

Government of Madras.

EDUCATIONAL DEPARTMENT.

Recd.

Regd.

} 1907.

Enclosures

Spare copies

order
page no. 17

(19)

G.O., No. 753, 13th November 1907.

Mahajana High School, Erode.

Informing the Director of Public Instruction, with remarks, that the Government will not object to his sanctioning a grant of Rs. 750 or one-third of the estimated cost of the proposed extension of the building at Erode now occupied by the —.

Educational (1907) Department.

ORDINARY PRINTED.

G.O., No. 753

DATED 13/11/07

[Despatch Abstract.]

Mahajana High School, Erode.

Informing, with remarks, the Director of Public Instruction, that the Government will not object to his sanctioning a grant of Rs 750/- or one third of the estimated cost of the proposed extension of the building ^{at Erode} now occupied by the —

EDUCATIONAL DEPARTMENT.

Spare copies

G.O., No. 753, 13th November 1907.

Informing the Director of Public Instruction, with remarks, that the Government will not object to his sanctioning a grant of Rs. 750 or one-third of the estimated cost of the proposed extension of the building at Erode now occupied by the —.

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

READ—the following papers :—

I

G.O., No. 2562 W., dated 16th September 1897.

II

Letter—from Dr. A. G. BOURNE, F.R.S., Director of Public Instruction, Madras.
To—the Secretary to Government, Educational Department.
Dated—the 19th September 1907.
No.—Ref. on Cur. No. 5670.

In May last the Secretary of the Mahajana High School, Erode, which is held in the Government building handed over to the school authorities subject to certain conditions in G.O., No. 2562 W., dated 16th September 1897, made an application for aid under chapter VIII of the Grant-in-Aid Code towards the cost of extending the said building. The application was rejected on the ground that one of the conditions of transfer of the building to the school authorities was that the cost of any extension of the building should be borne by the management. The Secretary requests a reconsideration of the question and argues that the condition referred to above implies only that Government will not undertake to extend the building without militating in any way against the provisions of the Grant-in-Aid Code under which every school is entitled to a proportionate grant from Government when the bulk of the cost is borne by the school authorities. He also says that he could in any case evade this condition by applying for grant for construction of an additional building in a vacant adjoining site belonging to the school.

2. From G.Os., Nos. 783, Educational, dated 24th September 1895, and 591, Educational, dated 21st September 1898, it will be seen that Government have sanctioned grants towards the cost of extensions to Government buildings held under similar conditions, but those grants were sanctioned at a time when the provisions of article 53 (ii) of the Code were not in force and I am doubtful whether they can now be regarded as authoritative precedents.

3. I have therefore the honour to request orders of Government as to whether building grants may under the present Code be sanctioned in cases similar to those disposed of in Government Orders quoted in paragraph 2 above and if so whether the execution of the mortgage deeds required in article 53 (ii) of the Grant-in-Aid Code may be dispensed with and in what way the declaration at the foot of the application for the grant (Appendix M of the Grant-in-Aid Code) should be modified so as to meet the special circumstances of the case.

Order—No. 753, Educational, dated 13th November 1907.

The Director of Public Instruction will be informed that the Government will not object to his sanctioning under article 51 of the Grant-in-Aid Code a grant of Rs. 750 or one-third of the estimated cost of the proposed extension of the building at Erode now occupied by the Mahajana High School. As the building belongs to

Government, the execution of a mortgage deed under article 53 (ii) of the Grant-in-Aid Code will be unnecessary, but the grant will be subject to the condition that, if the school be closed, no claim shall be preferred against Government for the outlay incurred on the extension, this being one of the original conditions on which the loan of the Government building was granted to the Manager.

2. The contention of the Secretary of the Mahajana High School, referred to in paragraph 1 of the Director of Public Instruction's letter, is not valid. The Director of Public Instruction is requested to point out to the Secretary that no school has any claim *as a matter of right* to a proportionate grant from Government towards the cost of a school building and that the amount of any grant which may be approved is purely at the discretion of Government.

(True Extract.)

H. D. TAYLOR,
Ag. Secretary to Government.

To the Director of Public Instruction.
 " Public Works Department.

NOTES CONNECTED WITH G.O., No. 753, EDUCATIONAL,
DATED 13TH NOVEMBER 1907.

[SUBJECT.—*Whether a building grant may be sanctioned towards the cost of extending Government buildings occupied by schools under private management.*]

From the Director of Public Instruction, dated 19th September 1907, No. 5670.

In G.O., No. 2562 W., dated 16th September 1897, the Government sanctioned the loan of a Government building at Erode to the manager of the local Town high school for a period of twenty years on the following conditions :—

(1) That the building should be kept by the manager in good repair to the satisfaction of the Executive Engineer.

(2) That the manager should bear the cost of the extensions which he might find necessary from time to time, and

(3) that if the school were meanwhile closed no claim should be preferred against Government for outlay incurred for improvements.

2. The Director of Public Instruction (Dr. Bourne) states that in May last the manager of the above school (now called the Mahajana High school) applied for a grant from Provincial funds towards the cost of extending the building, but that the application was rejected on the ground that one of the conditions of the transfer of the building to the school authorities was that the cost of any extension to the building should be borne by the manager. Dr. Bourne says that the Secretary of the school has requested a reconsideration of the orders on the following grounds :—

(1) That the condition referred to only implies that Government will not undertake to extend the building without militating in any way against the provisions of the Grant-in-Aid Code under which every school is entitled to a proportionate

There is no "right" to any grant.

G. S. F[ORBES].

grant from Government when the bulk of the cost is borne by the school authorities; and

The Manager is not entitled to any grant as he assumes. It would be open to Government to refuse such a grant.

H. D. TAYLOR—13-10-07.

(2) that he can easily evade that condition by applying for a grant for the construction of an additional building in an adjoining vacant site belonging to the school.

3. The Director of Public Instruction observes that in past years the Government have sanctioned grants towards the cost of extending Government buildings transferred under similar conditions to managers of schools. He quotes G.O., No. 783, Educational, dated 24th September 1895, in which the Government sanctioned a grant of Rs. 1,426 to the Negapatam Taluk Board towards the cost of enlarging the

Public Body.

G. S. F[ORBES].

Board High school, Tiruvalur, and G.O., No. 591, Educational, dated 21st September 1898, in which a grant of Rs. 1,253 was sanctioned towards the cost of certain

extensions to the building occupied by the Public Body.

G. S. F[ORBES].

Page 3 of G.O., No. 2562 W., dated 16th September 1897.

supra. Dr. Bourne, however, points out that these grants were sanctioned when the provisions of article 53 (ii) of the Grant-in-Aid Code were not in force.

4. This article runs—

“53 (ii) Before the grant is paid the owner (or, in cases in which the permission of the Director has been obtained, the management) of the property shall, unless specially exempted, execute a mortgage of the property or a deed of acceptance in respect of the grant as may be required. Until further orders the forms of the various deeds shall be as shown in Appendices O, P, Q and R.”

The mortgage referred to in this article was prescribed only in 1903—please see G.O., No. 529, Educational, dated 26th October 1903.

5. The first point for consideration is whether any grants should be given from Provincial funds for the proposed extension of the building. Under the conditions of the transfer the manager should himself carry out any extensions of the building and the Government have not undertaken to provide any extension. But as under article 51 of the Grant-in-Aid Code, the maximum amount of building grant is one-third of the cost of the extension, the management will have to provide two-thirds, and as in the event of the school being closed the building will revert to Government, the management not being entitled to any compensation for improvements, there appears to be no objection to permitting the extension and to the payment of the usual grants on this account as was done in the case of the Madanapalle High school *under exactly similar circumstances*. The building will continue to be the property of Government and under the third condition specified in paragraph 1 *supra* the management can have no claim on Government for outlay incurred on improvements.

Cf. G.O., No. 591, Educational, dated 21st September 1898.

6. As the building under reference belongs to Government and not to the manager, the latter cannot if a grant is given towards the cost of extending the building, execute a mortgage of the property as required by article 53 (ii) of the Grant-in-Aid Code. The Director enquires whether in this and similar cases the execution of the mortgage of the property may be dispensed with and also how the declaration at the foot of the application for building grant (Appendix M—on page 26 of the Code) should be modified.

7. For orders whether in cases like this the execution of a mortgage of the property may be dispensed with and the declaration in the application for building grant may be modified to suit the conditions on which the building was transferred to the school authorities.

T.K.—11-10-07.

K. RANGASWAMI AIYANGAR—11-10-07.

I do not see that logically there is any objection to giving a grant in cases like this. A grant is primarily intended to supplement the funds belonging to the managers of the school and so long as the managers do spend these funds, the mere fact that the school building does not belong to them seems no valid reason why they should not be assisted in improving the school. The prescription of a mortgage would not appear to affect the case.

2. Nor, I submit, is a mortgage necessary in like cases. The conditions laid down in G.O., No. 2562 W., dated 16th September 1897, serve in its stead and seem quite sufficient to safeguard the interests of Government. In the event of the buildings

H. D. TAYLOR.

reverting to Government, Government would simply be getting back in another form the grant they gave.

3. As for the declaration required on the form of application for a grant, it would seem sufficient to require the correspondent to declare that he will abide by the conditions of recognition and aid in the Code and that he will subject the school to

It seems unnecessary to make an addition to meet this very special case.

H. D. TAYLOR.

inspection and to furnish returns. On this point, however, the Director of Public Instruction may be asked to submit a draft declaration which can be embodied in the Code as a separate Appendix M₁.

C. A. SOUTER—12-10-07.

The manager appears to assume that he is *entitled* to a grant for another building. This is not the case. All grants are in the discretion of Government.

2. No information is available as to the value of the original buildings and the value of those buildings might reasonably be set against the amount of grants that Government might, in the case of a private building, be prepared to give.

3. In any case the original orders in G.O., No. 2562 W., dated 16th September 1897, will hold good, and it is not desirable to compromise the terms of that Government Order by the acceptance of an

Appendices O, Q and R.
Pages 29, 34 and 35, Grant-in-Aid Code.

agreement whereby *after 20 years*, Government cease to have any claim on the buildings or extension executed out of the grant.

4. A grant may perhaps be given as a matter of grace, provided that the Director of Public Instruction considers the proposed extension to be desirable and in the interests of education.

5. The Director of Public Instruction may be requested in the first instance to state whether any information is available as to the value of the original buildings, whether he considers the proposed extensions (apart from ordinary repairs) to be desirable, and the estimated cost of the extension and of the grant applied for.

H. D. TAYLOR—13-10-07.

To the Director of Public Instruction.

OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION.

The extension seems necessary. The original building cost Rs. 2,374-15-2. The extension is estimated to cost Rs. 2,360. The grant applied for is Rs. 786.

A. G. BOURNE—21-10-07.

EDUCATIONAL DEPARTMENT.

The Director of Public Instruction considers the proposed extension of the building to be necessary. Orders are solicited whether a grant of Rs. 786, which represents one-third of the estimated cost of the extension (Rs. 2,360) may be sanctioned.

K. RANGASWAMI AIYANGAR—2-11-07.

A grant of Rs. 750 may be given; but original condition 3 will hold good, and no agreement need be executed in respect of the extension.

H. D. TAYLOR—4-11-07.

Yes: make the case quite clear: pointing out also the error of the manager as to his rights!

G. S. F[ORBES]—5-11-07.

Draft please.

H. D. TAYLOR—6-11-07.

4 No. 753, EDUCATIONAL, 13TH NOVEMBER 1907.

A draft is submitted for approval.

T.K. 8-11-07.

K. RANGASWAMI AIYANGAR--9-11-07.

C. A. SOUTER--9-11-07.

Issue.

H. D. TAYLOR--12-11-07.

[G.O., No. 753, Educational, dated 13th November 1907.]

[F.]
1,000 9-06.

EDUCATIONAL DEPARTMENT.

CURRENT FILE.

CONTENTS.

From	Number.	Date.	Pages.
[2356]	S.P.I.	5670	14-9-07 1 to 2

[P. T. O. FOR PUT UP PAPERS.]

PAPERS PUT UP WITH CURRENT No.

Papers of the department to which the current belongs.

Number.	Date.	Original (=O) or spare copy (=S. C.).	Remarks. (In this column such of the papers as have been removed for copying, printing, etc., should be marked with a cross.)	Initials of Referencer with date in token of return to Reference department.
591	21-9-980			
783	24-9-950			

Papers of other departments.

Department.	Number.	Date.	Original (=O.) or spare copy (=S. C.).	Despatcher to note the return of the papers to the departments concerned.
P. W. & S.	2562W.	16-9-97	SC	

Stock Form No. 135
3,700-17-6-05.

EDUCATIONAL DEPARTMENT.



190, Registered 23-9-1907

Subject.

Requesting orders of Government as to whether a building grant may be sanctioned towards the cost of extending the Government building in which the Mahajana High School at Erode is now held under certain conditions Vide G.O. No. 2562/W d/ 16th September 1897.

ENCLOSURES.
No.
Spare copies

Ref on Cur No. 5 6 0/07

Station Madras, Dated the 19 September 1907

From (Name) Dr. A.G. Bourne, F.R.S.,

(Designation) Director of Public Instruction,
Madras.

To The Secretary to the Government of Madras,
Educational Department.

Sir,

In May last the Secretary of the Mahajana High School, Erode, which is held in the Government building handed over to the school authorities subject to certain conditions in G.O. No. 2562/W dated 16th September 1897, made an application for aid under Chapter VIII of the Grant-in-Aid Code towards the cost of extending the said building. ^{the application was rejected} on the ground that one of the conditions of transfer of the building to the school authorities was that the cost of any extension of the building should be borne by the management. The Secretary requests a reconsideration of the question and argues that the condition referred to above implies only that Government will not undertake to extend the building without militating in any way against the provisions of the Grant-in-Aid Code under which every school is entitled to a proportionate grant from Govern-

ment when the bulk of the cost is borne by the school authorities. He also says that he could in any case evade this condition by applying for grant for construction of an additional building in a vacant adjoining site belonging to the school.

N
J

2 From G.Os. Nos. 783 Educational dated 24th September 1895 and 591 Educational dated 21st September 1898, it will be seen that Government have sanctioned grants towards the cost of extensions to Government buildings held under similar conditions, but those grants were sanctioned at a time when the provisions of Article 53 (ii) of the Code were not in force and I am doubtful whether they can now be regarded as authoritative precedents.

3 I have therefore the honour to request orders of Government as to whether building grants may under the present code be sanctioned in cases similar to those disposed of in G.Os. quoted in paragraph 2 above and if so whether the execution of the mortgage deeds required in Article 53 (ii) of the Grant-in-Aid Code may be dispensed with and in what way the declaration at the foot of the application for the grant /Appendix M of the Grant-in-Aid Code/ should be modified so as to meet the special circumstances of the case.

I have the honour to be,

S i r ,

Your most obedient servant,

Arthur D. ...

For Director of Public Instruction.

Rs
17/9-07

NOTES.

C. No. 2356, from the Director of Public Instruction, No. 5670, dated 19-9-07.

Subject.

Whether a building grant may be sanctioned towards the cost of extending Govt. buildings occupied by schools under private management.

IV

In G.O. No. 2562 W., dated 16th September 1897, the Government sanctioned the loan of a Government building at Erode to the Manager of the ^{Local} Town High School for a period of twenty years on the following conditions:--

(1) that the building should be kept by the Manager in good repair to the satisfaction of the Executive Engineer,

(2) that the Manager should bear the cost of the extensions which he might find necessary from time to time, and

(3) that if the school were meanwhile closed no claim should be preferred against Government for outlay incurred for improvements.

2. The D.P.I. (Dr. Bourne) states that in May last the Manager of the above school (now called the Mahajana High School) applied for a grant from Provincial funds towards the cost of extending the building, but that the ~~D.P.I.~~ ^{was rejected} rejected the application on the ground that one of the conditions of the transfer of the building to the school authorities was that the cost of any extension to the building should be borne by the Manager. Dr. Bourne says that the Secretary of the School has requested a reconsideration of the orders on the following

2P

following grounds:--

(1) that the condition referred to only implies that Government will not undertake to extend the building without militating in any way against the provisions of the Grant in Aid Code under which every school is entitled to a proportionate grant from Government when the bulk of the cost is borne by the school authorities; and

(2) that he can easily evade that condition by applying for a grant for the construction of an additional building in an adjoining vacant site belonging to the school;

3. The D.P.I. observes that in past years the Government have sanctioned grants towards the cost of extending Government buildings transferred under similar conditions to Managers of Schools. He quotes G.O. No. 783, Edl., dated 24th September 1895, in which the Government sanctioned a grant of Rs. 1,426 to the Negapatam Taluk Board towards the cost of enlarging the Government building occupied by the Board High School, Tiruvalur, and G.O. No. 591, Edl., dated 21st September 1898, in which a grant of Rs. 1,253 was sanctioned towards the cost of certain extensions to the building occupied by the Madanapalle High School, which belongs to Government and which was transferred to the Town High School Committee of that place under G.O. No. 314, Edl., dated 24th April 1895 on the same conditions as those given in para. 1 supra. ^{Dr. Bowring} however points out that these grants were sanctioned when the provisions of Article 53(ii) of the Grant in Aid Code were not in force.

4. This Article runs--

"53(ii).--Before the grant is paid the owner "(or, in cases in which the permission of the "Director has been obtained, the management) of

the

Page 1 of C.F

There is no right to any grant [Forbes]

Page 2 of C.F

The Manager is not entitled to any grant as he assumes. It would be open to Govt. to refuse such a grant.

00 - 00. ⁴⁰³ 15.6.07

N

Public Body
G. S. [illegible]

J

Page 3 of G.O. no 2562 W
16-9-97 ^{Public Body} G. S. [illegible]

Page 12 of the Code

12 3P

"the property shall, unless specially exempted, execute a mortgage of the property or a deed of acceptance in respect of the grant as may be required. Until further orders the forms of the various deeds shall be as shown in Appendices O, P, Q, and R."

The mortgage referred to in this Article was prescribed only in 1903 - Please see G.O.No.529, Ed1., dated 26th October 1903.

5. The first point for consideration is whether any grants should be given from Provincial funds for the proposed extension of the building. Under the conditions of the transfer the Manager should himself carry out any extensions (of the building and the Government have not undertaken to provide any extension. But as under Article 51 of the Grant in Aid Code, the maximum amount of building grant is one-third of the cost of the extension, the management will have to provide two-thirds, and as in the event of the school being closed the building will revert to Government, the management not being entitled to any compensation for improvements, there appears to be no objection to permitting the extension and to the payment of the usual grants on this account as was done in the case of the Madanapalle High School under exactly similar circumstances. The building will continue to be the property of Govt and under the

6. As the building under reference belongs to Government and not to the Manager, the latter cannot if a grant is given towards the cost of extending the building, execute a mortgage of the property as required by Article 53(ii) of the Grant in Aid Code. The Director enquires whether in this and similar cases the execution of the mortgage of the property may be dispensed with and ^{also} how the declaration at the foot of the application for building grant (Appendix M - on page 26 of the Code) should be modified.

Page 11 of the Code 1906 Edition

Et. 80. 591. 206. J. 21.9.98

This Condition specified in paragraph 1 Supra the management can have no claim on Govt for outlay incurred on improvements.

Page 12 of the Code

74.
11-10-07
Rangaswami
Angappa
11-10-07
Rec

I do not see that logically there is any objection to giving a grant in cases like this. A grant is primarily intended to supplement the funds belonging to the ~~management~~ of the School & so long as the ~~management~~ do spend these funds, the ~~management~~ fact that the school building does not belong to them seems no valid reason why they should not be assisted in improving the school. The ~~mere~~ prescription of a mortgage would not appear to affect the case.

2. Now, I submit, is a mortgage necessary in like cases. The conditions laid down in C/o. no 2562 W of 16.9.1897 serve in its stead & seem quite sufficient to safeguard the interests of Govt. In the event of the building reverting to Govt., Govt.

Appendix M ^{form} 226
of the Code.

would simply be getting back in another the grant they gave.
3. As for the declaration required in the form of application for a grant, it would seem sufficient to require the correspondent to declare that he will abide by the conditions of recognition & aid in the Code & that he will subject the school to inspection & to furnish returns. At this point, however, the D.P.D. may be asked to submit a draft declaration which can be embodied in the Code as a separate appendix M.

C.B. South
12.10.7.

It seems unnecessary
to make an additional
note this very special
case J.H. South

The Manager appears to assume that he is
entitled to a grant. ^{for the building} This is not the case.
All grants are in the discretion of Govt.

2. No information is available
as to the value of the original buildings.
& the value of those buildings might
reasonably be set against the amount
of grant that Govt. might, in the
case of a private building be
prepared to give.

3. In any case the original owners

W 16 2562 W. & 16th Sept 1897 who hold

H IV

Comp. O. G. R.
p 29. 34 ~ 35 S. 4 and 4c

good, and it is not desirable to compromise the terms of that S-B by the acceptance of an agreement whereby after 20 years, Govt. cease to have any claim on the ~~extension~~ buildings or extension executed out of the grant.

4. A grant may perhaps be given as a matter of grace provided that the D.P.J. consider the proposed extension to be desirable and in the interests of Education.

5. The SPD may be requested in the first instance to state whether any information is available as to the ^{value} ~~cost~~ of the original buildings, whether he considers the proposed extensions (apart from ordinary repairs) to be desirable, and the estimated cost of the extension and of the grant applied for.

13 10 0

502

u. o. No. 1358, 21-10-7.

The Extension seems necessary.

The original building cost Rs 2374-15-2

The extension is estimated to cost Rs 2360

Mr Grant applied for in 18786

Albion
Aug 26. 1907

Sp. No. 2356-1
13/10/07

Recd. 16-10-02

Washed
24/10
Packed
in barrel

Plat 107

The D.P.I. considers the proposed extension of the building to be necessary. Orders are solicited whether a grant of Rs 700, which represents one third of the estimated cost of the extension (Rs 2560³) may be sanctioned.

RD angawani angur.
2.11.07

please

A grant of Rs 700 may be given - but original condition 3 will hold good, and no agreement need be executed in respect of the extension.

HD angur
4.11.07

by Yps: make the case quite clear: pointing out also the error of the Manager as to his rights!

87 (over)

draft please

HD angur
6.11.07

A draft is submitted for approval.

TH
8.11.07

RD angawani angur
9.11.07

Lee
Cal order
SU?

HD angur
10.11.07

TR
11/11/07

Read again G.O. No.2562 W., dated 16th September 1907.

Read also:-

C.No.2356 from the Director of Public Instruction, No.5670, dated 19-9-07.

ORDER:- 753 8/13-11-07
P.S.

The Director of Public Instruction will be informed that the ^{Govt will} ~~to be~~ ^{not} ~~no~~ objection to his sanctioning under Article 51 of the Grant-in-Aid Code a grant of Rs.750 or one-third of the estimated cost of the proposed extension of the building at Erode now occupied by the Mahajana High School. As the building belongs to Government, the execution of ^a mortgage deed under Article 53 (ii) of the Grant-in-Aid Code will be unnecessary, but the grant will be subject to the condition that, if the school be closed, no claim ^{shall} ~~be~~ preferred against Government for the outlay incurred ^{on} ~~for~~ the extension.

2. The contention of the Secretary of the Mahajana High School, referred to in para.1 of the Director of Public Instruction's letter, is not valid. The Director of Public Instruction is ^{The Secretary} requested to point out to ~~him~~ that no school has any right to a proportionate grant from Government towards the cost of a school building and that ^{the amount of any} ~~the~~ grant ~~paid~~.

this being one of the original conditions on which the loan of the Govt building was granted to the Manager

claim is a matter of

Note 753 8/13-11-07

2.

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which may be approved
paid is purely at the discretion of
Government.

T.K.
8-11-07.

9.11.07

Chk
sur

1/12
12.11.07

To

The D. P. I.
" P. W. D.

11/11/17

First copy sent to Press.

Returned for signature.

Despatched in print.

READ AGAIN G.O. No. 190

2562W

DATED

16.9.07

Abstract.

(Press of this can be put in by the Press please 20 ss. otherwise leave qaa)

Order complete.

Letter only.

Order complete with Letter.

Abstract

CURRENT No.

2356 A

19

6
Notes 1-7

ENCLOSURE TO G. No.

Press

Phase Thompson

8
14-10-07

ORDER OF GOVERNMENT.

A
Notes A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAGES NOT FILLED UP, BEING MEANT FOR DEBATER IN ORIGINAL.

N.B.—

A = Print in full.
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P = Print abstract only.
Q = Print heading only.