

Law (Edu) (1926) Department.

min SERIES.

G.O. No. 596

DATED 10-4-1926

19

[Despatch Abstract.]

Scholarship - College - Department of Justice

Sanctioned.

BACK PAPERS.

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

FURTHER PAPERS.

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

பாதுகாப்பு பிரிவு
செய்யுபுள்ள பெயர் : M. K. இராமன்.

செய்யுபுள்ளதற்காக எடுத்துக்
கொள்ளப்பட்ட நான்.
செய்யுபுள்ள குடித்த நான்.

1/12
சுயங்குமம்
முதல் குடிபாச
கையெழுத்து
10/2/12
சுயங்குமம்
2ம் குடிபாச
கையெழுத்து
10/2/12
சுயங்குமம்
3-தவிரான
கையெழுத்து

C. N. 30-11,000-8-9-24.

Labour DEPARTMENT.

Received 192 . Registered 3394 1925



Subject.

Scholarships - Grant of - Depressed Classes pupils in
College classes. Part II scheme

ENCLOSURES.

No.

D.C. No. 2777/25

Spare copies

Station Madras, Dated the 3rd September 1925.

From (Name) R. H. Ellis Esqr., I.C.S.,

(Designation) Commissioner of Labour,

Madras.

To The Secretary to the Government of Madras,

Law (General) Department.

Fort St. George, Madras.

Sir,

Ref:-- G.O.No.1201; Law (General) dated 3-4-1925.

Government in their order quoted above,
were pleased to direct me to renew the proposal for granting
scholarships to Depressed Classes pupils reading in College
classes in connection with the budget estimate for 1926-27.

2. In my letter read in the above G.O.
I have explained in detail, the necessity for delegating
to the Commissioner of Labour power to grant scholarships
to Depressed Classes pupils reading in College classes

also

also and I request that Government may be pleased to accord their sanction. I also request that a sum of Rs.2000/- may be provided under "Part II Schemes" in the budget estimate for 1926-27 for granting scholarships detailed below*. Four more applications for scholarships in the Intermediate classes have been received and five scholarships of those granted by me last year in the VI Form have to be renewed in the Intermediate class the recipients having been declared eligible for college course.

Class	No.	Monthly value of the Scholarship	Payable for for now many months.	Total value for the year.
Junior Intermediate ..	5	9	9	Rs. 405/-
Senior Intermediate ..	5	9	9	Rs. 405/-
B.A.1st year	4	14	9	Rs. 504/-
B.A.2nd year	4	14	9	Rs. 504/-
				Rs.1818/- or Rs.2,000/- in round figure.

I have the honour to be,

Sir,

Your most obedient servant,

for Commissioner of Labour.

PDR/3/9.

C.No. 3394 A - From the Commissioner of Labour,
D.O. No. 2777/25, dated 3-9-25.

Budget for 1926-27 - Part II Schemes - Depressed Classes - Collegiate Scholarships.

In 1924 the Commissioner of Labour ^{proposed} that he ^{might} be authorised to grant scholarships to depressed classes pupils reading in College classes. Attention is invited to the notes ^{with} G.O. No. 1201 Law (Genl) dated 3-4-25 in which the proposal has been examined. The D.P.I. who was consulted on the subject was against the proposal. ~~He~~ stated that collegiate scholarships ought to be awarded to members of the depressed classes not by two agencies but by a single agency, that agency being the Department of Public Instruction. ^{The Honble} Sir Arthur Knapp was inclined in favour of the D.P.I.'s view, but considered that some modus vivendi might be arranged between the Commissioner and the D.P.I. under which a certain number of the scholarships would be assigned, by convention, on the recommendation of the Commissioner of Labour. The Commissioner, after carefully considering the above suggestion in consultation with the D.P.I., stated that it was essential that provision should be made in the Labour budget for the purpose and that there would be a greater certainty of the boys receiving the scholarships, only if the powers of granting them were vested in the Commissioner. He further pointed out that there was not much substance in the D.P.I.'s contention that the scholarships should be awarded by a single agency in view of the fact that

the Commissioner had already the power of granting scholarships to students in the elementary and secondary schools which are under the supervision and inspection of the Education Department.

The Hon'ble Sir Arthur Knapp entirely agreed with the Commissioner. Since the budget for the current year was then settled, provision could not be made for the purpose and the Commissioner was asked to review the proposal in connection with the budget for 1926-27.

2 The Commissioner accordingly proposes that a provision of Rs 2000 may be made in the budget for next year towards the grant of 18 scholarships in college classes. The number of scholarships proposed to be granted is moderate since in January 1925 the Commissioner stated that he had already 16 applications on hand. The Commissioner also requests that he may be empowered to grant these scholarships. The proposals may be approved.

The file may go to Finance U.O. through Law (Education).

Law (Education) Deptt.

The value of the scholarships is the same as that of the corresponding scholarships awarded by the Educational Department. This Department may agree to the proposals and the file may be passed on to Finance u.o.

Finance (E.R.)

Collegiate scholarships - Depressed classes -
Part II Scheme for 1926-27.

The proposal is to authorise the Labour Commissioner to award Collegiate scholarships to pupils of the depressed classes. The proposal was considered last year and Finance then advised that the proposition be rejected in view of the opinion of the D.P.I. that the existing provision for collegiate scholarships to members of the depressed classes was ample and that any additional scholarships would involve a waste of public funds. It was also considered undesirable that two separate officers, viz., the D.P.I. and the Labour Commissioner should both be ^{competent to} granting scholarships to the depressed classes in the same set of schools. After a number of u.o. references between the Government and the D.P.I. and ^{the} Labour Commissioner, the Labour Commissioner for reasons given in his u.o. note on pages 21-23 of notes to G.O. at (R) pressed that his proposal might be sanctioned. The late Home Member agreed with his views. The proposal was, however, deferred for consideration in connection with the budget for 1926-27, as the budget for 1925-26 was settled.

2. The Labour Commissioner accordingly proposes that a provision of Rs. 2,000 may be made in the budget for 1926-27. Law support the proposal.

As pointed out already it seems undesirable to have two agencies - the D.P.I. and the Labour Commissioner - for the grant of scholarships to the depressed classes. The Labour Commissioner's contention is that he and his staff would know the boys of the depressed classes deserving of the grant of scholarships and that there would be a greater certainty

is likely to excite public attention,
 and (b) that only in one year the number
 of Scholarships awarded by the D.P.T. to the
 pupils of the depressed classes rose to
 seven and that they cannot therefore take
 7 as the normal number.

Para 4 on p. 6 and

3 There does not appear to be
 sufficient justification to incur any
 extra expenditure merely because a
 change is to be introduced in the agency
 for the grant of Scholarships. So long
 as the number of Scholarships provided
 for by the State is not reduced it cannot
 be apprehended that the matter will
 excite public attention.

Finance may therefore press that
 the total number of Scholarships awardable
 by the D.P.T. and the Commr. of Labour
 should not exceed the number already
 sanctioned. The Law Dept. should
 themselves decide the number of Scholar-
 ships to be allotted by the D.P.T.
 and the Commr. of Labour.

10.10.25
 10.10.25

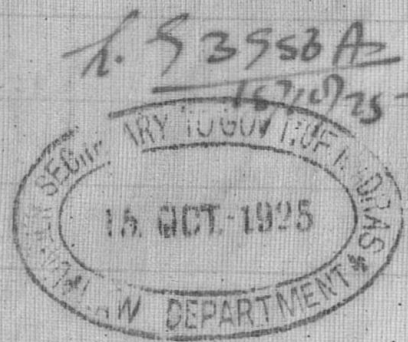
If the intention is as
 stated above, there is
 no need to ~~place~~ treat
 it as a Part II scheme, as
 it is only a transfer of

Thro' B.E.I. + IV
 CMU
 12.10.25

agency and involves no additional
 expenditure.

13.10.25
 D.S.
 5
 14/10/25

Firm: W.O. 35279 ER-1
 15-10-25



portion A on p. 22
 in p. 201
 3425 (R)

The file may go to Law (Gen) for
 remarks with reference to
 the Finance note above. It
 may be noted that the Commr.
 has definitely stated that pro-
 vision should be made in the
 Labour budget for the purpose.

11.5.
 Secy will see
 in (Gen)

15.10.25

17/10

L.G. W.O. 3953A-1
 17.10.25

L.G. 3320C
 17/10/25
 17/10/25



'Education' may stick to the
 view expressed in the notes at pp 4 to 6.
 The question of Scholarships awardable
 by the Commissioner of Labour has
 been considered throughout
 independently of the Scholarships
 available with the Ed. Dept. (y: to

Scholarships in elementary & secondary schools sanctioned in G.O. No. 1568 D, 1/6.11.28. There appears to be no reason why a different attitude should be taken in the case of collegiate scholarships. ~~M₂'s order~~

~~M₂~~ 17.10.25
 A 19.10.25

I think the provision suggested by the Com^r of Labour ~~is~~ may be sanctioned.

2. The arguments against the proposal have been dealt with above. Briefly, the additional scholarships proposed are needed and the Com^r of Labour, who is in closer touch with the needs of the depressed classes than the D.P.I., should have the amount in his budget.

V.T.
 20.10

C₃ Jagan with the Secretary
 M₂
 C₄ 21/10/25

I shall take exception to this policy - In regard to Education which is a transfer subject, the Labour Dept has no jurisdiction in raised by me and

Govt of India agreed and my contention. The file is still undischarged. The Labour Commission will indeed make provision of these seats to the depressed classes. He has no concern with education. One cannot be "diaraly" and diaraly. Education is a transfer subject.

The L.C. is allowed to give elementary schools of free scholars to elementary students and the approval of the Department must recognize the schools to be come under the of Education Act. If they are Govt schools the policy is opposed to the policy of the Dept as Govt Dept does not maintain departmental schools. As aided schools they are not free. They are in an anomalous position. This subject may be taken up in the file relating to "Labour Schools" -

Scholarship for high school education is a field entering into this Dept. It is also unreasonable to

Assume that the L.C is more in touch
with the students of the high schools
& colleges than the D.P.D.

Again, the hostel maintained by L.C
should also be under Education.

All Scholarship fund should remain
under the control of the D.P.D.

2. Will Education please raise the
question on this file and that
the allocation of finances re Education
should be in the Education records
as advised by Govt of India.

28/10/25

My Hon. Col C3 should see this
file again.

29/10/25

I would only draw the
attention of Mr. Hon. Col C4
to the decision of the Cabinet
on the subject on the 24th
Aug 1924. According to it
we should continue the
present arrangement.

p 189 notes
in G.O No 243
26.
(File X)

26/11/25

19 of notes
20 2438
24 8 74

It seems to me that there is no
reason to reopen the decision arrived
at in August last; & on grounds
which it is unnecessary for me to
put on paper I am of the opinion
that it would be very unwise to
do so at the present juncture.

At the same time it is equally
unnecessary to raise that issue full
in connection with this comparatively
simple question. We are all I think
agreed that the depressed classes
must be enabled to take advantage
of higher education & that this
implies provision of a certain
number of scholarships. I cannot
see that they need be prejudiced
by that provision being entered
in the D.P.D.'s budget. If 3 existing

A

scholarships & say 5 additional ones
more regarded as earmarked for the
depressed classes I think no right
to contest with that for the present.

Being in the D.P.D.'s budget the D.P.D.
should assign them, & it should
be told to do so in consultation
with the C. of Labour. I think there

is some risk of an over-enthusiastic
C. & Subbarao giving scholarships to
boys who are not really equipped
to take advantage of collegiate
education, & provided the D.P.O.
takes a reasonable view of the
question I do not think we need
disturb his judgment on this
point. Some of the scholars
may fail but I need not
count too many failures as
that could do the country no
concerned as regards.

I trust that my Hon. Colleagues
may see their way to accept
his suggestion. 28/1/25

I agree with Coll. Member.
Mr. Finance. V.K.
the Finance. V.K.
2/12/25

M2 again

V.K.
3/12

I regret that I am not able to
take the views of my Hon. Colleagues
expressed. The last decision of the



6 Oct 1923
8
Lte. S. 24.
P. 18 & 19

p. 3 of "L".
Govt of Madras
21 Dec 1924.



Cabinet is to wait & see
if the Madrasan Committee
will take up this subject of
"Caucas" or "dispensed classes" &
reopened transfer. This is
not possible in 1925 they cannot
take the matter. Therefore the
decision of the Govt of India
in reference after a Cabinet
decision, may be given effect
that there may not be a
directly in education. That
all the funds required for
the education of dispensing classes
shall be in the Education Budget
(Disbursements).

2. The other point of the Sch. 10
this should also be dealt with by
the D.P.O. I am not able
to see the force in the argument
that the L.C. is able to carry on
Education better than the Dep. Dy.
Govt.

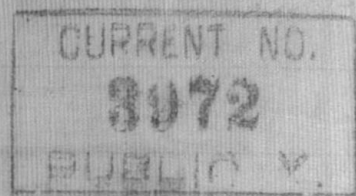
3. In view of the Constitutional issue
involved in the matter. I
should press for the regularization
of the work - as pointed out in the
letter printed p. 3 of "L".

The subject is one for the Public
Dept. who is requested to take action on
M2's note at A. V.T.K.



Law no 3072-1
10.12.25

Public (X) Dept
Submitted. H.E.'s orders
have to be obtained for giving the
subject before the cabinet.



AD 12.12.25
all 12.1.25

C2 13/12
H.E.

I agree with my hon. colleague (C2) note.
It is not necessary to this particular matter
to raise the general issue. I think that my
hon. colleague C2 has misunderstood the suggestion
which is that the D.P.I. should assign the
scholarships but that this sh: be done in
consultation with the Commissioner of Labour.
This should meet his point.

9
17.12.25
Returned to Law (ED) no
all 17.12.25

Sub no 3972-1
17.12.25
X. 4078C
17.12.25

Law (ED) Dept
May be submitted to M2 and C3
V.T.K. 18/12
M2
C3

So far as the particular case
is concerned. I agree with the
directions expressed by the C. &
H.E. but my idea is to
raise the general question in
regard to the relation of the
university education. The amount
should be placed in the Education
budget as decided by Govt
of India. It is this I want
the general effect to. The
general question in p.3 of 'X'
may be given effect.

18/12/25

I would request His Excellency
to have this discussed in Executive
Council. M.H.

21.12.25

H.E. the Govt.
V.T.K.
21.12

We can discuss this at a
Council meeting after the
Christmas holidays.

9.
22.12.25



The Finance Department has suggested that that if it is decided to allot ^{general} collegiate scholarships for the depressed classes, the number of such general scholarships awardable by the D.P.I. ~~may~~ ^{be} correspondingly reduced so that there may be no additional expenditure from Provincial funds. This Educational Department, however, desire that additional scholarships ^{may} ~~should~~ be provided for the depressed classes. From the Hon'ble the Finance member's note on p. 13 ante it ~~is~~ ^{he is in favour of the provision for} would appear that the ~~is~~ ^{is} additional scholarships asked for ~~may~~ ^{be} be. On this presumption a draft note for the Finance Committee is submitted. It may be sent to Finance ~~and~~.

by
voter

CR
25.12.25

V.TK
23.12

Fin U.O

Fin U.O. ER

Attention is invited to H.C.'s note on p. 13 ante. He has suggested ^{the grant of about} 5 additional scholarships excluding 3 scholarships which the D.P.I. has granted on an average to the pupils belonging to the depressed classes. Apparently the Hon. Member's intention is to grant 5 scholarships

p. 8 ante

p. 10 ante

Ms 4040-180-1
26.12.25



Im 45809 ER
26.12.25



Cf. para: 32 of the Budget Memo.

through B.S.I.
CM
28.12.25

For W.O. 45809 ER 1
30.12.25

opening the
note appo.



in each of the Intermediate and B.A. classes. The note for the Finance Committee may be accepted subject to the remark that the ultimate cost of granting these scholarships should also be embodied in the note for the Finance Committee. The following may be added as the note by this dept:-

"The proposal may be placed before the Finance Committee as a Part II Scheme for 1926-27."

WAT
28.12.25

29.12.25

Law (ER)

Law (ER) appo

Copies of the note may be sent to Finance Dept and the file may then be circulated to H₂, C₃ and C₄.

Pom
30/12

C₃

C₄

V.TK
31.12

On the note regarding the number I have no dispute but I do question the legality of the L.C. to appropriate the fund of the Govt. The amount should be in Education Dept. The note that 2 girls must be provided

This question will of course
be discussed in Council.

L.M.

4/1/26

of the
the
21/4/26

10/1/26
21/1/26
No 1-2 C.F.

199 C.O. No. 1201 dln.
3.4.25

1020 dln.

Law (Education) Department.

Note for the Finance Bureau

Subject.- Budget Estimate for 1926-27 - Part II
Schemes - Depressed Classes - Collegiate scholar-
ships.

Proposals of the Commissioner of Labour.

The Commissioner of Labour proposes
that he may be authorised to award scholarships
to pupils belonging to the depressed classes read-
ing in the collegiate classes. The Commissioner
states that without calling for applications for
these scholarships he has received 16 applications
from this class of pupils, while the D.P.I. has
never received more than 8 in a year during the
last 6 years. Again, the scholarships under the
control of the D.P.I. are so limited in number
that in practice the pupils of the depressed classes
are not benefitted to an appreciable extent.

Further to secure a scholarship at the hands of the
D.P.I. is a question of ^{complexity} ~~complication~~ ^{in application} ~~amongst~~
pupils belonging to different castes ^{have to be considered} and the test
applied by him for its eligibility is rather too
severe now to the pupils of the depressed classes
who are just beginning to realise the value of
education. The Commissioner adds that the test as
regards age and the number of marks obtained should
be less severe in the case of pupils belonging to
the depressed classes than in regard to those of
other ^{classes} ~~cases~~ and that an authority granting scholar-
ships to all classes generally is likely to apply
the same standard in all cases. For these
reasons it is necessary that the scope of the edu-
cation of these classes should be ^{widened} ~~be~~ and the limita-
tions governing the grant of the scholarships re-
laxed. The Commissioner therefore proposes that a
special provision may be made in the B.E. for 1926-
27 for the purpose.

23-24

Class	No.	Monthly value of the scholarship.	Payable for how many months	Total value for the year (1926-27)	Make Cost
Junior Intermediate	5	9	9	Rs 405/-	540
Junior Intermediate	5	9	9	" 405/-	540
A. 1st year	4	14	9	" 504/-	672
A. 2nd year	4	14	9	" 504/-	672
				1818/- or	2424
				Rs 2,000 in round figures	

Note by the Law (Edn) Department.

This Department agree that the members of the depressed classes must be enabled to take advantage of higher education and this implies provision for a number of scholarships. The proposal for increasing the number of scholarships available to the pupils of the depressed classes is therefore recommended. The number of collegiate scholarships now awarded by the D.P.I. is 31. Out of this number the D.P.I. has granted 30 scholarships on an average to the pupils belonging to the depressed classes during the years 1919-20. It is observed that the total number of scholarships awardable by the D.P.I. has been found insufficient to meet the demand for them in view of the increasing number of pupils reading in the Arts Colleges. It is not therefore possible to allot 18 scholarships out of this number to the depressed classes alone. This Department therefore support the proposal that an additional provision of Rs 2,000 may be made.

A provision of Rs 2,000 may therefore be made under "31 E.C. Education - General - Scholarships" in addition to the provision of Rs 2,30,000 already made under Part I of the Budget Estimates.

The D.P.I. will award these scholarships in consultation with the Commissioner of Labour.

note by the Finance Dept.

The proposal may be placed before the Finance Committee as a Part II scheme for 1926-27.

G. T. 13.

29/12/28

P.T.O.

Mps 6 m. b.

25.12.28 V.T.K.

100-36

24

100-36 Land Cont. Dept.

With reference to H.E.'s assertion on page 17 ante a note on the Constitutional aspect of the ~~late~~ activities of the Labour Dept. is subd below.

Note 11/1 Th 11-1-26.

11/1 S
V.T.K. 11-1

C3

H.E.

The note may be printed and discussed at a meeting of the Executive Council as noted by His Excellency on page 17. W.H.

12/1/26

The note may be printed & circulated for Cabinet discussion.

14-1-26

The note has been printed and copies have been circulated to the members of the Cabinet and the Chief Secy. The file may be subd to Hm C3.

Returned by Hm. This will be discussed at the Cabinet meeting to be held 5/2/26. Put up 2/2/26. Note 9/1 Th 11-1

Subd with refce to US's note
on page 24 ante.

The file may be cited to the C₃.

Phd

Yr Ld
2.2.26

Phd S
Yr

V.T.K.
2/2/26

C3

This file should lie over for

some time and the subject "Constitutional aspect

of the activities of the Labour Department"

should not be shown as one for discussion in

Cabinet until further orders.

Office should watch the newspapers

for information about Mr. Paddison's movements

and let me know.

V.T.K.

6-2-26.



For Cabinet Discussion.

Copy circulated to the Chief Secretary.

K.R.H.
19-1-26.

Returned by C.S. I believe this has been for the time
being removed from the list of subjects for
Cabinet Discussion V.T.K.

LAW (GENERAL) DEPARTMENT.

[SUBJECT.—Depressed classes—Activities of the Labour department—
Constitutional aspect.] 26/4

His Excellency has ordered discussion in Cabinet on the constitutional aspect of the activities of the Labour department in connexion with the work of the amelioration of the depressed classes. A brief resumé of the important points of discussion on the subject is given below for convenience of reference at the Cabinet discussion.

2. The work done by the Labour department for the amelioration of the depressed classes falls under the following main heads:—

- (1) Grant of lands for cultivation and house-sites;
- (2) Acquisition of house-sites;
- (3) Provision of water-supply, pathways and burial and burning grounds;
- (4) Opening of schools; and
- (5) Starting of co-operative societies.

The Labour department with the Commissioner of Labour as its head was constituted in 1920. The department has been carrying on its activities as a 'Reserved' department under the direction and control of a Member of Council. In February 1923, the Hon'ble the Minister for Education questioned the propriety of a reserved department dealing with transferred subjects such as 'Education', 'Sanitation' and 'Co-operative Societies' in respect of a certain class of people and pointed out that the procedure was constitutionally incorrect and untenable. His contention was, e.g., that the Labour department should not run a separate department of education as a reserved subject so far as the depressed classes were concerned, independently of the Department of Education which had been transferred to the Ministers for administration by the Devolution Rules. The question was examined in detail by Government in consultation with Mr. Paddison and it was finally agreed that the Commissioner of Labour should as far as the transferred subjects were concerned, be controlled by the Ministers in charge and that funds should be provided in the budgets of the departments concerned. Orders were accordingly issued in G.O. No. 2443, Law (General), dated 6th October 1923.

3. It may be noted in this connexion that though the criminal tribes were also deemed to be depressed classes, it was agreed that the reclamation work pertaining to them should continue to be dealt with in the 'Reserved' department as 'Criminal Tribes' was a Provincial 'Reserved' subject, under the Devolution Rules. Therefore, the activities of the Commissioner of Labour in respect of criminal settlements and reclamation of Kallars remained unaffected by the orders in the above Government Order. Thus the discussion as regards the constitutional aspect was confined only to the activities of the Labour department in regard to depressed classes, otherwise known as 'untouchables'.

4. When G.O. No. 2443, Law (General), dated 6th October 1923, was issued, the Hon'ble the Minister for Education also noted that the allotments provided in the Labour budget should be transferred to the budgets of the respective departments, e.g., Education, etc., with the sanction of the Legislative Council. The transfer was not made till January 1924 when Sir Arthur Knapp then in charge of the Labour department pointed out that the procedure followed subsequent to the above Government Order under which the expenditure on education, etc., of the depressed classes treated as 'transferred' was met from the 'Reserved' budget under his

control was irregular. He suggested, therefore, that the orders in the above Government Order should be held in abeyance. The Government agreed to this course and orders were issued accordingly in G.O. No. 330, Law (General), dated 2nd February 1924. The effect of the orders was to place the Labour department in relation to the depressed classes in charge of a Member of Council and treat it as "Reserved" as before, i.e., prior to the issue of G.O. No. 2443, Law (General), dated 6th October 1923. This procedure is being continued till now.

5. Just before the issue of G.O. No. 330, Law (General), dated 2nd February 1924, Sir Arthur Knapp, however, contended in December 1923 that in so far as "amelioration of depressed classes" had been treated as a "subject" by this Government prior to the Reforms, it should be deemed a "Provincial subject" which not having been "Transferred" must necessarily be "Reserved"; and in support of his argument pointed out that the Auditor-General raised no audit objection for expenditure incurred on it as a "Reserved" subject during the last three years. He further said that if the above contention was held untenable and that nothing could be recognized a provincial subject unless it actually appeared in Schedule I, Part II of the Devolution Rules, the subject must fall under item 47 in Schedule I, Part I—"all other subjects not included among Provincial subjects". In that case "amelioration of the depressed classes" would be a Central subject and to put matters right a declaration of the Governor-General in Council was required under item 51 of Schedule I, Part II, declaring that the "amelioration of the depressed classes" in this Presidency was of merely local nature. Such a declaration would definitely make it a Provincial 'Reserved' subject. Sir Arthur Knapp wanted that if his contention were not accepted, action should be taken to obtain the declaration of the Governor-General in Council as stated above. The Hon'ble the Education Minister maintained his former position and it was decided in Cabinet that India should be addressed for decision "if the amelioration of the depressed classes falls within item 47, Schedule I, Part I of the Devolution Rules, and if so whether the Government of India will make a declaration under Part II, item 51."

India were addressed and they stated that the subject did not fall within item 47, Schedule I of Part I of the Devolution Rules, and thus agreed with the views of the Hon'ble the Minister.

6. The effect of India's decision was to resuscitate the orders in G.O. No. 2443, Law (General), dated 6th October 1923, held in abeyance by G.O. No. 330, Law (General), dated 2nd February 1924. On this question Sir Arthur Knapp observed as follows:—

"We have the most distinct assurances from Mr. Paddison that it is quite impossible for him to achieve any satisfactory results if the various activities connected with the care of the depressed classes have to be divided up and put under the control of half a dozen different departments. It is not, as the Government of India's letter would represent it, merely a question of an officer performing duties both in a department dealing with Reserved subjects and in a department dealing with Transferred subjects; it is that the whole structure and co-ordination of the department must inevitably be destroyed if, as was proposed in G.O. No. 2443, Law (General), dated 6th October 1923, the Labour Commissioner's activities in regard to education are controlled both administratively and financially by the Education department while the responsibility for the work in connexion with co-operation, sanitation, water-supply and the acquisition of house-sites is similarly placed on other departmental authorities. I need hardly say that it would be quite impossible to hold Mr. Paddison responsible for anything at all under these conditions."

"I would, therefore, urge that without prejudice to the question whether the Labour department as a whole or that portion of it which relates to the depressed classes should be treated in future as a Reserved or Transferred department we should move the Government of India at once (i) to recognize the omission of this from the category of subjects dealt with in the Devolution Rules was accidental and (ii) to obtain an amendment of the Devolution Rules remedying this accident and placing the subject 'Care of the depressed classes' on the list of Provincial subjects. I may again refer to the fact that to do so would only be doing exactly what has been done in the case of the criminal tribes."

[Vide paragraphs 4 and 5 of the notes at pages 12-13 of Notes to G.O. No. 2438, Law (General), dated 28th August 1924.]

The Hon'ble the Minister for Education, however, maintained that the orders in G.O. No. 2443, Law (General), dated 6th October 1923, should be given effect to. The matter was discussed in Cabinet on 24th August 1924 when the following decision was arrived at:—

"This matter was fully discussed. It was that in view of possible constitutional changes the matter should lie over for the present and that Mr. Paddison should be allowed to go on as at present albeit the arrangement is irregular according to the Government of India's letter."

7. The Hon'ble the Minister for Education has now raised the question for decision since the Reforms Enquiry Committee has already reported and the present subject is not affected by the recommendations of the Committee. The question has, therefore, been ordered by His Excellency for discussion in the Cabinet.

8. From the above it will be observed that there are two courses open, viz.—

(1) to address India as stated by Sir Arthur Knapp for the amendment of the Devolution Rules to declare 'amelioration of the depressed classes' as a Provincial subject, or

(2) to revive the orders issued in G.O. No. 2443, Law (General), dated 6th October 1923.

For orders as to whether India should be addressed as suggested by Sir Arthur Knapp. It is however doubtful whether India are likely to agree to any such course. If this is considered unnecessary, the orders in G.O. No. 2443, Law (General), dated 6th October 1923, will have to be revived. In the latter case, the following remarks are called for.

9. It has been pointed out by Mr. Paddison that the work of the department will be handicapped and that no satisfactory results can be achieved if G.O. No. 2443, Law (General), dated 6th October 1923, is given effect to. Sir Arthur Knapp has strongly endorsed Mr. Paddison's view—vide paragraph 6 above. Attention is in this connexion invited to the Secretary's note on page 9 of notes to G.O. No. 2438, Law (General), dated 28th August 1924. If it is conceded that the working of the department should not be disturbed or disturbed as little as possible as a result of giving effect to India's decision, the following suggestions are submitted for consideration:—

(1) The subject relating to the depressed classes may continue to be dealt with in the Law (General) Department and need not be transferred to the departments concerned.

(2) The budget provision may continue to be made under a separate head "37. Rd. Miscellaneous Departments—Miscellaneous—Commissioner of Labour."

Point (1).—The Devolution Rules refer only to 'Reserved' and 'Transferred' subjects but do not refer to departments. It will, therefore, not be against the rules if the work relating to the depressed classes is continued to be dealt with in Law (General) Department. All that is necessary seems to be is for the Law (General) Department to submit questions relating to education of the depressed classes to M-2 and those relating to water-supply, etc., to M-1. This procedure will regularise the working of the department in accordance with the Devolution Rules, at the same time obviating the necessity for the Commissioner of Labour to correspond with many departments. There does not seem to be any objection to Law (General) Department doing the work. For instance, the Law (Education) Department deals with Education (General) which is a 'Transferred' subject and also with European and Anglo-Indian education which is a 'Reserved' subject. So also Development, Revenue and Public Works Departments. It does not, therefore, seem necessary to transfer the subjects to the respective departments.

Point (2).—The next point for consideration is in regard to budget provision. If education, water-supply, etc., are treated as 'Transferred', the usual practice is to enter the necessary budget provision under the departments concerned, viz., Education, etc. In the present case, since the Commissioner of Labour is in charge of the depressed classes, all expenditure in respect of this item is shown under "37. Rd. Miscellaneous Departments—Miscellaneous—Commissioner of Labour." It was contemplated in G.O. No. 2443, Law (General), dated 6th October 1923, that if the 'Transferred' subjects were placed in charge of the Ministers concerned, provision

should be made under the respective budget heads, viz., in regard to education under "31. Education" but not under "37. Rd. Miscellaneous Departments—Miscellaneous—Commissioner of Labour". Such transfer is not however necessary under the statutory rules. The Devolution Rules do not prohibit the grouping under a single head of expenditure relating to transferred and reserved subjects. Under rule 26 (1) of the Legislative Council Rules "A separate demand shall ordinarily be made in respect of the grant proposed for each department of the Government provided that the Finance Member may in his discretion include in one demand grants proposed for two or more departments. . . . Demands affecting reserved and transferred subjects shall, so far as may be possible, be kept distinct". For example, the demands for European education and Education (General) are made separately—demands XVI and XVII respectively. If the Commissioner's budget is, however, split up and added to Education, etc., it will result in inconvenience—vide paragraph 5 of the Secretary's note at page 9 of notes to G.O. No. 2438, Law (General), dated 28th August 1924. The Commissioner will then have to operate under various budget heads, while the object of rule 26 quoted above is that, for convenience, the grant for each department should be applied for in a single demand. This, therefore, appears to justify the continuance of the existing procedure under which all expenditure relating to depressed classes is shown under a single head and comes under one grant. If the existing procedure is modified and the expenditure is distributed under different grants, much difficulty will be experienced in the matter of reappropriation; because, no reappropriation is possible between one grant to another without the sanction of the Legislative Council. So far as the Labour department is concerned occasions for reappropriation are frequent for the following reasons given by Mr. Paddison:—

"Although I have stated in my budget forecasts for South Kanara district which I had never visited in my life till I received permission to start work there, that I am going to dig 30 wells and start 40 schools, it is quite possible that my men when they get there will find that 50 wells and only 20 schools are needed, or vice versa. It is impossible until a village has been visited to say what are its needs. At present if I find that the demand for schools is greater than for wells or pathways or for burial grounds I am able to transfer without much difficulty the money needed from one head to the other. If the present system is to be altered as suggested continual difficulties would I submit, arise. . . . I would, therefore, respectfully urge that on general grounds matters may be allowed to remain as they are."

It is therefore essential that the expenditure on account of the depressed classes should continue to be under a single grant. Rule 26 (1) of the Legislative Council Rules only requires that "Demands affecting reserved and transferred subjects shall, so far as may be possible, be kept distinct." The only change necessary is to indicate the allotments for transferred and reserved subjects in the budget under "37—Rd. Miscellaneous Departments—Miscellaneous—Commissioner of Labour (i) to (iii)." Of these subheads (i) Direction and (ii) District staffs relate to establishments engaged in the administration of both reserved and transferred subjects and His Excellency's orders will have to be obtained under Devolution rule 11 as to whether they are to be treated as reserved or transferred (vide paragraph 5 of Finance note on page 11 of notes to G.O. No. 2438, dated 28th August 1924). Sub-head (iii)—Depressed classes—Betterment relates to expenditure on transferred subjects.

10. It will thus be observed that if the existing procedure in regard to the working of the Labour department in relation to depressed classes is to be regularized it will be sufficient if the following changes are made:—

- (1) Questions relating to transferred subjects in relation to depressed classes should be submitted to the Ministers concerned.
- (2) In the budget, the charges on account of the betterment of the depressed classes should be indicated as relating to transferred subjects.
- (3) The orders of His Excellency should be obtained under Devolution rule 11 for treating the expenditure on account of the staff employed in the work either as "reserved" or "transferred."

The effect of the adoption of the above suggestions will be that the Commissioner of Labour can go on as at present in respect of the work relating to depressed classes.

M.S.K.—28-12-25. T.K.—28-12-25.

The note gives a resumé of the history of the subject and the suggestions made in paragraphs 9 and 10 form a suitable basis for discussion.

2. As pointed out above, the only question that arises is about the activities connected with the depressed classes. Those connected with the reclamation of Kallars constitute a 'reserved' subject.

3. The question at issue is—

(a) whether India will be addressed for the amendment of the Devolution rules; or

(b) whether effect will be given to the decision already arrived at.

4. In case it be decided to adopt the latter course, the following suggestions are made to prevent, as far as possible, dislocation of the work on the lines on which it is now conducted:—

(a) The Commissioner of Labour should continue to address Law (General) Department on all questions relating to the depressed classes. Law (General) will take the orders of the Honourable Member or Honourable Minister concerned. Questions relating to "Education" will be submitted to the Honourable the Minister for Education, those relating to co-operation to the Honourable the Minister for Development and so on.

(b) The budget provision under all the concerned heads should be exhibited in one place under "37—Rd. Miscellaneous Departments—Miscellaneous—Commissioner of Labour." As regards the staffs, orders may be passed under Devolution Rule 11 as to whether they should be "transferred" or "reserved." The head "Depressed classes—Betterment" should be noted as transferred.

5. If the above suggestions are accepted, the Commissioner of Labour will have all the powers of a head of a department in regard to his own budget and can carry on his work more or less on the same lines as at present. They are submitted as a basis for discussion.

V. T. KRISHNAMA ACHARIYAR—4-1-26.

