *non-recurring* charges; and, while we have been always ready to delegate to administrative departments powers with regard to temporary charges even to the extent of permitting liabilities to be imposed on the budget for the ensuing year—see notes to Memorandum No. 5502, Public, dated 11th October 1910—we have been very chary of delegating the power of controlling the growth of *permanent* recurring liabilities. The Appendix to G.O. No. 160, Financial, dated 19th April 1910, summarizes the delegations which have up to now been made. It will be seen that they relate chiefly to non-whole-time sweepers and scavengers, and to rent charges. In the aggregate, the pay of menials amounts to a large sum, and it seems to be necessary to retain control of the growth of expenditure on such establishments.

Even a small increase in the pay of menials means, on the whole, a large sum of money. For instance, see the Notes to G.O. No. 518, Financial, dated 20th November 1909, where the Financial consequence of the increase of pay by even Re. 1 in the case of certain menials has been calculated.

3. Again, if power is to be delegated to administrative departments to sanction permanent charges on account of the pay of menials merely because they are debited to contingencies, there is no valid reason for requiring the sanction of this department to any other contingent charges of a permanent recurring character.

4. The distinction set out above between liabilities of a *permanent recurring* character and of a *non-recurring* character is also embodied in the Civil Account Code, articles 284 and 285 of which run as follows:—

"284. Applications for increases of salaries and other permanent charges should be first considered in the department of the Local Government concerned and should then be forwarded to the Financial Department of the Local Government for sanction and for the issue of the necessary orders.

"285. If an order be sent to the Accountant-General direct from any other department, his duty is the same as in the analogous case with the Government of India; he will not refuse obedience, but will report to the Financial Department of the Local Government that such an order has been issued, and request that it may be communicated to him by the Financial Department in ordinary course."

It will be seen that the Accountant-General is bound to report to this department the issue of an order relating to permanent recurring charges in an administrative department, and that any delegation to the administrative departments would require the prior sanction of the Government of India.

5. It is for orders whether, in these circumstances, the Government of India should be addressed. It is submitted that all that is required has been met by the issue of G.O. No. 160, Financial, last year on 19th April 1910. It was not the intention of G.O. No. 442, Financial, dated 8th October 1910, to in any way alter the sanction required for the appointments falling within its scope.

C. REILLY—23-9-11.

We must continue to require that such orders be sent to this department for concurrence.

H. A. STUART—30-9-11.

To the Educational Department.

EDUCATIONAL DEPARTMENT.

The decision of the Financial Department may be accepted. Orders sanctioning the employment of menials, whose pay is debited to contingencies, will continue to be sent to the Financial Department for concurrence.

L. DAVIDSON—14-10-11.

2. The papers may be recorded. A draft is placed below for approval.

T.K.—13-10-11.

K. RANGASWAMI AIYANGAR—13-10-11.

L. DAVIDSON—14-10-11.

[G.O. No. 720, Educational, dated 14th October 1911.]

READ AGAIN G.O., No. , dated 191 .

" " " " , " 191 .

READ ALSO:

C. No. 2452 From the *Finl Dept* , No. 4819-1 , dated 3-10-1911

" " " " *Read the following:—* " " " " 191 .

" " " " *Notes connected with the question whether order sanctioning the employment of menials whose pay is debited to Contingents should be sent to the Financial Department for concurrence.* " " " " 1911

ORDER.

mis

No. 720, dated 11-10-1911

Print notes.

Recorded.

72.
13-10-11

13-10-11

*Copy of 72 with notes dep. & to
Finl: dep. 7/10/12*

A	B	C
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.....Supt.	Supt.	76Supt.

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ENCLOSURES TO C. No.

ORDER OF GOVERNMENT.

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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