

*Chom*

**E & P.H (1949) Department.**

(Common paper) *Ms* **SERIES.**

**G.O. NO.** 3312 Edn.

**Dated**

29-10-49

**[Despatch Abstract.]**

M. E. R. - Rule 92 - Fee concession to the children of Harijan Members of Legislative Assembly and members of the Legislative Council - Pay drawn by M.L.As and M.L.Cs Not treated as income for purposes of Educational concessions - Orders passed

# Back Papers

| G.O.   | No.             | Department. | Date.   | G.O. | No. | Department. | Date. |
|--------|-----------------|-------------|---------|------|-----|-------------|-------|
| Letter | 19917/49-4C1 Ed |             | 29.6.49 |      |     |             |       |
| Letter | 13718/49-1C1 Ed |             | 4.3.49  |      |     |             |       |
| G.O.   | 1535            | Edn         | 12-6-48 |      |     |             |       |
| "      | 1212            | Edn         | 9-8-45  |      |     |             |       |

## Further Papers.

| G.O. | No.  | Department. | Date.   | G.O. | No. | Department. | Date. |
|------|------|-------------|---------|------|-----|-------------|-------|
| Md   | 2520 | Edn         | 8.12.60 |      |     |             |       |
| Md   | 423  | Edn         | 25.3.67 |      |     |             |       |
| Md   | 1703 | Edn         | 8.6.420 |      |     |             |       |

12  
100/1017

Exp H Dept  
C1

MER - Rule 92 - Fee Concessions -  
Proposals for raising the  
income limits.

Memo No 51243A/49-1C1 Ed D. 13-7-49

There is a proposal  
under the consideration of Govt.  
to raise the existing income  
limits of parents for purposes  
of fee concession under rule  
92 of the M.E.R. to Rs 2400 p.a.  
in the case of Secondary Schools  
and Rs 3000/- p.a. in the case of  
Colleges - The D.P.I. is requested  
to furnish an estimate of  
the additional cost involved  
in the proposal.



2

Separate figures may be furnished  
(1) for Harijans (2) for Backward  
classes other than Harijans.

12/7/49

BM  
13/7/49

To  
The  
Sd.  
2/8/49  
E. Pr. Sd. 13/8

-3-

Yes may be placed  
before the Cabinet.

Sd. . . . .  
3-1-49.

A draft note for circulation is submitted  
for approval. Finance may see.

Sd. . . . .  
7-9-49.

The note will have to include the patron of  
my noting in the linked file / as marked.

It will also require to be noted that  
if these members elect to take higher D.A. and  
they are not liable to be assessed to profession  
tax, and to be deputed of the concessions under  
M.E.R. Some concession therefore is due to them,  
at least on a par with the concession available  
M.L.As. who draw D.A. and L.A. It is not possible  
to assess this concession in specific amount  
which reason the higher minima proposed may be  
justified - revise and fair out note according

A revised note is submitted.

(Sd.) . . . . .  
9-9-49.

FINANCE

The draft note for the  
perused.

Sd.  
17-9

ED

The file may be  
for approval of the

The file may be  
for approval of the

H.M. (E. & L.)



Copies of the note for the Cabinet have been despatched to all Hon'ble Ministers, Finance Secretary and the Chief Secretary. The file may now be sent to Public (Special) Dept.)

(Sd.) . . . . .  
28-9-49.

E. & P.H. (Cl.) Dept.

The decision of the Cabinet in the matter is

p. 9 c.f. A draft order is submitted for approval.

Sd. . . . .  
16-10-49.

FINANCE (EXP. C) DEPT.

(Previously seen in Finance on p.6 above).

Please see the decision of the Cabinet at

f. The draft order below may be accepted.

Sd. . . . .  
26-10-49.

EDN. & P.H. (Cl) DEPT.

L.P.L., T.M. (by post) No.3284-E4/49 dated  
15-11-49.

Salary of Harijan Members of the  
Assembly and Council--Not to be reckoned  
for purposes of fee concessions.

..., dated 29-10-49, it was ordered  
M.L.As. and M.L.Cs. should not  
purposes of granting educational  
concessions under rule 92 of the M.E.R.

discussed with reference only  
the Cabinet decided that  
M.L.Cs. should not be  
educational concessions.

the order applies to all  
ment seems to be that the,  
and M.L.Cs. and not to

Harijan M.L.As. and M.L.Cs. alone.  
will apply to all M.L.As. and M.L.Cs. then  
and M.L.Cs. who belong to the backward communities  
including Muslims will be benefitted under rule 92  
of the M.E.R.

The remarks of Public (Special) and Finance may  
be invited U.O. prior to circulation.

Sd. . . . .  
29-11-49.

PUBLIC (SPECIAL) DEPT.

Please see the note of E. & P.H. Dept.

Reference is solicited to the Cabinet decision  
at page 9 c.f. of (K) in which it has been decided  
that the salary drawn by M.L.As. and M.L.Cs. should  
not be treated as income for purposes of educational  
concessions. E. & P.H. have raised a doubt  
whether the above decision will apply to all  
M.L.As. and M.L.Cs.

2. The file is submitted for orders with  
reference to 'K' above. After orders are passed,  
the file may be passed on to Finance.

The note for the Cabinet raised the question  
in respect of all M.L.As. and M.L.Cs. and the  
decision was with reference to all M.L.As. and  
M.L.Cs. This is my recollection. Education  
Department may circulate to H.M.(Edn.) and  
H. Pr.

(Sd.) . . . . .  
5-12-49.

E. & P.H. (Cl) Dept.

May be circulated to H.M.(Edn.) and  
H. Pr. with reference to 'A' above.

(Sd.) . . . . .  
7-12-49.

H.M.(E. & L.) The idea in my mind was of



ms. But the Cabinet note and decision is otherwise. So let it be according to the wording of the Cabinet decision - Let Backward communities, Muslim etc. may enjoy it.

Sd. . . . .  
10-12-49.

rd.

A draft memo. is submitted for approval.

Finance may see before issue.

Sd. . . . .  
12-12-49.

FINANCE (EXP. C) DEPT.

The notes from page 1 above and the draft memo. below may be perused.

Sd. . . . .  
16-12-49.

Issue.

Add to (K) after issue.

Sd. . . . .  
19-12-49.

(True copy)

SUPERINTENDENT.

adireppa, M. L. A.,  
man, Hindupur Municipality.

HINDUPUR  
Date 27.7.49



Parameswaran,  
Minister, Madras.

Kind letter 29.7.49 to hand and content to mind. I am much obliged to you for your kindness in praying God for the recovery my daughter and God has favoured your wishes and she is recovering slowly. She was having 95.50 but now she has come to 98.8 normal. I could not therefore meet you here on your visit but some officers are talking all of me on a party system. I am really free from all such things, but I feel sorry for not being able to meet you and I trust you have not thought anything unpleasant about this mishap. This is all God's making and we cannot avoid.  
P.T.O.



2  
By the way I had been thinking  
that you are formulating rules  
about the fee concession of  
Harijan M.L.A. Sons in High School classes  
sure you have finalized them  
and will get them passed in the  
meeting so that Harijan boys  
are exempted from payment of  
fees in the High school classes and  
even refund the amounts already  
paid by them, if any. Beg to be excused  
for the delay in writing to you.

Thanking you  
Yours sincerely  
D. Kodirappa

M-3-A  
27-7-49

E.H.K.  
Secy. Harijan  
What happened  
to the letter regarding  
the extension of  
the poverty limit  
P.D.  
29/7

Dept. to all H.Ms.  
C.S. & P.S.  
2/8/49

T/1CF

T/3

J/1-3CF

J/2 NF

NOTE FOR THE CABINET

MADRAS EDUCATIONAL RULES - Fee concession to  
children of Harijan M.L.As. and M.L.Cs.

According to Rule 92 of the M.E.R. pupils belonging  
to backward communities, Harijans and non-Harijans,  
whose parents are in receipt of an income less than  
Rs.1,200/- a year in respect of pupils in high schools  
and Rs.1,500/- a year in respect of students in colleges  
are eligible for fee concession. All Harijan pupils  
whose parents have income above the limits mentioned  
~~above~~ have to pay full tuition fees in educational  
institutions.

In February '49 Sri D.Kadirappa, M.L.A., Hindupur,  
requested the Govt. to exempt his son from payment  
of tuition fees for his studies in the Municipal High  
School, Hindupur, on the plea that his salary was  
not a permanent one. He is in receipt of a salary of  
Rs.150/- a month. He was informed that as his <sup>annual</sup> income  
exceeded the limit of Rs.1,200/- his son was not eli-  
gible for the grant of fee concession.

Thereupon Sri Kadirappa and 21 other Harijan  
M.L.As. sent a joint representation urging the Govt.  
to exempt children of Harijan legislators from the  
income limit. In that connection they wrote as  
follows:-

" These M.L.As. have no other property than  
their salary. There is an alternative for each and  
every M.L.A. either to accept the monthly salary or  
travelling allowance plus daily allowance. The salary  
fixed for M.L.As. should not be construed as salary  
drawn by permanent officials and Govt. servants. Only  
as long as we continue to be M.L.As. we draw the  
salary. And if our children are asked to pay tuition  
fees, our children will be in a disadvantageous position  
after we vacate our seats in the Legislatures. Rajaji,  
as Premier, definitely said that the salaries drawn  
by the members of the Legislatures should not come  
under salary drawn by the permanent officials and should  
not be construed as an annual permanent income."

On this Mr.M.V.Subramanian, as Secretary for E. &  
P.H. noted as follows:-

A | " If the salary can be taken to be only an  
alternative method of payment of allowances then it  
need not be counted as income for the purposes of these  
educational concessions.



It is possible to argue that it is open to the legislators to opt in favour of T.A. plus D.A. if they find that one of the incidences of opting for salary is the liability to have the salary reckoned as income for the purposes of educational concessions for their children. But I rather think this would be introducing an unnecessary element of complication in the process of election and any way it will not be valid if the principle of A is valid. I am inclined to think a ruling may be given as at 'A'.

The Finance Department made the following remarks on this:-

"With reference to section 9 of the Madras Payment of Salaries and Removal of Disabilities Act, 1937, every member of the Legislative Assembly or of the Legislative Council (who does not hold any of the offices referred to in sections 2 to 5 of the Act) is entitled to receive--

(a) salary of Rs.150/- p.m.

(b) travelling and daily allowances in accordance with such rules as may be prescribed by the Provincial Govt.

Salary is thus drawn by the members in addition to travelling and daily allowances and not in lieu of the allowances. With reference to section 10 of the Act, a member may relinquish the whole of his salary and get T.A. and D.A. alone at rates higher than those admissible to a member who has not relinquished the whole of his salary; but this does not affect the position at 'B' above as far as members who do not relinquish the whole of their salary are concerned.

In the above circumstances, this Department may advise that if a member of the Legislature draws salary under section 9 of the Act, it should be construed as income for the purpose of rule 92 of the Madras Educational Rules."

Mr.Lobo Prabhu, the present Secretary of E. & P. H., noted:-

"that if salary in this can be equated against the higher T.A. and D.A. available to the members, it can be regarded as a consolidation of surrender in the T.A. and D.A. In other words, the term 'salary' is a misnomer for what is a consolidated payment of the difference in T.A. and D.A."

He wanted the advice of the Legal Department on the point.

The Legal Department, which was consulted, noted as follows:-

"It does not appear that the salary drawn by the M.L.As. can be regarded otherwise than as income. Travelling allowance and ~~daily~~ allowance are paid to members to defray the expenses incurred by them by reason of having to come down to Madras and staying away from their homes. These are paid to them only during and for the period of their stay at Madras. The salary on the other hand is paid to them irrespective of their attendance at Madras. It is a monthly payment which is paid to them whether the legislature is in session or not. Attention is invited to the following definition of income given by the Privy Council in I.L.R. 59 Calcutta 1343: "Income connotes a periodical monetary return 'coming in' with some sort of regularity or expected regularity, from definite sources". There is no doubt that in this case there is regularity and there is no question of a mere windfall. The fact that if the member foregoes his salary he will get higher travelling allowance and daily allowance does not appear to matter in view of the fact that

J/3 NF

p 6 NF

p 6 NF

(by H.M. R.D. (below))

J/4 NF

J/6 NF

p 7 NF

p 4-5 NF

J/7-8

Z

the M.L.A. gets both salary and allowances, though the latter are at lower rates. That would rather be a case for considering the difference between the higher and lower rates as income in respect of members drawing the higher rates than for considering the salary as allowance. In fact, this provision about giving up the salary seems to have been introduced to satisfy the sentiments of some legislators who had a moral compunction against accepting a salary for voluntary public service for which, while they had no objection to receiving allowances for expenses out of pocket, they considered it infra dig to receive salaries. There is no doubt at all about the income character of the salaries and there is no question of equating them to higher travelling allowance and dearness allowance."

The present Secretary for E. & P. H. Dept. noted further:-

"I still consider it is a moot point whether the salary of M.L.As. is not an equivalent for their surrender of the higher rate of T.A. and D.A. If, as suggested by Legal, it is possible to look at the higher T.A. and D.A., as equivalent to compensation for salary surrendered, it is equally possible to accept the converse view. M.L.As. do incur expenditure on travel and absence from their residences for which they may be compensated in one form or another. They are not employees, bound to do specific work, on payment of salaries.

If the M.L.As. elect to take higher D.A. and T.A. they are not liable to be assessed to profession tax, and to be deprived of the concessions under M.E.R. Some concession therefore is due to them, at least on a par with the concession available to M.L.As. who draw D.A. and T.A. It is not possible to assess this concession in specific amounts, for which reason the higher minima proposed may be justified."

H.M.(Fin.) minuted that "the salary ~~drawn~~ drawn by members of the Legislature is income and that it may be construed as such."

H.M. (E. & L.) agreed with H.M.(Fin.).

H.M. (R.D.), however, suggested that the question of raising the income limit for purposes of granting fee concession might be examined and recorded the following minutes:-

"In view of the increased cost of living M.L.As. belonging to the Harijan community feel that the full fee concessions at present granted under Rule 92 of M.E.R. should be granted to pupils belonging to Harijan community whose parents are in receipt of an income of less than Rs.2,400/- a year in respect of pupils in High Schools and Rs.3,000/- a year in respect of pupils in colleges. Please examine whether the present limit of Rs.1200/- and Rs.1500/- specified in Rule 92 cannot be enhanced to Rs.2,400/- and Rs.3,000/- respectively."



With reference to the minute of HM. (R.D.) the D.P.I. was asked to furnish an estimate of the cost involved in the proposal to raise the income limits. His reply has not yet been received. Meanwhile with reference to the letter from Sri Kadireppa on the subject H.M.(E. & L.) recorded the following minute:-

"The whole question revolves on the question whether the salary drawn by M.L.As. is income for purposes of this concession. The complaint is theirs. For purposes of profession tax we have held that it is not income I think. Whether we should do this for educational concession also is a matter of policy to be decided by the Cabinet. And any further action is necessary only after the Cabinet decides. So this may be placed before the Cabinet. Otherwise it is a mere waste of energy and time. H.Pr. please."

K.M.  
25-8-49.

H.Pr. has agreed that the subject might be placed before the Cabinet.

~~It may be pointed out in this connection that~~

The subject is accordingly placed before the Cabinet for a decision as to whether the salary drawn by M.L.As. and R.D.s should be treated as income for purposes of educational concessions under the M.E.R. and if so, whether the income limits laid down in the rule should be raised as proposed to Rs 2400/- + 5000/- in respect of M.L.As. and R.D.s.

9/9/49

1 20  
2 5

STRICTLY CONFIDENTIAL.

Government of Madras.

Meeting of the Council of Ministers held at Fort St. George, on Tuesday the 11th October 1949 at 11 A.M.

The Hon'ble the Premier presided.

PRESENT:-

The Hon. Dr. T.S.S. Rajan  
The Hon. Sri M. Bhaktavatsalam  
The Hon. Sri B. Gopala Reddi  
The Hon. Sri K. Madhava Menon  
The Hon. Sri H. Sitarama Reddi  
The Hon. Sri A.B. Shetty  
The Hon. Sri K. Chandramouli  
The Hon. Sri B. Parameswaran  
The Hon. Sri N. Sanjiva Reddi  
The Hon. Sri C. Perumalswami Reddi  
The Hon. Sri J.P.L. Roche Victoria.

AGENDA.-

4. Education - Madras Educational Rules - Fee concessions to children of Harijan M.L.As and M.L.Cs.

ORDER.-

It was decided that the salary drawn by M.L.As and M.L.Cs should not be treated as income for purposes of educational concessions. The question of increasing the income limits does not arise.

K.R.

12.10.49.

P.S. Kumaraswami Raja  
Premier.

E. H. P. H. Dept.



M.E.R. - Rule 92 - Fee concessions  
to the children of Harijan M.L. As and  
M.L. Cs - Salary drawn by M.L. As  
and M.L. Cs. - Not treated as income for  
purposes of Educational Concessions - otherwise  
~~From Sri Radh. Govt. 1535 Edn, dated 12-6-48~~  
From Sri D. Kadiappa, M.L.A., <sup>vice</sup> Chairman, Hindupur Mts  
dated 27-7-49

Order No. 3312 Edn, dated 29-10-49  
Ms

Consider.  
The Government have decided  
that the salary drawn by M.L. As and M.L. Cs.  
should not be treated as income for the  
purposes of granting educational concessions to  
their children under Rule 92 of the M.E.R.

To: The D.P.O. ✓  
The A.G. ✓  
The Fin Dept ✓  
The Examiner of ✓  
L.F. Accounts ✓  
The Dev. Dept ✓  
The P.W. Dept ✓  
The Inspector of M. ✓  
C.S. & L. Board ✓  
The S. G. ✓  
The Commissioner of Welfare ✓  
The Director of P.W. ✓  
Information & Publicity (I.P.) ✓

Copy to Sri D. Kadiappa, M.L.A.  
vice chairman, Hindupur Mts  
Hindupur.

(Ten Spans  
8 to 11  
will  
3/11



12/13  
10  
GOVERNMENT OF MADRAS.  
Education and Public Health Department.  
G.O.MS.No. 3312 Edn. dated 29th October 1949.

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Abstract.

MADRAS EDUCATIONAL RULES - Rule 92 - Fee concessions to the children of Harijan Members of Legislative Assembly and Members of the Legislative Council - Salary drawn by M.L.As and M.E.Cs Not treated as income for purposes of educational concessions - Orders passed.

-----  
READ:-

From Sri E.Kadirappa, M.L.A. Vice Chairman Hindupur Municipality dated 27th July 1949,  
:-

ORDER:- The Government consider that the salary drawn by M.L.As and M.L.Cs should not be treated as income for the purposes of granting educational concessions to their children under Rule 92 of the Madras Educational Rules.

(By order of His Excellency the Governor)

J.M.LOBO PRABHU,  
Secretary to Government.

To The Director of Public Instruction.



-2-  
To The Accountant General Madras (through Finance)  
" " Finance Department.  
" " Examiner of Local Fund Accounts.  
" " Development Department.  
" " Public Works Department.  
" " Inspector of Municipal Councils and Local Boards.  
" " Surgeon General with the Government of Madras.  
" " Director of Harijan Welfare.  
" " P.W.D. Information and Publicity.  
Copy to Sri D.Kadirappa, M.L.A. Vice Chairman, Hindupur Municipality  
Hindupur.

S/C 10.

RA/29-10.

(True copy-Forwarded-By order.)

*Kapal Swamish*  
Superintendent.

Original in  
dtd. 07-11-1991/08-10100  
2-6-49.  
51243A/49  
Extract of minutes of H.Ms. on file bearing C.No. 19917 C1/49  
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In view of the increased cost of living M.L.As. belonging to the Harijan community feel that the full fee concessions at present granted under Rule 92 of M.E.R. should be granted to pupils belonging to Harijan community whose parents are in receipt of an income of less than Rs.2400/- a year in respect of pupils in High schools and Rs.3000/- a year in respect of pupils in colleges. Please examine whether the present limit of Rs.1200/- and Rs.1500/- specified in Rule 92 cannot be enhanced to Rs.2400 and Rs.3000 respectively.

B.P.  
16-6-49.

x x x

The draft need not issue as it is you may say in the draft that the Govt. are advised that the salary of Members are income within the rule. But the question of raising the income for exemption is under consideration.

K.M.

23-6-49.

B.P.  
25-6-49.



2/16

[Faint, mostly illegible text, possibly bleed-through from the reverse side of the paper.]

By Post (2) 17E  
Post Copy of the Telephonic message/dated 15th Nov. 1949.  
No.3284 E4/49.

From The Director of Public Instruction  
M a d r a s.



To The Secretary to Government  
Education and Public Health Department  
Fort St. George, M a d r a s.

Sub:- Madras Educational Rules - Rule 92 - Salary of  
Harijan Members of Legislative Assembly and Members  
of the Legislative Council - not to be reckoned as  
income for purposes of fee concessions

Ref:- E.O.No.Ms.3312 Edn., dated 29-10-1949.  
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In the abstract of the above G.O. the word  
"Harijan" is mentioned but in the body of the order, the no  
such restrictive expression is used. Kindly therefore  
let me know whether the G.O. applies to all members or only  
to Harijan members of the Legislative Assembly and of the  
Legislative Council.

*[Signature]*  
For Director of Public Instruction.

48  
16/11/49 SJ/15/11.



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Slence

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Ed P.H (C1)

Memo No. 90042/49-3C1 Edn., dated 19-12-49

Sub:- M.E.R. Rule 92 - Salary of M.L.As and M.L.Cs. - Not to be reckoned as income for purposes of fee concessions

Read:- G.O.No. 3312 Edn., dated 29-10-49.

Read also:- From the D.P.G., No 3284 E1/49 dttd 15-11-49.

8  
20/12  
(K)  
cf

Ans  
ms  
2/12/49

To  
The D.P.G.  
Madras  
The A.G. Madras  
The Examiner of M.L.As  
The Dist. Supt.  
The P.W. Supt.  
The Inspector of M.L.As  
Councils & S. Edn.  
The S.G.  
The Director of Higher  
Welfare

The D.P.G. is informed that the orders in G.O.No 3312 Edn., dated 29-10-49 will apply to all M.L.As and M.L.Cs. and not to Mangalore only.

ms  
12/12/49

(fine space copies)



20

Government of Madras. (14) 21  
Education and Public Health Department.  
Memorandum No. 90042/49-301 Ldn. dated 19th Dec. 1949.

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Sub:- Madras Educational Rules - Rule 92 - Salary of Member of the Legislative Assembly and Members of the Legislative Council - Not to be reckoned as income for purposes of fee concessions.

Ref:- G.O.No. 3312 Ldn. dated 29th October, 1949.

From the Director of Public Instruction No. 3284 B4/49 dated 15-11-49.

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The Director of Public Instruction is informed that the orders in G.O.No. 3312 Ldn. dated 29th October, 1949 will apply to all Members of the Legislative Assembly and Members of the Legislative Council and not to Harijans only.

J.N.Lobo Prabhu,  
Secretary to Government.

To

The Director of Public Instruction, Madras.  
The Accountant-General (through Finance.)  
The Examiner of Local Fund Accounts.  
The Development Department.  
The Public Works Department.  
The Inspector of Municipal Councils and Local Boards.  
The Surgeon-General.  
The Director of Harijan Welfare.

Forwarded/By Order.

Rajah Swaminathan  
Superintendent.

H.E/20.12.



with file 3 1 (14)

Please see the minute of H.M. (R.D) on p 3 ante. The question of raising the income limit of parents of Harijan pupils for the grant of educational concessions has been referred to the S.P.D and his remarks are awaited.

May be circulated to H.M. (E+L) & H.M. (R.D).



ap 17/8/48 B.M. 19/8/48 3 H/19 8

H.M. (E+L)

Why should it have been referred to the S.P.D at all. This is a matter of policy whether the income limit for Harijans should be increased. If at all reference should have been to the Harijan Welfare Officer or Officers of Sts. This should not have been delayed.

248

37/198

The reference to the S.P.D on pp 1-2 of was issued with a view to ascertain the additional cost to Govt by increasing the income limit as proposed. The S.P.D's reply has not been received yet.

The existing income limits of parents for the purpose of the grant of free concessions under rule 92 of M.E.R. are Rs 1200/- for Secondary Schools & Rs 1500/- for Colleges. It is now proposed to raise the limits to

40/1531-56 12-6-48



Rs 2400/- and Rs 3000/- respectively. It is  
 presumed that as the income limits are to  
 be doubled the additional cost to Govt  
 will be very high. It may be noted in  
 this connection that the proposal is not to  
 raise the income limit in the case of Harijans  
 only but also in the case of other communities  
 eligible for concessions under Rule 92 of the M.E.R. i.e. Muslims  
 and Non-Harijan Backward classes.  
 It is considered not necessary to  
 wait for the reply from the S.P.O. regarding  
 the extra cost to Govt. The proposal may be  
 proceeded with. If so the file may  
 be sent to Jn for remarks.

dp  
 23/8/49

dp  
 24/8/49

The question  
 involves large financial  
 commitments, and though  
 the Director may not be  
 able to give precise information,  
 as he will only be assessing the  
 hypothetical numbers, which  
 will be affected, it may be  
 appropriate to wait for his  
 report.

Personally, I think  
 that instead of extending  
 the concessions on grounds of  
 poverty only, they should be  
 more on merit; if we are to  
 achieve better value for our  
 expenditure on education  
 and the students are to be properly  
 stimulated. On a poverty cum

merit basis, concessions may be  
 given, even of the higher minima  
 of income proposed, with an appreciable  
 financial cost.

H. N. (S. R. L.)

25  
 8

The whole question revolves  
 on the question whether the  
 salary drawn by M. L. P. is  
 income for purposes of this  
 concession. The complaint is  
 theirs. For purposes of Ind. Tax  
 we have held that it is not income  
 I think. So whether we should  
 do this for Educational  
 Concession also is a matter of  
 policy to be decided by the  
 Cabinet. And any further action  
 is necessary only after Cabinet  
 decides. So this may be placed  
 before the Cabinet. Otherwise  
 it is a mere waste of energy & time.  
 H. N. R.



yes may  
 be placed  
 before  
 cabinet  
 21/8

25/8



A draft note for circulation is submitted for  
 approval. Chief Secretary may see before circulation.

dp  
 7/9/49



16 Aug 1952 / 27 / Fri



Fin (Expe)

(Previously seen in Fin on p 6 above)

Please see the decision of the cabinet at p 9 c.f.

The draft order below may be accepted.

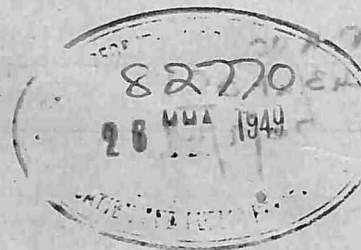
was  
24/10/49

B. S. H.  
m. p. v.

Issue

B. M.  
26/10/49

Fin no 68984 Expe-1  
24.10.49



Edn & P.H. De tt (10)  
From the D.P.I., T.M. (by post) No. 3284 E4/49 dated  
15-11-49.

M.E.R. - Rule 92 - Salary of Harijan Members  
of the Legislative Assembly and Council - Not  
to be reckoned as income for purposes of fee  
concessions.

In G.O. No. 3312 Edn., dated 29-10-49, it was  
ordered that the salary drawn by M.L.As. and M.L.Cs.  
should not be treated as income for purposes of  
granting educational concessions to their children under  
rule 92 of the M.E.R. Though the question was discussed  
with reference only to Harijan M.L.As. and M.L.Cs. the  
Cabinet ~~has~~ decided that the salary drawn by M.L.As.  
and M.L.Cs. should not be treated as income for  
purposes of educational concessions. The D.P.I. now  
enquires whether the order applies to all M.L.As. and  
M.L.Cs. or only to Harijan M.L.As. and M.L.Cs. The  
intention of Government seems to be that the order  
will apply to all M.L.As. and M.L.Cs. and not to  
Harijan M.L.As. and M.L.Cs. alone. If this order will  
apply to all M.L.As. and M.L.Cs. then M.L.As. and M.L.Cs.  
who belong to the backward communities including  
Muslims <sup>will</sup> be benefitted under rule 92 of the M.E.R.

The remarks of Public (Special) and Finance may  
be invited u.o. prior to circulation.

E. P. H. No.  
90042/49-101 Edn  
30-11-49



29/11/49  
29/11/49

12/11/49 (S. H.)

Fin

29/11/49  
29/11/49

36

Public (Special) Dept

Please see the note of E. P. H. Dept.  
Reference is directed to the Cabinet  
decision at page 9 c.f. of (K) in which  
it has been decided that the salary  
drawn by M.L.As. and M.L.Cs. should



not be treated as income for purposes  
of educational concessions. E & P. H.  
have raised a doubt whether the above  
decision will apply to all M.L.A.s & M.L.C.s  
or only to Harijan M.L.A.s & M.L.C.s.

2. The file is sent for orders w.r.t.  
K. above. After orders are passed the  
file may be passed on to Finance.

E.P.H.  
2.12.49. The note for the Cabinet raised the  
question in respect of all M.L.A.'s & M.L.C.'s  
& the decision was with ref. to all M.L.A.'s & M.L.C.'s

This is my recollection: If diff. may circulate  
to HM (Ed.) & Mr.

for  
9/12

E.P.H. (4/1)

only 588) v. o.  
3902/4-1  
5.12.49.

May be circulated to HM (Ed.)

H.P. with reference to A above.

Mr.  
12/12/49

MM  
27/12/49

3/8  
12/12

H.M. (E & L) The idea in my mind was  
only Harijans. But the Cabinet

H.P.

the decision is otherwise. So let  
it be according to the wording of the  
Cabinet decision - let Backward  
Communities, Hindu be may be exempt.

V  
12

MM  
12

A draft memo is submitted for approval.



95216  
6 DEC 1949

A

9/12/49

Finance may see before issue.

BR  
12/12/49

MM  
12/12/49

Finance

E & P. H. UO  
95042/49-2C  
12/12/49



The notes from page 1 above and the draft memo  
below may be passed. It may be requested to circulate  
the case to HM (Fin) also.

15/12/49

16/12/49

EPH

Add to (K) after issue.

MM  
19/12/49

From 84539/49-1  
17.12.49

9.8952  
19/12

17/12



P-116-23-57-7,50,000.

GOVERNMENT OF ANDHRA PRADESH  
SOCIAL WELFARE & LABOUR DEPARTMENT.

No. 7697-K2/57-3

DATED 9th December 1957

FROM Sri G.M. Ahmed, M.A., LL.B.,  
Assistant Secretary to Government,  
Hyderabad Dn.

TO The Secretary to the Government of Madras,  
Education and Public Health Department,  
Fort. St. George, Madras.

SUBJECT:—

Madras Educational Rules - Rule 92 - Fee  
concessions to the children of Harijan members  
of Legislative Assembly and members of the  
Legislative Council - salary drawn by M.L.As  
and M.L.Cs. - Not treated as income for purposes  
of educational concessions - Orders.

SIR,

Ref:

G.O.Ms.No. 3312 Edn. and Public Health Department  
dated 29-10-49.

I am to request that the original of the G.O.  
cited may kindly be sent for reference and return.

Yours faithfully,

(G.M. AHMED)

Assistant Secretary to Government.

Giri/9-12. 29/12/57.







43  
27/12/57

#  
copies of the current  
index files (G)

W

86  
711

H.K. 22 Sept  
(B) 3

(N)

Letter no. 138581-ES/57-1, En

P.D. 23/12/57.

20

The Secy. to the Govt. of Andhra Pradesh  
Social Welfare & Labour Dept.,  
Hyderabad Dr. (with Encls).

fr,

M.B.Rs. - Rule 92 - Free  
concessions to the children of  
Harizan M.L.As. & M.L.s. -  
Salary drawn by the Members -  
not treated as income for  
purposes of genl. concessions.

From the Govt. of Andhra Pradesh  
Letter no. 7697-K2/57-3 dated  
9.12.57.

7/11/57

9/11/57

I am directed to  
send herewith copies of the  
current index files of No.  
M.3312 B.M. of 28.10.1948 on  
the above subject.

Shy  
16/11/57  
162  
17.11.57

Yours faithfully  
20.12.57

Note: After issue the papers may be filed  
with S.O. no. 3312 B.M. of 28.10.1948 at (B).

S/ly  
16/11/57  
162  
17.11.57

20.12.57



(2) 15

Copy of Memorandum No.51243-A/59-1-C.1 Education, dated 13th July, 1949.

\*\*\*

Sub:- Madras Educational Rule--Rule 92--Fee concessions--Proposals for raising the income limits.

\*\*\*

There is a proposal under the consideration of Government to raise the existing income limits of parents for purposes of fee concession under rule 92 of the Madras Educational Rule to Rs.2400 per annum in the case of secondary schools and Rs.3000/- per annum in the case of colleges. The Director of Public Instruction is requested to furnish an estimate of the additional cost involved in the proposal. Separate figures may be furnished (1) For Harijans (2) For Backward Classes other than Harijans.

(True copy)

Copy of letter dated 27-7-49, from Kadireppa, M.L.A. Chairman, Hindupur Municipality, Hindupur, to ~~RxxRx~~ Sri B. Parameswaran, Minister, Madras.

\*\*\*

Your kindletter dated 9-7-49 to hand and contents to mind. I am much obliged to you for your kindness in praying God for the recovery my daughter and good has favoured your wishes and she is recovering slowly. She was having 95.50 but now ~~she~~ has come to 98.8 normal. I could not therefore meet you here on your visit but some officers are talking ill of me on a party system. I am really ~~xxxx~~ free from all such things, but I feel sorry for not being able to meet you and I trust you have not thought anything unpleasant about this mishap. This is all God's making and we cannot avoid.

By the ~~kife~~ bye I had been inform that you are formulating rules about the fee concession of Harijan M.L.A.'s sons in High School Classes and am sure you have finalised them and will get them passed in the meeting so that Harijan boys are exempted from payment of fees in the High School classes and even refund the amounts already paid by them, if any. Beg to be excuse for the delay inwriting to you.

Thanking you.

(True copy)

EDUCATION AND PUBLIC HEALTH DEPARTMENT (C1).

NOTE FOR THE CABINET.

MADRAS EDUCATIONAL RULES--Fee concession to children of Harijan M.L.As. and M.L.Cs.

...

According to Rule 92 of the Madras Educational Rule pupils belonging to backward communities, Harijans and non-Harijans, whose parents are in receipt of an income less than Rs.1,200/- a year in respect of pupils in high schools and Rs.1,500/- a year in respect of students in colleges are eligible for fee concession. All Harijan pupils whose parents have income above these limits have to pay full tuition fees in educational institutions.

In February '49. Sri D. Kadireppa, M.L.A. Hindupur, requested the Government to exempt his son from payment of tuition fees for his studies in the Municipal High School, Hindupur, on the plea that his salary was not a permanent one. He is in receipt of

(P.T.O.)



(2)

17

a salary of Rs.150/- a month. ~~He was informed that as his annual income exceeded the limit of Rs.1,200/- his son was not eligible for the grant of fee concession.~~

Thereupon Sri Kadiappa and 21 other Harijan M.L.As. sent a joint representation urging the Government to exempt children of Harijan legislators from the income limit. In that connection they wrote as follows:-

"These M.L.As. have no other property than their salary. There is an alternative for each and every M.L.A. either to accept the monthly salary or travelling allowance plus daily allowance. The salary fixed for M.L.As. should not be construed as salary drawn by permanent officials and Government servants. Only as long as we continue to be M.L.As. we draw the salary. And if our children are asked to pay tuition fees, our children will be in a disadvantageous position after we vacate our seats in the Legislatures. Rajaji, as Premier, definitely said that the salaries drawn by the members of the Legislatures should not come under salary drawn by the permanent officials and should not be construed as an annual permanent income."

On this Mr. M.V. Subramanian, as Secretary for E. & P.H., noted as follows:-

"If the salary can be taken to be only an alternative method of payment of allowances then it need not be counted as income for the purposes of these educational concessions."

It is possible to argue that it is open to the legislators to opt in favour of T.A. plus D.A. if they find that one of the incidences of opting for salary is the liability to have the salary reckoned as income for the purposes of educational concessions for their children. But I rather think this would be introducing an unnecessary element of complication in the process of election and any way it will not be valid if the principle of A is valid. I am inclined to think a ruling may be given as at 'A'."

The Finance Department made the following remarks on this:-

"With reference to section 9 of the Madras payment of Salaries and Removal of Disabilities Act, 1937, every member of the Legislative Assembly or of the Legislative Council (who does not hold any of the offices referred to in sections 2 to 5 of the Act) is entitled to receive--

- (a) salary of Rs.150/- p.m.
- (b) travelling and daily allowances in accordance with such rules as may be prescribed by the Provincial Government.

Salary is thus drawn by the members in addition to travelling and daily allowances and not in lieu of the allowances. With reference to section 10 of the Act, a member may relinquish the whole of his salary and get T.A. and D.A. alone at rates higher than those admissible to a member who has not relinquished the whole of his salary; but this does not affect the position at 'B' above as far as members who do not relinquish the whole of their salary are concerned.

In the above circumstances, this Department may advise that if a member of the Legislature draws salary under section 9 of the Act, it should be construed as income for the purpose of rule 92 of the Madras Educational Rules."

(P.T.O.)



Mr. Lobo Prabhu, the present Secretary of Education and Public Health, noted:-

"that if salary in this case can be equated against the higher T.A. and D.A. available to the members, it can be regarded as a consolidation of surrender in the T.A. and D.A. In other words, the term 'salary' is a misnomer for what is a consolidated payment of the difference in T.A. and D.A."

He wanted the advice of the Legal Department on the point.

The Legal Department, which was consulted, noted as follows:-

"It does not appear that the salary drawn by the M.L.As. can be regarded otherwise than as income. Travelling allowance and daily allowance are paid to members to defray the expenses incurred by them by reason of having to come down to Madras and staying away from their homes. These are paid to them only during and for the period of their stay at Madras. The salary on the other hand is paid to them irrespective of their attendance at Madras. It is a monthly payment which is paid to them whether the legislature is in session or not. Attention is invited to the following definition of income given by the Privy Council in I.L.R. 59 Calcutta 1343: "Income connotes a periodical monetary return 'coming in' with some sort of regularity or expected regularity, from definite sources". There is no doubt that in this case there is regularity and there is no question of a mere windfall. The fact that if the member foregoes his salary he will get higher travelling allowance and daily allowance does not appear to matter in view of the fact that the M.L.A. gets both salary and allowances, though the latter are at lower rates. That would rather be a case for considering the difference between the higher and lower rates as income in respect of members drawing the higher rates than for considering the salary as allowance. In fact, this provision about giving up the salary seems to have been introduced to satisfy the sentiments of some legislators who had a moral compunction against accepting a salary for voluntary public service for which, while they had no objection to receiving allowances for expenses out of pocket, they considered it infra dig to receive salaries. There is no doubt at all about the income character of the salaries and there is no question of equating them to higher travelling allowance and dearness allowance."

The present Secretary for Education and Public Health Department noted further:-

"I still consider it is a moot point whether the salary of M.L.As. is not an equivalent for their surrender of the higher rate of T.A. and D.A. If, as suggested by Legal, it is possible to look at the higher T.A. and D.A., as equivalent to compensation for salary surrendered, it is equally possible to accept the converse view. M.L.As. do incur expenditure on travel and absence from their residences for which they may be compensated in one form or another. They are not employees, bound to do specific work, on payment of salaries."

If the M.L.As. elect to take higher D.A. and T.A. they are not liable to be assessed to profession tax, and to be deprived of the concessions under M.E.R. Some concession therefore is due to them, at least on a par with the concession available to M.L.As. who draw D.A. and T.A. It is not possible to assess this concession in specific amounts, for which reason the higher minima, proposed Honourable Minister (Rural Development below may be justified."



Honourable Minister (Finance) minuted that "the salary drawn by members of the Legislature is income and it may be construed as such."

Honourable Minister (E & L.) agreed with Honourable Minister (Finance).

Honourable Minister (Rural Development), however, suggested that the question of raising the income limit for purposes of granting fee concession might be examined and recorded the following minute:-

"In view of the increased cost of living M.L.As. belonging to the Harijan community feel that the full fee concessions at present granted under Rule 92 of Madras Educational Rule should be granted to pupils belonging to Harijan community whose parents are in receipt of an income of less than Rs.2400/- a year in respect of pupils in High Schools and Rs.3,000/- a year in respect of pupils in colleges. Please examine whether the present limit of Rs.1200/- and Rs.1500/- specified in Rule 92 cannot be enhanced to Rs.2,400/- and Rs.3,000/- respectively."

With reference to the minute of Honourable Minister (Rural Development) the Director of Public Instruction was asked to furnish an estimate of the cost involved in the proposal to raise the income limits. His reply has not yet been received. Meanwhile with reference to the letter from Sri Kadireppa on the subject Honourable Minister (E. & L.) recorded the following minute:-

"The whole question revolves on the question whether the salary drawn by M.L.As. is income for purposes of this concession. The complaint is theirs. For purposes of profession tax we have held that it is not income I think. Whether we should do this for educational concession also is a matter of policy to be decided by the Cabinet. And any further action is necessary only after the Cabinet decides. So this may be placed before the Cabinet. Otherwise it is a mere waste of energy and time. H. Pr. please."

K.M.

25-8-49.

H. Pr. has agreed that the subject might be placed before the Cabinet.

The subject is accordingly placed before the Cabinet for a decision as to whether the salary drawn by M.L.As. and M.L.Cs. should be treated as income for purposes of educational concessions under the Madras Educational Rule and if so, whether the income limits laid down in the rule should be raised as proposed to Rs.2400/- and in respect of M.L.As. and M.L.Cs.

(True copy)

Copy of:

Meeting of the Council of Ministers held at  
Fort St. George, on Tuesday the 11th October 1949 at 11 A.M.  
\*\*\*

The Honourable the Premier presided.

PRESENT:

The Hon. Dr. T.S.S. Rajan.  
The Hon. Sri M. Bhaktavatsalam.  
The Hon. Sri B. Gopala Reddi.  
The Hon. Sri K. Madhava Menon.  
The Hon. Sri H. Sitarama Reddi.  
The Hon. Sri A.B. Shetty.

(P.T.O.)



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The Hon. Sri K. Chandramouli  
The Hon. Sri B. Parameswaran  
The Hon. Sri N. Sanjiva Reddi  
The Hon. Sri C. Perumalswami Reddi  
The Hon. Sri J.P.L. Roche Victoria.

AGENDA.

4. Education - Madras Educational Rules--Fee concessions to children of Harijan M.L.As. and M.L.Cs.

ORDER:

It was decided that the salary drawn by M.L.As. and M.L.Cs. should not be treated as income for purposes of educational concessions. The question of increasing the income limits does not arise.

K.R.  
12-10-49.

P.S. Kumaraswami Raja  
Premier.

(True copy)

Copy of G.O.Ms.No.3312 Education, dated 29-10-1949.  
\*\*\*

Sub:- Madras Educational Rules--Rule 92--Fee concessions to the children of Harijan M.L.As. and M.L.Cs.--Salary drawn by M.L.As. and M.L.Cs.--Not treated as income for purpose of educational concessions.

Ref:- From Sri D. Kadiappa, M.L.A. Vice -Chairman, Hindupur Municipality, dated 27-7-49.  
\*\*\*

ORDER:

The Government consider that the salary drawn by M.L.As. and M.L.Cs. should not be treated as income for the purposes of granting educational concessions to their children under Rule 92 of the Madras Educational Rules.

(True copy)

Copy of G.O.Ms.No.3312 Education, dated 29th October, 1949.  
\*\*\*

Sub:- Madras Educational Rules--Rule 92--Fee concessions to the children of Harijan Members of Legislative Assembly and Members of the Legislative Council--Salary drawn by M.L.As. and M.L.Cs. --Not treated as income for purposes of educational concessions--Orders passed.

Ref:- From Sri D. Kadirappa, M.L.A. Vice Chairman Hindupur Municipality, dated 27th July 1949.  
\*\*\*

ORDER:

The Government consider that the salary drawn by M.L.As. and M.L.Cs. should not be treated as income for the purposes of granting educational concessions to their children under Rule 92 of the Madras Educational Rules.

(True copy)

(P.T.O.)



• • •

(P.T.O.)



The Director of Public Instruction is informed that the orders in G.O.No.3312 Education, dated 29-10-49 will apply to all M.L.As. and M?L.Cs. and not to Harijans only.

(True copy)

Copy of Memorandum No.90042/49-3-C1 Education, dated 19th December, 1949.

\*\*\*

Sub:- Madras Educational Rules--Rule 92--Salary of Members of the Legislative Assembly and Members of the Legislative Council--Not to be reckoned as income for purposes of fee concessions.

Ref:- G.O.No.3312 Education, dated 29th October, 1949.  
From the Director of Public Instruction, No.3284-E4/49  
dated 15-11-49.

\*\*\*

The Director of Public Instruction is informed that the orders in G.O.No.3312 Education, dated 29th October, 1949 will apply to all Members of the Legislative Assembly and Members of the Legislative Council and not to Harijans only.

(True copy)

VPS.20/12.

SUPERINTENDENT.



Suk

Please see the minute of H.M.(R.B.) on p.4 c.f. The question of raising the income limit of parents of Harijan pupils for the grant of Educational Concessions has been referred to the Director of Public Instruction and his remarks are awaited.

May be circulated to H.M.(E. & L.) and H.M.(R.D.).

H.M.(E. & L.):  
H.M.(R.D.):

Why should it have been referred to the D.P.I. at all. It is a matter of policy whether the income limit for Harijans should be increased. If at all reference should have been to the Harijan Welfare Officer or Collectors of Districts. This should not have been delayed.

(Sd.) . . . .  
22-8-49.

The reference to the D.P.I. on pp.1-2 c.f. was issued with a view to ascertain the additional cost to Govt. by increasing the income limit as proposed. The D.P.O.'s reply has not been received yet.

The existing income limits of parents for the purpose of the grant of fee concessions under rule 92 of the M.E.R. are Rs.1200/- for secondary schools and Rs.1500/- for college. It is now proposed to raise the limits to Rs.2400/- and Rs.3000/- respectively. It is presumed that as the income limits are to be doubled the additional cost to Govt. will be very high. It may be noted in this connection that the purpose is not to raise the income limit in the case of



communications eligible for concessions under Rule 92 of the M.E.R. i.e. Muslims and Non-Harijan Backward classes. If it is considered not necessary to wait for the reply for the D.P.I. regarding the extra cost to Govt. the proposal may be proceeded with. The file may be sent to Finance for remarks.

Sd. . . . .  
24-8-1949.

The question involves large financial commitments, and though the Director may not be able to give precise information, as he will only be assessing hypothetical members, which will be affected, it may be appropriate to wait for his report.

Personally, I think that instead of extending the concessions on ground of poverty only, they should be more on merit, if we are to realise better value for our expenditure on education and the students are to be properly stimulated. On a poverty assess merit basis, concessions may be given, even of the higher of income proposed, without appreciable of financial cost.

Sd. . . . .  
25-8-49.

H.M.(B. & L.

The whole question revolves on the question whether the Salary drawn by M.L.As. is income for purposes of this concession. The complaint is theirs. For purposes of Prof. tax we have held that it is not income I think, whether we should do this for educational concession also is a matter of Policy to be decided by the Cabinet. And any further action is necessary only after Cabinet decides. So this may be placed before Cabinet. Otherwise if it is a mere waste of