

Law (1926) Department.
(Education)

Ordinary SERIES.

G.O. No. 499

DATED 31-3-1926

Pro 499

15

[Despatch Abstract.]

G R A N T .

Teaching--special--1925-26--Kallikota College, Berhampore
form of order to be issued--papers recorded.

BACK PAPERS.

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

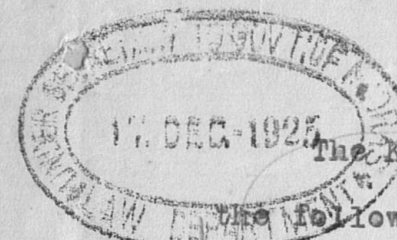
Previous FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
S. 201	10-2-26						
.. 441	31.3.25						
.. 122	17.5.22						
.. 442	7-4-22						
.. 162	14.11.21						
.. 1486	11-12-20 (PS)						
.. 499	26.4.20						
.. 609	25.5.14 PS						

Further pp.

Memo: No. 1861 B-1

24.8.26



34403
E.E. 4065 B
17.12.25

The Kallikota College Managing Committee begs to place the following points before the Hon'ble Minister for Education at the deputation to be held at 2 P.M. on Friday, the 4th Dec. 1925.

1. Necessity to raise the Kallikota ~~Kallikota~~ Second Grade College to the First Grade and make it a Government institution.
2. If this is not possible, Government to bear the net cost of the institution, so long as the present college continues to be a Second Grade College.
3. Considering the backward condition of the District and the poor finances of the College, the Government may be pleased to sanction in addition to the usual annual teaching grant, an extra special grant of Rs. 5,000/-- a year.
4. That this special additional grant of Rs. 5,000/-- a year be made available for the current official year also to meet the --- deficit in the current year's budget of the College.

Berhampore.

4--12-1925

U. Toqiah

Vice President,

Kallikota College Managing Committee,
Berhampore.

Law (Edw)

[C.3440B]

Endt: 3440B/
4/12

Memorandum of
points submitted to the Hon^{ble}
the Minister for Education by
the Vice-President, Kakikota
College Managing Committee,
Berhampore -

Forwarded to the

D.P.J. for consideration.

DESTROYED

5 JAN 1926

The D.P.J. (with copy of
p.1 CF. + p.2-3 in orgl).

CVV
18.12.25
8/9
19.12.25

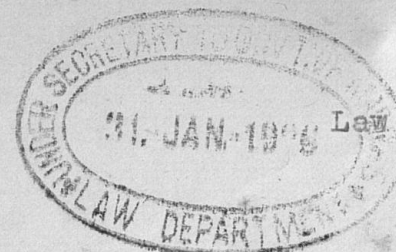
CR
19.12

VTC
21.12

who is requested to
report whether it would be
possible to find a sum of
Rs. 5,000 by reappropriation
in the current year for the
payment of a special
grant to the Kakikota
College, Berhampore

CVV
22.12.25
8/9
22.12.25

CR
22/12



Law (Education)

DEPARTMENT.

L. d. 287C Cor 262
1/2/26 4226

Received 192 . Registered 192

Subject.

Grants-Teaching-Additional-Kallikotta College,
Berhampur-provision in the Budget Estimate for
1925-1926.

ENCLOSURES.

No.

R.O. No. 2.D.2/25-26

Spare copies

Station Madras. Dated the 27th January 1926 192

From (Name) R. Littlehales Esquire, M.A.,

(Designation) Director of Public Instruction.

To The Secretary to the Government of Madras

Law (Education) Department.

Sir,

With reference to Government endorsement No. 3440-
B.1. Law (Education), dated the 4th January 1926, I have
the honour to state that it will be possible to find a
sum of Rs. 5000/- from the current year's budget provi-
sion under "31-B(b)-Education-Secondary-Direct grants --
Teaching grants to Non-Government Secondary schools for
the payment of a special grant to the Kallikotta College,
Berhampur.

I have the honour to be,

Sir,

your most obedient servant,

R. Littlehales
For Director of Public Instruction.

45
Law (Ed)

[C. 262B]

memo: 3000/- 2
H 2 26

Teaching grant -
Kamikota college, Berhampur
- correspondence ending
with the Director's letter
R.O.P. No. 2.3.2/25-26 &
27.1.26 -

The D.P.O. is
requested to take early steps to
pay a
teaching
special grant of Rs. 5,000
to the Kamikota college,
Berhampur, during the
current year 1925-26.

cur
1.2.26
8/9
2.2.26.

Q
V.K.
5/2

The D.P.O. ✓

DESPATCHED
5 FEB 1926

Law (Ed.)

Kallikota college, Berhampore

CF [C-3440B] Memorandum of point submitted by the
Vice-President 8.12.25.

The question of giving
additional grant to the ^{Kallikota} college, Ber-
hampore, has received consideration

at the hands of Govt. almost every
year since 1920-22 - please see note

(I) at pp. 6-7 of G.O. 441 of 31.3.25. Attention
is invited to the D.P.'s note on 14.12.

(D) 15 of G.O. 442 of 7.4.22 and the
proceedings of the deputation which
waited on the Honble the Minister
on 25th March 1922 (p. 8 of G.O. ibid).

For order whether the
memorandum in the CF may be
forwarded to the D.P. for consi-
deration. A draft Endt. is submitted.

cur
18.12.25
8/9
19.12.25
R
19.12.25
V.T.K.
21.12



m2
D.P. & inquired if he can find
five thousand rupees by requests
payable to the College
Reise after Memo.

Draft memo has been altered with reference to M₂'s note on p.1 ante. For order as to issue.

cvv
22.12.25
8A
22.12.25
25/12
V.T.K.
4.1

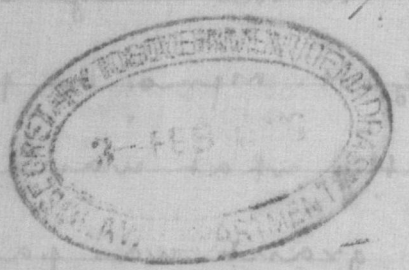
[Encl: N. 3440 B-1 of 4.1.26] p.2 CF

[C.262B] From the D.P.D., R.O.P.N. 2D-2/25-26 of 27.1.26 (p.3 CF)

Please see Director's reply on p.3 CF. For order whether he may be asked to pay a special grant of Rs. 5,000 to the college in the current year. It is presumed that the deficit for the current year is Rs. 5,000. No details of the receipts & charges have been furnished. Draft memo: sub.

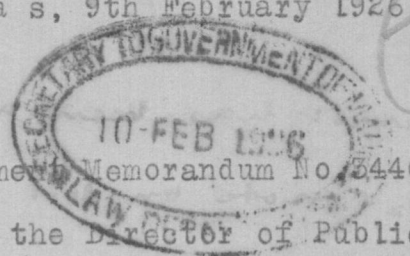
cvv
1.2.26
8A
2.2.26
2/2
V.T.K.
3/2

M₂
No extra special grant of Rs 5000 in the current year -



M. R. Rao

D.O.No. 2.22/25-26-tion, M a d r a s, 9th February 1926.



My dear Krishnamachari,

Will you please see Government Memorandum No. 3440 B-2 dated 4th February 1926 wherein the Director of Public Instruction is requested to take early steps to pay a special teaching grant of Rs.5000 to the Kallikota College, Berhampore, during the current year. I shall be glad if you will be good enough to let me know whether the authority for its payment is the Government Memorandum referred to above. If so the treasury authorities will have to be furnished with a copy of this Memorandum or of a Government Order sanctioning the grant.

Yours sincerely,

[Signature]

M.R.Ry.Rao Bahadur
V.T.Krishnama Achariyar Avl.,C.I.E.,
Secretary to Government,
Law (Education) Deptt.,
Fort St.George.



⑧

... of ...

... of ...

... paper ...

Sanctioned

(Sanctioning grant are
sanctioned by D.P.O.)

The intention is that the D.P.O. should issue a Proceedings sanctioning the special grant to the college on the authority of the Govt. Memo: on p. 4 of. This was apparently what was done when a special grant was paid in 1924-25 - vide Encl: on p. 5 of G.O. 441 of 31. 3. 25 and portion marked K in the D.P.O.'s note on p. 7 of the G.O.

(I)

4 8

A draft D.O. is submitted.

civ
12.2.26

Stx
12.2.26.

Q
12/2

V.TK

13.2

M. B-8 NF
DPJ. no.

[C. 344 B]

Law (Edw)

D.O. 3440B-3
15.2.26

My dear Littlehales,

special teaching

grant - Hallikota college

Berhampore - your D.O. no.

20.2/25-26 & 9.2.26 -

to inform you
I am ~~attached~~

that the intention of
you

govt. is that the D.O. should
issue ~~proceedings~~ formal orders sanctioning

the special ^{teaching} grant for the
college ~~as desired in~~ ~~on the authority of~~

Memo. no. 3440B-2 & 4.2.26
yours sincerely

DES-ATCHED
24/3 FEB 1926 p. 4 CF

civ
12.2.26

Stx
12.2.26.

Q
12/2

V.TK

R. Littlehales Esq, M.A.,

D.P.O.

A.S.
What is the correct
procedure?
precedents?
VTK
22.2

Office of the Director of Public Instruction,
The Old College, Nungambakkam, Madras.
19th February 1926



My dear Krishnamachari,

Will you please see Government Memorandum No.3440 B-2 dated 4th February 1926 and subsequent semi-official correspondence regarding the payment of a special teaching grant of Rs.5000 to the Kallikota College, Berhampore during the current year.

I have issued instructions for the payment of this sum out of the sum of Rs.One Lakh special teaching grant for secondary schools

In my conversation with you on the morning of the 15th instant I was mistaken when I stated that the grants met from this Rs.One Lakh special teaching grant had to receive the approval of Government. I find that the position in regard to the Rs.One Lakh special teaching grant is as follows:-

"In April 1920 Government issued a Press Communique informing the public that 1 lakh of rupees had been allotted for distribution to Managers of schools.

"The Director of Public Instruction in October 1920 submitted complete detailed proposals for the distribution to each school of this 1 lakh. This distribution was accepted by Government in G.O. No.1486 dated 11th December 1920.

"In this G.O. at Para 3 the Director was requested to submit a statement showing the actual increase of the salaries of the teachers employed in the various institutions effected with the aid of the grant sanctioned. This statement was submitted to Government in April 1922.

"In G.O.No.1621 dated 14th November 1921 permitting the distribution of the 1 lakh for the second year Government did not ask for a detailed distribution statement. Similarly in the following and subsequent years the detailed statement was not called for. The Director was merely instructed to proceed with the distribution of the 1 lakh grant on certain principles laid down."

What I wish to bring to your notice is that this grant of Rs.5000 does not conform to the instructions of Government contained in their G.Os

8 Law (Education) Dep
12 17116. (11)

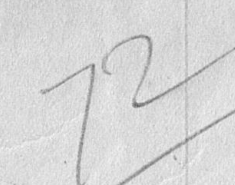
-2-

Yours sincerely,

sincerely,



Don 965-13
9/50 26



Vide pp. 2 + 3 v. 1 p. 441 g
31-2-25 + p. 5 and K on
p. 7 v. 1 no. 8. (II)

p. 7 ant

1990

4. Entf. 340672-18 12.12.24
p. 5 v 4418
31.3.25 (±)

Group 64 B1.

Q
6.2.26

D.P.1 u.o. (M.b-2 nt)

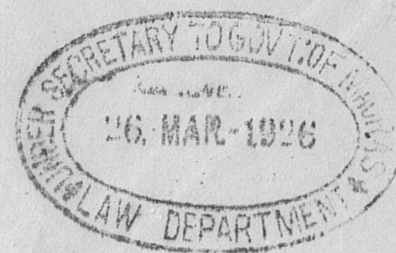
At the risk of my remarks being rather lengthy I think it is probably best to explain the position a little more fully.

Teaching grants to second-grade colleges are of two kinds. The first kind is awarded under the provisions of the Grant-in-Aid Code. The other awarded from the Rs. One Lakh special teaching grant for the distribution of which Government have laid down special rules which the D.P.I. must observe in awarding these grants.

In the case of the ordinary teaching grants, Chapter IV of the Grant-in-Aid Code applies (and the Kallikota College being a second-grade college comes under this Chapter). In addition the general Chapters, Chapter I and Chapter II of the Grant-in-Aid Code apply to the award of these grants.

In the award of the special teaching grants the D.P.I. is bound by the rules which have been issued in formal Government Orders regulating his procedure and laying down the conditions under which such grants should be paid.

2. The foundations of the administration of all Departments of Government are, I understand, the Government Orders which Government issue. A Government Memo does not rank as a Government Order. It is a form of intermediate reference which may also contain instructions to the head of a department. Any instructions, however, which are issued to a head of a department in a Government Memo should not contravene the orders of Government contained in formal Government orders. If so a Government Memo must rank as the equivalent to a Government Order. The foundations then of administration of Government will rest not upon Government Orders but upon a combination of Government Orders and



(B) + (E)

10 14
contrary
Government Memos. This is, I understand, not only to the usual practice but to sound administration. If it is the intention of Government that Government Memoranda should rank on the same footing as Government Orders I shall be glad to be informed thereof but should request that I might be given an opportunity of discussing this matter further if such is the intention of Government. Where a Government Memo does not give instructions which are contrary to the instructions already issued in a formal Government Order there appears to be ^{no} objection to its issue. It is only in the case in which a Government Memo issues instructions which compel the head of a department to deviate from a formal Government Order that I raise the question. If Government are of opinion that a Government Memo should not be issued when it conveys instructions which are contrary to the instructions already conveyed in a formal Government Order my point is met and I have nothing further to represent.

3 In the particular case in point Government issued instructions to the following effect:—"The Director of Public Instruction is requested to take early steps to pay a special teaching grant of Rs.5,000 to the Kallikota college, Berhampore, during the current year". The special teaching grant is the Rs. One lakh grant and the D.P.I. had no option as to where he would debit the grant of Rs.5000/- given to the Kallikota College. This college, however, is not prepared to abide by the terms of the Government Order regulating the distribution of this grant of Rs. One lakh so that its award is in contravention of the formal Government Order regulating and laying down conditions for the award of this Rs. One lakh ~~of~~ grant. I hold that a Memo is not sufficient to over-ride a formal Government Order and that only another formal Government Order can over-ride the orders contained in a former Government Order.

The Secretary refers to previous cases which are

Paragraph 3

considered
5 On 12th December 1924 Government forwarded to the D.P.I. a copy of a letter of the Vice-President of the Kallikota College Managing Committee, Berhampore, and requested him (the D.P.I.) "to consider the question of the payment of special grants to the college, if possible, in the current year". The case of this college was considered along with all other institutions which might be eligible for a special teaching grant and it was ascertained that the management had conformed to the rules of Government laid down for the award of special teaching grant. The management in fact specifically accepted the conditions laid down by Government with the result that the D.P.I. sanctioned a special teaching grant of Rs. 488 which was in addition to the ordinary teaching grant for which the college was eligible under the Grant-in-Aid Code.

6 The other case referred to occurred in the year 1922-23. According to the calculations worked out in my office the College was eligible for a grant of Rs.9120. When this grant came up to me for sanction the position of the Kallikota College was under consideration and I noted as follows on the 6th February 1922:—"I would much rather await giving a final decision on the amount of grant to be paid to this college until the matter in the linked file is settled, viz., the amount of contribution which is likely to be made by the District Board and by the Rajah of Kallikota. Please remind them."

"Meantime an advance payment may be made to this school of about Rs.4000/- with the remark that the final assignment will be made later in the year".

received: - "The Hon'ble the Minister desires that a grant of Rs.4000 should be paid to the Kallikota College, Berhampur, and the increased grant approved by him to the Surangi School, Ichchapur, out of reappropriation sanctioned by Government". The school was, however, entitled to a grant equal to the balance due to it, viz., Rs.9120 minus Rs.4000 equals Rs.5120 under the ordinary teaching grants. Government having sanctioned a reappropriation statement submitted by this office, this grant of Rs.5120 was sanctioned as an ordinary teaching grant under the Grant-in-Aid Code. It was not a special teaching grant but the ordinary grant to which the college was entitled under the provisions of the Grant-in-Aid Code. The amount was not Rs.4000 as requested by Government but Rs.5120 the amount to which the college was eligible under the provisions of the Code.

7. It will be seen from the above remarks that in both these cases the grant was paid to the college under the ordinary provisions of the Code and of Government Orders. The cases ~~where~~ were brought to the notice of the D.P.I. by Government and if the institutions had not been eligible for the grant under the provisions of the Grant-in-Aid Code or under the conditions of the Government Orders issued the cases would, I presume, have then been referred to Government. Since, however, the instructions conveyed to the D.P.I. did not contravene the provisions of the Grant-in-Aid Code or Government Orders formally issued there was no necessity to bring these cases once more to the attention of Government.

The present case is, so far as I am aware, unique and I do not desire that it form a precedent in educational administration.

Law (Eds)

Resubmitted. It appears from

the D.P.I.'s note above

(1) that the additional grant paid to

31.3.25 (I)

Paragraph 6, p. 11-12 ante

Paragraph 5, p. 11 ante

Paragraph 7, p. 12 ante

Paragraph 3, p. 10 ante

p. 4 et

(D) + (E)

to the Kallikota college in 1922-23 was treated as an ordinary grant under the code; and

(2) that the grant paid in 1924-25 was debited to the special teaching grant of Rs. 1 lakh as the management accepted the conditions laid down for the payment of the special teaching grant;

(3) that no objection was raised to the non-issue of a formal go. in the above two cases as the payment ~~in these cases~~ did not contravene the instructions issued in previous go's.; and

(4) that the management in the current year is not prepared to abide by the conditions laid down for special teaching grants and therefore the memorandum issued by govt. contravenes the provisions of the go. regarding special teaching grants.

2. It is submitted that the

the Govt. cannot possibly know, when such cases come up before them and are forwarded to the D.P.J. for consideration, whether the institutions ^{concerned} ~~concerned~~ have agreed to abide by the conditions laid down for the payment of the grant. ~~the only possible way to~~

24/4/23

~~make the Director's objection at that time of the grant being made is not a valid case. For under the rules this might~~

~~be done.~~ The memo. in the current year was issued following the precedents. In future ~~order~~ a lpo. may be issued where there is a specific direction to the D.P.J. to pay a grant if on enquiry such a case is found necessary.
CW 27.3.26
SK 29.3.26
29.3.26

V.T.
30/3

These papers may be

80. 499 8/31. 3.26.
ris

Recorded.

CW 30.3.26
SK 30.3.26.
30/3

Grant. - Teaching -
Special - 1925-26 -
Kallikota college,
Berhampore - Form
or order to be issued -
Papers recorded.

When copied
When examined
When signed

192

READ AGAIN G.O. No.
192

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT

STATEMENT WITH DITTO.

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