

Government of Madras.

EDUCATIONAL DEPARTMENT.

Recd.

Enclosures

1910.

Regd.

Spare copies

G.O., No. 692, 2nd December 1910.

Free scholarships.

Stating that the action of the Taluk Board of Pollachi in granting free tuition to a pupil reading in the Board Secondary school, Udamalpet, was *ultra vires* under G.O., No. 938, Educational, dated 30th December 1891.

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GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

Read—the following papers :—

I

G.O., No. 938, Educational, dated 30th December 1891.

ABSTRACT.—Passing orders on the report of the Committee appointed to consider the question of the continuance, etc., of the School Fee Notification of 1887.

II

Letter—from the Hon'ble Mr. J. H. STONE, M.A., F.R.H.S., Acting Director of Public Instruction.

To—the Secretary to Government, Educational Department.

Dated—Madras, the 18th October 1910.

No.—C. 5362.

In submitting herewith copies of the marginally-noted correspondence in regard to the grant of free tuition by the Taluk Board, Pollachi, to a pupil reading in the Board Secondary school, Udamalpet, I have the honour to state that, in institutions under public management, the grant of free scholarships has long been discontinued under the orders conveyed in paragraph 8 of G.O., No. 938, Educational, dated 30th December 1891, and that the Fee Regulations contained in Chapter VIII of the Madras Educational Rules, 5th edition, do not contemplate the admission of pupils into colleges and secondary schools under public management as free scholars except in the cases of Muhammadans, Uriyas, girls and backward classes and castes who are charged fees at half the standard rates. As I am not aware of any other ruling except those already quoted in the enclosed correspondence and as the Taluk Board, Pollachi, considers that the matter should be within the discretion of the Board, I request that Government will be pleased to issue an authoritative ruling on the subject.

2. I beg further to invite the attention of Government to paragraph 4 of the enclosed copy of letter Ref. on C. No. 359-C., dated 11th June 1910, from the Inspector of Schools, V Circle, bringing to my notice, as an example, the difficulties he has to contend with as an administrative officer of the department in the case of schools under public management.

ENCLOSURES.

(i)

Proceedings of the Pollachi Taluk Board, dated 12th March 1910.

Read application from duffadar of Udamalpet, dated 21st February 1910, requesting free scholarship for his son on account of poverty and misfortune from 1st January 1910.

Read also Taluk Board's Resolution No. 20 of 31st March 1909 allowing the duffadar's son to study at Udamalpet Board's Secondary school in the 6th form for one year free of charge from 1st April 1909.

Resolution No. 27.—Sanctioned.

Dis. No. 289-T.B. of 1910.

True copy communicated to the Headmaster, Board Secondary school, Udamalpet, for information and guidance.

H. T. RILEY,
President.

(ii)

Letter—from H. O. KERSHAW, Esq., B.A., B.Sc., Inspector of Schools, V Circle.

To—the President, Taluk Board, Pollachi.

Dated—the 24th March 1910.

No.—R.O.C. 359-C.

With reference to your Dis. No. 289/T.B., dated 13th March 1910, I have the honour to request that you will be good enough to inform me of the authority under which the free scholarship in question was granted by your Board.

(iii)

Letter—from P. MACQUEEN, Esq., I.C.S., President, Taluk Board, Pollachi.

To—the Inspector of Schools, V Circle, Coimbatore.

Dated—the 4th April 1910.

No.—Dis. 388/T.B.

In answer to your letter, No. 359-C., dated 24th March 1910, I have the honour to reply as follows :—

The action of the Taluk Board in granting free education for two years to the son of duffadar at the Board Secondary school, Udamalpet, appears to have been *ultra vires*.

(iv)

Proceedings of the Director of Public Instruction, Dis. No. 2424, dated 12th April 1910.

Read—the following paper :—

Inspection report of the Inspector of Schools, V Circle, dated 20th February 1910, C. No. 336.

Proceedings Dis. No. 2424, dated 12th April 1910.

Recorded.

2. It is hoped that the defects noticed by the Inspector in regard to accommodation and equipment and the several registers in the school will be remedied at an early date.

3. The tone and efficiency of the school require to be improved.

4. The authority under which one of the pupils of the sixth form was totally exempted from payment of fees should be explained.

A. G. BOURNE,
Director of Public Instruction.

To the Inspector of Schools, V Circle.

" Headmaster.

Copy to the President, Taluk Board, Pollachi, } for information.
" Collector of Coimbatore,

(v)

Proceedings of the Director of Public Instruction, Dis. No. 2453, dated 12th April 1910.

Read—the following paper :—

Letter—from H. O. KERSHAW, Esq., B.A., B.Sc., Inspector of Schools, V Circle.

To—the Director of Public Instruction.

Dated—Coimbatore, the 22nd February 1910.

No.—C. 51-Gl.

I have the honour to request that you will be so good as to inform me whether District Boards or Taluk Boards or Municipal Councils are empowered to admit into secondary schools managed by them pupils free of school-fees.

Proceedings Dis. No. 2453, dated 12th April 1910.

The Inspector's query is answered in the negative.

A. G. BOURNE,
Director of Public Instruction.

To the Inspector of Schools, V Circle.

(vi)

Letter—from H. O. KERSHAW, Esq., B.A., B.Sc., Inspector of Schools, V Circle.
To—the President, Taluk Board, Pollachi.
Dated—the 15th April 1910.
No.—R.O.C. 359-C.

With reference to your Dis. No. 388/P.B. (undated), I have the honour to inform you that according to the ruling of the Director of Public Instruction in his Proceedings, Dis. No. 2453, dated 12th April 1910, the Taluk Board is acting *ultra vires* in granting a scholarship to the duffadar's son at the Union High school and I have the honour to request that you will be so kind as to cancel your Resolution No. 27 of 12th March 1910.

(vii)

Letter—from H. T. REILLY, Esq., I.C.S., President, Taluk Board, Pollachi.
To—the Inspector of Schools, V Circle, Coimbatore.
Dated—the 6th May 1910.
No.—R.O.C. 551/T.B.

With reference to your letter, R.O.C. No. 359-C. of 1910, dated 15th April last, I have the honour to request that you will be good enough to let me know if you are aware of any definite ruling on the subject. An early reply will oblige as the subject is to be placed before the meeting to be held this month.

(viii)

Letter—from H. O. KERSHAW, Esq., B.A., B.Sc., Inspector of Schools, V Circle.
To—the President, Taluk Board, Pollachi.
Dated—the 12th May 1910.
No.—Ref. on C. 359-C.

With reference to your letter R.O.C. No. 551-T.B., dated 6th May 1910, I have the honour to forward herewith a copy of the Proceedings, Dis. No. 2453, dated 12th April 1910, of the Director of Public Instruction on the subject.

(ix)

Proceedings of the Pollachi Taluk Board, dated 23rd May 1910.

Read letter from the Inspector of Schools, dated 15th April 1910, Ref. on C. No. 359-C., informing that the Taluk Board is acting *ultra vires* in granting a scholarship to the duffadar's son at the Udamalpet Secondary school and requesting that the Taluk Board's Resolution No. 27 of 12th March 1910 sanctioning the same may be cancelled.

Resolution No. 11.—Director to be asked on what authority he makes the ruling, the Taluk Board being the Manager.

(x)

Letter—from H. T. REILLY, Esq., I.C.S., President, Taluk Board, Pollachi.
To—the Director of Public Instruction (through the Inspector of Schools, V Circle).
Dated—the 29th May 1910.
No.—R.O.C. 551/Sub., T.B.

I have the honour to forward herewith an extract of Taluk Board's Resolution No. 11, dated 23rd May 1910, and to request that you will be good enough to let me know the authority on which the ruling given in your Dis. No. 2453, dated 12th April 1910, that Local Boards cannot admit pupils in their secondary schools free of school-fees is based. The Board considers that the matter should be within the discretion of the Board.

R.O.C. No. 359-C/10, dated 1st June 1910.

Returned to the President, Taluk Board, Pollachi.

2. His kind attention is directed to Local Fund Code, article 385, and paragraph 8 of G.O., No. 109 L., dated 18th January 1892. If, however, he is still desirous of questioning the authority of the Director of Public Instruction the undersigned will be most happy to submit the papers to the Director of Public Instruction.

H. O. KERSHAW,
Inspector of Schools, V Circle.

R.O.C. No. 551/Sub., T.B., dated 8th June 1910.

Returned to the Inspector of Schools, V Circle.

2. I should be glad if the Inspector will send the matter up as paragraphs 7 and 8 of the Government Order seem to contradict both themselves and each other on the subject.

H. T. REILLY,
President.

(xi)

Letter—from H. O. KERSHAW, Esq., B.A., B.Sc., Inspector of Schools, V Circle.
To—the Director of Public Instruction.
Dated—Coimbatore, the 11th June 1910.
No.—Ref. on C. 359-C.

In submitting for the favour of your kind compliance letter R.O.C. No. 551-Sup./T.B. of May 1910, I have the honour to offer the following remarks.

2. This case of the grant of free tuition by the Taluk Board, Pollachi, to a boy reading in the Udamalpet Board High school was the cause of my Cur. No. 51-Gl., dated 22nd February 1910, which was disposed of in your Dis. No. 2453, dated 12th April 1910. This ruling, the President, Taluk Board, was made acquainted with in this office R.O.C. No. 359-C., dated 12th May 1910. Further your Dis. No. 2424, dated 12th April 1910, also indicated to the President, Taluk Board, that his action in this matter was *ultra vires*. Accordingly in this office R.O.C. No. 359, dated 15th April 1910, I asked the President, Taluk Board, to kindly annul the Resolution No. 27, dated 12th March 1910, of the Taluk Board in which free tuition had been granted. The result of my representation was Resolution No. 11, dated 23rd May 1910, which together with the covering letter R.O.C. No. 551, dated May 1910, is herewith submitted.

3. I returned the letter to the President, Taluk Board, calling his attention to the Local Fund Code, article 385, and G.O., No. 109 L., dated 18th January 1892—*vide* my endorsement R.O.C. No. 359, dated 18th June 1910. The President returned the file with his endorsement R.O.C. No. 551/Sup. T.B. of 1910 undated.

4. I have put the case before you fully, as this is but an instance by no means isolated of the difficulties which have to be contended with by me as an administrative officer of the department in the case of schools under public management.

(xii)

Letter—from the Hon'ble Mr. A. G. BOURNE, D.Sc., F.R.S., C.I.E., Director of Public Instruction.
To—the President, Taluk Board, Pollachi.
Dated—the 27th July 1910.
No.—Dis. 4720.

With reference to your letter R.O.C. No. 551/Sub./T.B., dated 29th May 1910, and endorsement R.O.C. No. 551/Sub., T.B., dated 8th June 1910, requesting to be informed of the authority on which the ruling given in my Proceedings, Dis. No. 2453, dated 12th April 1910, to the effect that Local Boards cannot admit pupils in their secondary schools free of school-fees was based, I have the honour to invite your attention to article 34 of the Local Fund Code and to the fee regulations contained in Chapter VIII of the Madras Educational Rules, 5th Edition.

Copy to the Inspector of Schools, V Circle, with reference to his letter Ref. on C. No. 359-C., dated 11th June 1910.

21st July 1910.

A. G. BOURNE,
Director of Public Instruction.

(xiii)

Letter—from H. T. REILLY, Esq. I.C.S., President, Taluk Board, Pollachi.
 To—the Director of Public Instruction.
 Dated—the 11th August 1910.
 No.—Dis. 876/T.B.

Adverting to your letter, dated 27th July 1910, Disposal No. 4720 of 1910, inviting my attention to article 34 of the Local Fund Code and to the Fee Regulations contained in Chapter VIII of the Madras Educational Rules, 5th Edition, I have the honour to inform you that there is nothing in Chapter VIII forbidding a Local Board to allow a scholar to study without paying fees. The rules merely regulate when and how fees are payable.

Order—No. 692, Educational, dated 2nd December 1910.

In paragraph 8 of G.O., No. 938, Educational, dated 30th December 1891, the Government directed that in institutions under public management the system of free scholarships should be brought entirely to an end. A Taluk Board has therefore no power to exempt from the payment of fees students reading in any of the secondary schools maintained by it, and the action of the Taluk Board of Pollachi in granting free tuition to a pupil reading in the Board Secondary school, Udamalpet, was *ultra vires*.

(True Extract.)

L. DAVIDSON,
 Ag. Secretary to Government.

To the Director of Public Instruction.
 „ Local and Municipal Department.

EDUCATIONAL DEPARTMENT.

NOTES CONNECTED WITH G.O., No. 692, EDUCATIONAL
 DATED 2ND DECEMBER 1910.

[SUBJECT.—*Grant of free scholarships in schools under public management.*]

Previous papers :

G.O., No. 938, Edl, dated 30th December 1891.
 „ „ 271 „ „ 21st May 1910.

From the Director of Public Instruction, dated 18th October 1910, No. 5362.

In its resolution No. 27, dated 12th March 1910, the Taluk Board of Pollachi (Coimbatore district) allowed a boy, the son of the duffadar at Udamalpet, to study in the sixth form of the Board Secondary school, Udamalpet, without payment of fees.

2. On receipt of a copy of the Taluk Board's resolution, the Inspector of Schools, V Circle (Mr. Kershaw) addressed the President, Pollachi Taluk Board, pointing out that the action of the Taluk Board in granting a free scholarship at the Board Secondary school, Udamalpet, was, according to the Proceedings of the Director of Public Instruction, No. 2453, dated 12th April 1910, *ultra vires* and requesting him to cancel the resolution of the Taluk Board granting the free scholarship.

3. The President, Taluk Board, Pollachi (Mr. H. T. Reilly) thereupon requested the Director of Public Instruction to let him know the authority on which the ruling given in his (the Director of Public Instruction's) Proceedings No. 2453, dated 12th April 1910, namely, that Local Boards cannot admit pupils in their secondary schools, free of charge, was based. In reply, the Director of Public Instruction referred the President to article 34 of the Local Fund Code and to the fee regulations contained in chapter VIII of the Educational Rules, 5th edition.

4. In his letter to the Director of Public Instruction, No. 876, dated August 1910, the President, Taluk Board, Pollachi, states that there is nothing in chapter VIII of the Educational Rules forbidding a Local Board to allow a scholar to study in its schools without paying fees and that the rules contained in the chapter merely regulate when and how fees are payable.

5. The Director of Public Instruction now submits to Government the correspondence with the President, Taluk Board, Pollachi, and as the Taluk Board, Pollachi, contends that the grant of free scholarships in its schools should be within the discretion of the Board, he requests an authoritative ruling on the subject. The Hon'ble Mr. Stone states that the grant of free scholarships in schools under public management was discontinued under paragraph 8 of G.O., No. 938, Educational, dated 30th December 1891, and that the fee regulations contained in chapter VIII of the Madras Educational Rules (5th edition) do not contemplate the admission of pupils in colleges and secondary schools as free scholars, except in the cases of

Rule 102 of the Educational Rules.

Muhammadans, Uriyas, girls and backward classes and castes, who are charged fees at half the standard rates.

6. The Committee appointed by Government in 1891 to revise the fee notification which was then compulsory on all schools under public management and on all aided schools, recommended the continuance of the old compulsory fee notification and proposed that all recognised but unaided schools should be compelled to levy fixed rates of fees. The Committee

also proposed certain rules for the grant of free scholarships on the results of competitive examinations among boys of proved poverty. The Government regarded

Paragraph 9 of G.O., No. 938, Educational, dated 30th December 1891.

education, and ordered the abolition of the compulsory fee notification from the close of 1891, leaving the rates and levy of fees in institutions under private management thereafter to the discretion of the managers. They also directed that in institutions under public management fees should be levied at certain fixed rates. As regards

Paragraph 8 of G.O., No. 938, Educational, dated 30th December 1891.

entirely out of place in a fee notification; that their proper position would be in the Educational Rules, but that even there they would seem to constitute an undue interference with the discretion of managers. In institutions under public management the system of free scholarships should, the Government considered, "be brought entirely to an end" and all reference to free scholarships was therefore omitted from the fee notification, issued with G.O., No. 938, Educational, dated 30th December 1891.

7. The rules now in force in regard to fees are those approved in G.O., No. 271, Educational, dated 21st May 1910, and they contain no provision in regard to the grant of free scholarships in secondary schools except the concession of paying fees

Page 10 of the Government Order.

at half the standard rates by backward classes which is contained in rule 102.

8. It is for consideration whether the grant of free scholarships in special circumstances, and at the discretion of the Local Boards and Municipalities in Board and Municipal Secondary schools may be recognised. It may be noted that in view

* G.O., No. 271, Educational, dated 21st May 1910. of the enhanced rates of fees which have recently been prescribed*, the Government

have now under consideration a scheme for the award of free scholarships in the Presidency College, Madras. (A reference has been made to the Director of Public Instruction on the subject.)

T.K.—7-11-10.

K. RANGASWAMI AIYANGAR—8-11-10.

The question referred for orders is whether a Taluk Board may exempt from payment of fees a pupil in a secondary school under its management. The President of the Pollachi Taluk Board holds that such an exemption is within the discretion of the Board. The Director of Public Instruction takes the contrary view.

2. There can be no doubt that the view of the Director of Public Instruction is correct. Up to 1891 a certain percentage of free scholars was allowed—see for instance clause XIII of the School Fee notification appended to G.O., No. 64, Educational, dated the 1st February 1886, but in paragraph 8 of G.O., 938, Educational, dated 30th December 1891, Government decided that in institutions under public management the system of free scholarships should be brought entirely to an end. A Taluk Board therefore has no power to exempt students from the payment of fees, and the action of the Taluk Board of Pollachi in the case which has given rise to this reference was *ultra vires*. We may rule accordingly.

3. The question whether the orders passed on the subject in 1891 should be reconsidered and exemptions by Taluk Boards permitted within limits is a separate

I don't wish this matter reopened. The 91 settlement of Sir H. Stokes was quite sound.

M. H[AMMICK]—15-11-10.

question and is not at present before Government. If Honourable Member desires the question to be examined, we may in the first place invite the remarks of the Director of Public Instruction.

4. No reference need be made, I think, in the orders to paragraph 2 of the Director of Public Instruction's letter. Mr. Reilly was perhaps pig-headed in the matter, but the correspondence between him and Mr. Kershaw, though curt on both

sides, was not discourteous. It was of a type which is not unusual in the hot weather.

C. A. INNES—11-11-10.

I think this paper should have been seen by Secretary as it involved a question of interpretation of the rules.

A. BUTTERWORTH—16-11-10.

Noted.

C. A. INNES—16-11-10.

I agree. Please order accordingly. Certainly in any case the Taluk Board seems to have acted with small discretion in giving a one and only scholarship to a duffadar's son!

M. H[AMMICK]—15-11-10.

Please draft.

C. A. INNES—16-11-10.

The draft order placed below is for approval. If approved, it may be sent to the Local and Municipal Department for acceptance.

T.K.—21-11-10.

K. RANGASWAMI AIYANGAR—22-11-10.

C. A. INNES—23-11-10.

To the Local and Municipal Department.

LOCAL AND MUNICIPAL DEPARTMENT.

Submitted that the draft order may be accepted in this Department.

M.K.—25-11-10.

N. CHENGAL RAO—28-11-10.

Accepted.

L. DAVIDSON—1-12-10.

To the Educational Department.

EDUCATIONAL DEPARTMENT.

The draft below may now issue.

K. RANGASWAMI AIYANGAR—1-12-10.

C. A. INNES—2-12-10.

[G.O., No. 692, Educational, dated 2nd December 1910.]

Read again G.O.No.938 Edl., dated 30th December 1891. 1st attn

Read also:-

C.No.2084, from the Director of Public Instruction, No.5362, d/18-10-10. 14^pORDER:-
P.S.N^o 692 of 2-12-10

In paragraph 8 of G.O.No.938 Educa-

tional, dated 30th December 1891, the

Government ^{directed} ~~ordered~~ that ~~the grant of~~~~Free schooling~~ in institutions under
the system of free scholarships
public management should be brought

entirely to an end. A Taluk Board has

therefore no power to exempt from the

payment of fees students reading in any

of the secondary schools maintained by

it, and the action of the Taluk Board of

Pollachi in granting free tuition to a

pupil reading in the Board Secondary

School, Udumalpet was ultra vires.

To

The D.P.I.
" L. & M. Department.Sd/-
29/12/10FB:
22-11-1010
22-11-10Cm
23/1116/12
12

not to be placed on E.T.

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LEGISLATIVE DEPARTMENT.

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G.O., No. 692, dated 2-12-1900.

Number of MS. pages sent { Correspondence including order or orders
(b)
(b¹)
Notes.....

Docket. Free Scholarships. Stating
that the action of the Taluk
Board of Pollachi in granting free
tuition to a pupil residing in the Board
Secondary School was ultra vires
under S.P. 938 of 30 Dec 1891.

Number (c) of copies required when struck off (not including
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Complete
Correspondence
and orders.

Notes

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(b¹) For rules regarding printing of notes,
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(b) Unless a note to the contrary is made
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