

Law (1926) Department
(Education)

Ordinary SERIES.

G.O. No. 505

DATED 31-3-1926

12

[Despatch Abstract.]

Legislative Council Question.

Deputation of the Indian Christian Civic League and
the Catholic Association, South Kanara to the Honourable the Minister
for Education.

* செப்பனிடுவதற்காக எடுத்துக் *
* கொள்ளப்பட்ட *
* பிழைமாதம் 1992 வருடம் *
* செப்பனிடும் முடித்த *
* கொண்டமாதம் 1992 வருடம் *
* ஆராய்ச்சி உதவியாளரின் *
* கையொப்பம் *

Shared position.

[illegible]

THE UNIVERSITY OF CHICAGO PRESS

1971. Will the hon. the Minister for Education be pleased to state :-

(a) whether any deputations waited on him during his recent visit to Mangalore from the Indian Christian Civic League of South Kanara; and the Catholic Association of S. Kanara;

(b) what were the points urged by each of the deputations; *and*

(c) what answers were given by the hon. ministers and what orders have been passed or are to be passed on them;

(d) did the hon. Minister agree or suggest to either or both of these deputations as to the election of a proper representative by the Indian Christians for the Legislative Council;

(e) how did the hon. the minister characterise the attitude of the present Indian Christian A.L.C. from South Kanara ^{dist} and outside the Council;

(f) did the hon. Minister state that he was in league or alliance with a party or persons that sought to subvert or destroy the British Government or describe his attitude in some such terms and what suggestion did the hon. the Minister make as to the election of his successor;

Draft Answer.

Starred Question No. 1353.

- (a) There was a combined deputation which included the bodies referred to in (b) & (c). The points urged and the replies given are summarised below.

Points urgedReplies given.

- (1) That members of the Indian Secular Clergy of S. Kanara and the Pastors of the Kanarese Evangelical Mission may be recognised as secondary trained teachers entitled to grants from Government if they are employed as teachers in Mission Schools.
- (2) That the rates of teaching grants admissible to teachers of secondary and elementary grades employed in elementary schools be raised so as to meet two-thirds of the pay of the teachers.
- (3) That greater encouragement should be given to aided schools in respect of equipment and building grants.
- (4) That new board schools should not be constructed within a mile radius of existing aided schools.
- (5) That fixed dates should be notified in the Fort St. George Gazette for the publication of the results of examinations so as to minimise the inconvenience and anxiety of pupils and their parents.
- (6) That converts to Christianity from classes and castes recognised as backward should continue to obtain the half-fee concession admissible under rule 92 of the Madras Educational Rules.
- (7) That the Madras Abkari Act should be so amended as to make it clear that searches in a house or open place with a view to seizing illicit articles should invariably be made in the presence of witnesses.

The Educational Rules do not permit of this request being complied with.

The scale of teaching grants was revised only in the current year. Until the financial condition of the Province improves and further experience is gained of the present system, no action can be taken as suggested.

The rules in the Grant-in-aid Code afford sufficient encouragement and Government policy is to encourage aided agency in education.

Instructions have already been issued to local bodies and to District Educational Councils.

The results are published as expeditiously as possible.

Converts to Christianity from the depressed classes retain their eligibility for half-fee concession. The case of converts from members of other classes and communities treated as backward is different. After careful consideration it was decided that the concession need not be extended to such converts.

The provisions of the Act require that searches should be made in the presence of witnesses and in practice all searches are carried out in accordance with the provisions of the Act.

Law Sec. No. 3622 C-3
22.1.26.

Rm
14/1/26

DESPATCHED

23 JAN 1926

To

The Hon'ble Sir A. P. Patrao, Kt.

Minister of Education, & Excise,

Madras.



Sir,

The Committee of the Kanara Indian Christian Civic League beg to place the following points for your kind and favourable consideration:-

1. Recognition of the members of the Indian Secular Clergy of South Kanara as Secondary Trained Teachers entitled to grants from Govern-

ment, if they should act as teachers in their Church Schools, in view of the fact that they are school finals who undergo a 9 years subsequent course of training, in which Languages, Rhetoric, Philosophy, Theology and Canon Law are taught to them and also in view of the fact that they are recognised as such in Ceylon and Cochin. The work of the Parish Priests of Palladka, Kirem, Jeppoo Asylum School, Ferar and Bendoor, as teachers has been highly praised by educational officers.

2. Recognition of the Pastors of the Kanarese Evangelical Mission as secondary trained Teachers entitled to grants from Government, if they act as teachers in Mission Schools in view of the fact that they are school finals who undergo a 6 years' subsequent course of training in Greek, Sanskrit, Philosophy, Rhetoric, Theology and Ecclesiastical Law.

3. That the Hon'ble Minister for Education be pleased to move a proposal to give grants of two thirds of their pay to the following classes of teachers in Aided Schools:-

1. Secondary (School Final) Trained
2. Secondary Untrained
3. Higher Elementary Trained
4. Higher Elementary Untrained
5. Lower Elementary Trained.

The existing grants of Rs. 15, 10, 10, 7 & 7 respectively to these teachers are inadequate and inequitable

*Revised scale by
Mr. J. S. S. S. S. S.
Unless provided
provision for
untrained & school
teachers
not in
date*

4. That the Hon'ble Minister for Education be pleased to move that greater encouragement than hitherto be given to aided schools in the matter of Equipment and Building Grants.

5. That the Hon'ble Minister for Education be pleased to move that new Board Schools should not be constructed within a mile radius of the existing aided Schools.

6. That the Hon'ble Minister for Education be pleased to order that fixed dates should be notified in the Fort St. George Gazette for the publication of the results of examinations to minimise the inconvenience and anxiety caused to the candidates as also to their parents.

That the Hon'ble Minister for Education be pleased to order the extension of the half-free concession to castes other than the Depressed Classes mentioned in classification II in Fort St. Geo. Gazette Part I B. D. 23/6/1925. *Vide explanatory note B*

8. That the Hon'ble Minister for Excise be pleased to move that before making a search of a house or open place and before seizing any article, he shall call upon two or more respectable inhabitants of the locality in which the place to be searched is situated to attend and witness the search.

Explanatory Note A Section 103 of the Criminal Procedure Code and Section 36 of the Madras Abkari Act (Act I of 1886) make it perfectly clear that a search should be made in the presence of witnesses.

The definition of place in section 4 (1) q of the Criminal Procedure Code & 3 (20) of Act I of 1886 makes it quite clear that place includes also a house, building, tent and vessel. It has been held in the following cases that failure to call inhabitants of the locality as witnesses does not make a search illegal.

21 M. 83: 23 M.L.J. 445--1912 M.W.N. 1111--13 G.L.J. 763: 19M. 349-10 Bur. L.R. 253-- 1 G. L. J. 993.

Section 34 of the Madras Abkari Act. (Act I of 1886) gives power to Abkari officers to seize articles in a public thoroughfare or open place. There is no mention in this Act that before making searches

Encouragement to help Govt

Students issue

as far as possible the results are published as soon as possible but time is not to be lost

and applied to the Criminal Procedure Code

Not to done in practice

Not to done in practice

Not to done in practice

-3- ① b

searches or seizures in an open place or public thoroughfare, witnesses should be called. It is therefore contended that witnesses need not be called at all before making searches or seizures in an open place. Great injustice is caused to the public by Abkari Officers not calling witnesses before making searches or seizures to attend and witness the search or a seizure. Hence the necessity of legislation to remove any doubt about this matter.

+ Explanatory Note B.

Re:- Schoolfee Concession to Pupils of Converts from Backward Communities other than Depressed Classes.

This is intended to benefit the converts from Backward Communities who are poor. This is a concession to the poor converts from Backward Communities who are poor. This is a concession to the poor converts from Backward Communities who are poor.

No. 855 dated 19th May 1926. Law (Education Department)
The Government in amending Appendix 17-A Chapter VII Rule 92 list of backward Classes make two distinct Subdivisions.
Depressed Classes
Caste other than depressed classes and adds that Converts to Christianity from the Communities comprising the I group Viz Depressed Classes shall not forfeit their eligibility to the half fee Concession merely because of their conversion to Christianity. This is a retrograde step on the Memorandum issued by the Government of Madras Law (Educational) Department - Memorandum No. 1074-C/24-1 dated 9th May 1924- This memorandum clearly declared that " Indian Christian pupils of backward origin are eligible for the concessions admissible under Rule 102 of the Madras Educational Rules provided that they declare themselves as belonging to the backward classes indicating the caste or class to which their family originally belonged.

The present G. O. (No. 855) deprives the preveleges conferred on the pupils who are converts from Backward Communities and confines it only to converts from Depressed Classes.

In South Kanara unlike other Districts most of the Converts to the Protestant Christian Community are from Backward Communities other than depressed classes who are all day labourers and are extremely poor. Their status has certainly not improved by their conversion not the change of fact in them made them any the bit less backward. A large number of

- 6 ① 7

dents, who were enabled to continue their studies on account of
elevation of concession fees conferred on them by Memorandum No.
.24-1 dated 9th May 1924 are now put to very great inconvenience
suffered by the present amendment and the distinction drawn as depressed
in depressed classes among Backward Communities has given set back
educational progress of the children of these converts.

There are very few pupils of Depressed Classes- practically none-
in Secondary Education and Collegiate Course of Studies while a
large number of pupils from Converts of Christianity from Backward classes
than depressed classes now attending the various Educational
Institutions are subjected to very great hardship by the change of rules
and many will have to give up their studies. The change in the rule
is in this District more than any other district in the Presidency;
it is in this District alone that the converts to Christianity
mostly from non depressed backward communities while in other
districts they are mostly from depressed classes.

The Kanara Indian Christian Civic League therefore prays that the
Hon. Minister for Education may be pleased to take these facts peculiar
to this District into his generous and sympathetic consideration
and restore the Government Memorandum No. 1074 C/24-1 dated 9th May 1924
(Educational) Department quoted above and save a large number of
pupils from the sad necessity of unavoidably bringing their scholastic
career to a close.

The Christian Converts from Backward Communities in
this District are the poorest among the poor and their change of faith
naturally alienates from them the sympathy of their Hindu Countrymen
and they therefore necessarily fall back upon the magnanimity of the
Government, specially now when all the foreign Missionary Societies are
in financial crisis.

17.1.25
L. H. A. Mascarenhas, B.A., M.A.
Honorary Secretary
The Kanara Indian Christian Civic
League
Mangalore

7 6 78(3)

Memorial to the Hon'ble Minister for Education
submitted by the Christian Civic League of Mangalore.

Submitted with the following remarks:-

1. The request contained in paras 1 & 2 cannot be granted under the existing rules. The Roman Catholic priests and ^{Priests} pastors are trained for a special kind of work and as such I am of opinion that they cannot be treated as equivalent to trained teachers of the Secondary grade. Rule 11 on page 5 of the Madras Educational Rules applies to the members of the Society of Jesus.

2. The request contained in paras 3 & 4 may be given a favourable consideration.

3. Para 5:- This is observed as far as possible. Aided enterprise is given all possible encouragement.

Para 6:- This may be considered.

Para 7:- The present rules do not permit of these.

School-fee concession to pupils:-

This works as a hardship to many of the children of the Protestant Christians who are mostly converts from the Backward communities. The concession now given to pupils of the Depressed Classes converts to Christianity may be extended to Christian pupils belonging to the backward communities. As represented in the Memorial the Protestant Christians in this District are a very poor Community and deserve the sympathetic consideration of the Government.

Camp- U d i p i.)
Dated 26-10-1925.)

K. Sankar Menon.
District Educational Officer,
South Kanara.

1445
Am 7-2-41
C 17

QUESTION—No. 1383

Council to be held on the

Law Dept. III-8-4,000-1-12-24
for the meeting of the Legislative

192

1-26 36226
5/11/25

SUBMITTED that two copies of this Question may be forwarded to the

Law (Education) Department

The Question has been admitted

1926
4/11



U.O. No. , dated

To

The Law (Edu) Department.

Law (Edu) no 36226-1
6-11-25

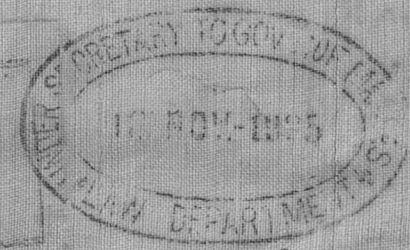
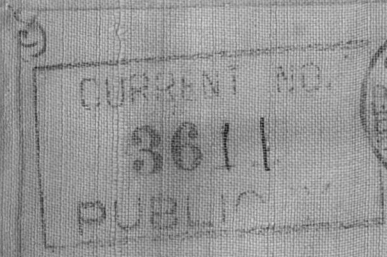
Law (Edu) Dept



Public U.O.

Blue
5/11

8/11



Pub (x) Dept

Submitted that the question may be circulated to H.M. M2 for order as to the answer to be given.

Con 37596
18/11/25

Pub (x) U.O. 3611-18
18-11-25

18-11-25

all
17-11-25

Law (Edu) M2 all 17-11-25
Will Law (Edu) please put up
the memo 17/11/25

A copy of the Memorandum presented by the Kanara Indian Christian Civic League since sent to the office by the Hon'ble the Minister is put up at slip (M). No papers regarding the deputation of the Catholic Association of South Kanara were received in the office. A draft answer dealing with the points urged by the Christian Civic League is submitted. Point No. 7 in the draft answer relates to the Separate Revenue Department. The file may be submitted to M2 through Revenue.

OK
11/12

Thurs: 11/12

Law ed no. 3622
3.12.2

Rev

Rev. Sept

To Asst. Secy.

The item affecting this Sept. in the draft answer below, viz. Amendment of the Madras Opium Act No. (17) is only a minor amendment. It is over to make it clear that searches in a house or open place by Opium officers should be made in the presence of witnesses. The reply given by M2 was to the effect that, in practice, searches are made in the presence of witnesses. This has been entered in the reply Column of the draft answer. The file may be circulated to M2 as desired by Law (325).

S
3.12.25



3168

Resd
320
u.m.

P.2 of L.M.

any provision about visiting houses
(10/10) 9/12/25

To Asst. Secy.

of the Asst. Secy. the following revised note is submitted.

2 under the Opium Act, searches in houses are governed by Section 31 of the Opium Act

not pub

governed by section 34 of the Act (per by Madras Excise Manual).

not pub

under the Opium Act, searches of houses and places other than houses are governed by Section 14 and 15 (p103 of the Madras Excise Manual) respectively of the Opium Act.

p103 of Madras Manual not pub

p103 of Act.

Section 36 of the Opium Act and section 16 of the Opium Act lay down that all searches under the sections of the respective Acts be made in accordance with the provisions of the Criminal Procedure Code. Section 103 of the Criminal Procedure Code states that all searches should be made in the presence of witnesses and this is reproduced in para 50 (p77) of the salt manual for the guidance of officers of the Salt, Excise and Customs Depts.

p74 of unrepublished General Act, Vol. I - not pub

pub

3 It will be seen from the existing provisions

The Hon. and Opium Act given on 13th Aug.
that searches have to be made in the
presence of witnesses and that no fresh
provision is required. Amendment of the
Hon. and Opium Act is suggested by the Deputationists
obviously with reference to the decision quoted
in para 8, p 2 of the address.

In the question in the Hon. and Opium Act wants
to know what points are charged by the
Deputationists and what answers have been
given. The points are embodied in the draft answer
put up.

Ans. 11.1.26
S/

The law requires that searches should
be made in the presence of witnesses
and this in practice is being
done. There is no necessity to amend the law.

The draft answer may be
amplified accordingly. The draft answer
is in the hands of the Hon. and Opium Act.

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amplified accordingly. The draft answer
is in the hands of the Hon. and Opium Act.

(M)
A.S.
2.1.26

Draft account
for
in 8.1.26

To Asst. Secy.

The H. and Opium Act has been passed
via p 4 ante. The file may now be returned
to Law (Edn) u.o.

Ans. 11.1.26
Law (Edn) u.o.
9.1.26



11.1.26
9.1.26

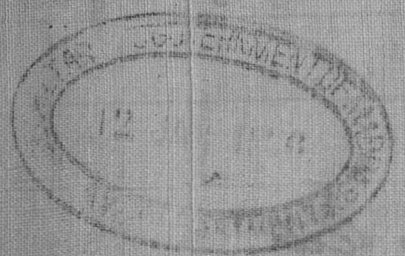
Law (Education) Deptt.

The answer is now complete so far as the
deputation of the Kanara Indian Christian
League is concerned. As noted on page 2
no papers regarding the deputation of the Catho-
lic Association of South Kanara were received in office.
For orders as to the answer to be given in respect
of the latter deputation.

The Hon. the Minister may
be requested to state whether
any deputation from the
Catholic Association of
S. Kanara waited upon
him & whether they presented
any memorandum.

11.1.26

12.1



M2

The Hon. the Minister may
be requested to state whether
any deputation from the
Catholic Association of
S. Kanara waited upon
him & whether they presented
any memorandum.

11.1.26

draft
The answer has been
and rephrased
suitably amended. It may
now be issued.

14/1/26

571

Education

Deputations that waited on the hon. the Minister for Education at Mangalore.
1445 Q.—MR. J. A. SALDANHA: Will the hon. the Minister for Education be pleased to state—

(a) whether any deputations waited on him during his recent visit to Mangalore from the Indian Christian Civic League of South Kanara, and the Catholic Association of South Kanara;

13th February 1926]

(b) what answers were given by the hon. Minister and what orders have been passed or are to be passed on them?

A.—(a) There was a combined deputation which included both the bodies referred to.

(b) & (c) The points urged and the replies given are summarized below:—

Points urged.

Replies given.

(1) That members of the Indian Secular Clergy of South Kanara and the Pastors of the Kanarese Evangelical Mission may be recognized as secondary trained teachers entitled to grants from Government if they are employed as teachers in mission schools.

The Educational Rules do not permit of this request being complied with.

(2) That the rates of teaching grants admissible to teachers of secondary and elementary grades employed in elementary schools be raised so as to meet two-thirds of the pay of the teachers.

The scale of teaching grants was revised only in the current year. Until the financial condition of the province improves and further experience is gained of the present system, no action can be taken as suggested.

(3) That greater encouragement should be given to aided schools in respect of equipment and building grants.

The rules in the Grant-in-Aid Code afford sufficient encouragement and Government policy is to encourage aided agency in education.

(4) That new board schools should not be constructed within a mile radius of existing aided schools.

Instructions have already been issued to local bodies and to District Educational Councils.

(5) That fixed dates should be notified in the Fort St. George Gazette for the publication of the results of examinations so as to minimize the inconvenience and anxiety of pupils and their parents.

The results are published as expeditiously as possible.

(6) That converts to Christianity from classes and castes recognized as backward should continue to obtain the half-fee concession admissible under rule 92 of the Madras Educational Rules.

Converts to Christianity from the depressed classes retain their eligibility for half-fee concession. The case of converts from members of other classes and communities treated as backward is different. After careful consideration, it was decided that the concession need not be extended to such converts.

(7) That the Madras Abkari Act should be so amended as to make it clear that searches in a house or open place with a view to seizing illicit articles should invariably be made in the presence of witnesses.

The provisions of the Act require that searches should be made in the presence of witnesses and in practice all searches are carried out in accordance with the provisions of the Act.

MR. J. A. SALDANHA:—"With reference to the answer to item (5) of clause (b), may I ask why no fixed dates on which the results will be published are notified as it is done in Bombay and other places?"

The hon. Rao Bahadur Sir A. P. PATRO:—"It has been answered. No more information can be given."

2/14 12

12

13th February 1926

MR. J. A. SALDANHA:—"The answer says that the results are published as expeditiously as possible. May I know why a date should not be fixed beforehand so that people may know the date on which the results will be published and may not have to go to the telegraph office day after day?"

MR. J. A. SALDANHA:—"May I know why the treatment of converts from other classes than from depressed classes is different and why they are not allowed the concession?"

THE hon. Rao Bahadur Sir A. P. PATRO:—"They should be backward in education. Once they join a community which is more advanced, viz., the Christian community, they are no longer backward in education."

MR. A. RANGANATHA MUDALIYAR:—"Does not the same argument then apply to the case of depressed classes?"

THE hon. Rao Bahadur Sir A. P. PATRO:—"The Adi-Dravidas, Adi-Andhras and other classes have been enjoying the particular privilege and they should not be deprived of these privileges because they have been converted."

MR. J. A. SALDANHA:—"My point is this. Are not converts to Christianity from depressed classes similarly placed as those converts from other backward communities?"

"With reference to item (1) may I enquire whether the hon. Member is aware that generally it is only S.S.L.C.'s who are admitted to the course of theological studies and that they have to undergo a course of education for ten years?"

THE hon. Rao Bahadur Sir A. P. PATRO:—"The answer is clear. They must conform to the Educational Rules."

MR. J. A. SALDANHA:—"May I know why difference in treatment is shown between the jesuits and the secular Indian clergy who have received the same amount of education?"

THE hon. the PRESIDENT:—"The hon. Member will have to move Government for placing the secular Indian clergy on the same footing."

A.R. 5
28/1/26

Legislative Council

Education Department

The Indian Christian

Catholic Association

the question and answer was as

above. The note may be

Recorded after perusal

Copy to the D. I. V.

Rev. Sept

ESPATCHED

14 APR 1926

28/3

28/3

505 2/31. 3. 26.