

E + P H (1947) Department.

MS. SERIES.

G.O. NO.

1461 Edu.

Dated

7-7-1947

[Despatch Abstract.]

Question - Legislative Council - Abdul Lateef - Farookhi - ~~RANK~~
 Poverty Certificate - Power to grant to Members of the Legislature
 Recorded.

Back Papers

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

Further Papers.

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SECRETARIAT OF THE MADRAS LEGISLATURE
(COUNCIL SECTION)
11-1-1947.

STARR'S QUESTION.

ABDUL LATIF KHAN KHAN SAHIB BAHADUR, M.L.C.
EDUCATION AND PUBLIC HEALTH DEPARTMENT.

*Q.No.114. Will the Hon'ble the Minister
for Education be pleased to state:-

(a) whether members of Legislature
are entitled to give poverty certificates to
poor students who deserve concession in respect
of school fees; and

(b) if not will the Hon'ble
Minister be pleased to empower members
of the Legislature to grant such certificates?

Whether the Govt propose
to empower the members
of the Legislature to
grant poverty
certificates to poor
students who deserve
concession in respect
of school fees?

Answer to L.A.Q.70

This question was considered by Government
before and they came to the conclusion that it is
better that the certificates are issued by persons
over whom the Government has official or departmental
control.

Legative NO. It is not
advisable to do so

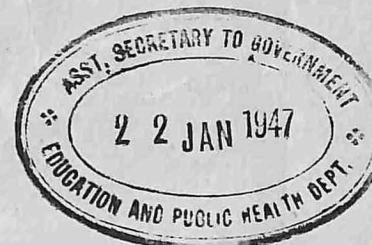
2/1/47. 20/1/47
20/1/47

(Approved by M)

Ass. Sect.
Pub. Dept.

SECRETARIAT OF THE MADRAS LEGISLATURE,

Fort St. George, dated the 20-1-1947.



4393

QUESTION No. 114 for the ^{next} meeting of the Legislative Council
to be held on the 193 .

Two copies of this question are forwarded to the E. and P. H. Department.

The question has been admitted.

SV
20/1

MA
20/1/47

To

The E. and P. H. Department.

no 349/47-3ML
21-1-47

*Education & Public Health
Dep.*

There is no purpose to empower the members of the Legislature to grant poverty certificates to poor students who desire concessions in respect of school fees.

dp
22-1-47. A copy reply is submitted. The officers authorised to grant poverty certificates are given in rule 92 of the M. F. R.

SV
22/1/47 S. H. Vignarajah
This is no answer to the question. The rule may be put up TSR



Please see the minute of H.M.(Edn.) on the previous page. A copy of rule 92 of the M.E.R. is placed below.

Under Rule 92 of the M.E.R. certificates of poverty should be produced by pupils applying for the concessions. Prior to 1940 the following officials and non-officials were empowered in this behalf:-

Communities other than the Scheduled Castes.

1. Honorary Magistrates.
2. Presidents of Dist.Boards.
3. Chairmen of Municipal Councils.
4. Sub-Magistrates and officers of the Revenue Dept., not lower in rank than a Deputy Thasildar.

Scheduled Castes.

- 1-4 as in the list above.
- 5 District Labour officers.
6. Presidents of Panchayat Courts.
7. Members of Dist.Bds; and Municipal Cls.,
8. President of a Panchayat.

As it was found that this power was being very much abused, it was decided that non-officials should not be allowed to grant the certificates. As regards officials, it was laid down that only officers of the Revenue Dept., not lower in rank than a Deputy Thasildar, should grant the certificates, the District Labour Officer being also empowered to grant them for pupils of the Scheduled Castes.

There were protests from many quarters to the curtailment of the list. Orders were thereupon issued authorising all Gazetted Officers and Inspectors of Police also to grant the certificates.

Thus the authorities competent to issue poverty certificates at present are the following:-

1. Any Gazetted Officer.
2. An Inspector of Police.
3. A non-gazetted officer of the Revenue Dept., not lower in rank than a Deputy Thasildar or a Sub-Magistrate

In the case of pupils belong to the communities eligible

p 1 ante

(J)

page 65 of

Go 253 Edn
(E) 10-2-40

p 1 of (E) 4
note on pages 1-2 of
(V) Go 633 Edn
24.4.41

(R) p 16-17 of Go 1191 Edn
26.6.40

(J)

for the ameliorative measures undertaken by the Labour Dept., the District Labour Officer may also grant the certificate.

It does not appear that members of the Legislature were at any time empowered to grant poverty certificates. One of the recommendations of a Committee appointed by Govt. in 1936 to report on the question of fee concessions was that members of the Legislative Assembly and of the Legislative Council might be empowered to grant these certificates, but it was not accepted by Govt. Attention is, in this connection, invited to the minutes of Sri C. Rajagopalachari as Premier, on page 29 of G.O. 253 Min. dated 10-2-40 about the desirability of associating non-officials in the matter of granting these certificates. The D.P.I. (the late Sir Meverel Statham) who was consulted, however, considered that the power to issue the certificates should be limited to Revenue officials, an exception being made in the case of Dt. Labour Officers in respect of Scheduled caste pupils. After curtailing the list of authorities competent to issue poverty certificates in 1940, many local bodies requested that Presidents and members of these bodies might be empowered to issue these certificates. The Govt. have invariably refused to re-consider their orders.

For orders as whether the draft answer already put up

will be approved.

As a system, the

Association of non-officials with the power of issue of certificates was found to have led to abuses, & so, after a full consideration of the matter, it was decided to exclude them altogether.

The machinery should be such as to leave no room for the play of political, communal or personal considerations, or even for an allegation that such considerations are likely to come into play; also such as to provide for a self-acting arrangement for proper verification; & such, too, as to provide for the responsibility assumed by the issue of the certificates to be brought home to the persons concerned, by penal action, where improper certificates are issued. Only Govt. servants can be trusted with this task. Only Govt. servants can be trusted with this task. Only Govt. servants can be trusted with this task.

The answer may be: No. It is not advisable

to do so

TSA

11-2-47

Edm no 4393 C. 1/47
11.2.47

Power to grant poverty certificates to members of the Legislature.

* 70 Q.—ABDUL LATIF FAROOKHI SAHIB BAHADUR: Will the Hon. the Minister for Education be pleased to state whether the Government propose to empower the members of the Legislature to grant poverty certificates to poor students who deserve concession in respect of school fees?

THE HON. SRI K. BHASHYAM:—"This question was considered by Government before and they came to the conclusion that it is advisable to restrict the power to issue certificates to persons over whom the Government has official or departmental control."

ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"Does the Hon. Minister think that gazetted officers are in a position to know the conditions of people with regard to poverty and riches and is it possible for ordinary people to approach these persons?"

THE HON. SRI K. BHASHYAM:—"It must be possible for officers to get all the information either by themselves or from their subordinate officers. It is certainly always open to an individual to go to any officer."

ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"Does not the Hon. Minister think that members of this Legislature are people who can be entrusted with this responsibility?"

THE HON. SRI K. BHASHYAM:—"I think it is better that this onerous task is not taken by the legislators themselves. This matter was considered and it was found advisable to restrict the power to officers over whom there is departmental or official control."

DR. SYED TAJUDDIN SAHIB:—"On what grounds it was considered advisable?"

THE HON. SRI K. BHASHYAM:—"On a previous occasion in 1940, when the matter was considered it was found that there has been some abuse in the issue of certificates by non-officials—I do not want to give out the names—and so, later the Government ordered that only officers over whom the Government had control should be vested with such powers."

DR. SYED TAJUDDIN SAHIB:—"Have not officers in other branches of administration abused their powers?"

THE HON. SRI K. BHASHYAM:—"Perhaps there have been some cases. I do not know of any. But it is certainly a great responsibility on non-officials and therefore it is better for them not to undertake the responsibility."

DR. SYED TAJUDDIN SAHIB:—"Is it not advisable to make an exception in the rules? Simply because a few non-officials abuse their power and similarly some officers also have abused their powers, it is a common factor; is it the G.C.M. or L.C.M.?"

THE HON. SRI K. BHASHYAM:—"The common factor is not same. In the one case, the Department cannot proceed against the persons concerned while in the other case of Government servants, official action can be taken."

ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"Does the Hon. the Minister for Law know that it is difficult for poor people to approach these gazetted officers and get poverty certificates?"

THE HON. SRI K. BHASHYAM:—"I do not think so. Under this Government, it ought not to be and it will not be."

ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"Are not the members of the Legislature more approachable by the poor people with whom they come into contact?"

THE HON. SRI K. BHASHYAM:—"That is so."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" That being the case, why not hon. Members of the Legislature allowed to grant poverty certificates?"

THE HON. SRI K. BHASHYAM :—" I have already answered this question more than once."

DR. SYED TAJUDDIN SAHIB :—" Does the Hon. Minister know that in this matter officers of the lowest rank are approached by the people?"

THE HON. SRI K. BHASHYAM :—" No, Sir. Certain qualifications are prescribed for these officers, for instance, they should be officers not lower than the officers of the rank of Deputy Tahsildars or Sub-Magistrates."

DR. SYED TAJUDDIN SAHIB :—" Does not the Hon. Minister think that the Deputy Tahsildars' position is high enough for this purpose?"

MR. PRESIDENT :—" I am afraid the hon. Member has not properly understood the Minister. He says, he can punish him whereas he cannot punish you."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" Sir, Government can punish anybody who abuses his power."

MR. PRESIDENT :—" If you like to get under this power, Government will have no objection."

DR. SYED TAJUDDIN SAHIB :—" I wish to know whether Government have so far punished any official for having abused his powers?"

THE HON. SRI K. BHASHYAM :—" I have not been so long in office to answer this. If the hon. Member wants, I shall make an investigation."

47/77

The papers may now be

Edn of 7.7.47

Gr
1441
14.

Recorded.

Dr.

Ap
3/7/47

MSM
4/7/47

Questions

Legislative Council

Abdullah Latif

Farookhi - Poverty

Certificates. Power to

grant to Members of

the Legislature

Recorded