

Government of Madras.

EDUCATIONAL DEPARTMENT.

Recd.

Regd.

} 1913.

Enclosures

Spare copies

G.O. No. 55, 22nd January 1913.

St. Aloysius' Industrial School, Vizagapatam.

Permitting the Director of Public Instruction to accept in lieu of a formal agreement an undertaking on the part of the management of the — similar to that usually entered into in the case of grants for school buildings under the provisions of the Grant-in-Aid Code.

2,400-7-13-08

CONTENTS.

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

Papers of other departments.

Government of Madras.

EDUCATIONAL DEPARTMENT.

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GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

READ—the following papers:—

I

G.O. No. 728, Educational, dated 9th August 1912.

ABSTRACT.—Requesting the Collector of Vizagapatam to proceed with the acquisition of the sites required for the enlargement of the St. Aloysius' Industrial School, Vizagapatam, and requesting the Director of Public Instruction to indicate the source from which the cost of the sites as well as the grant of Rs. 9,000 can be met.

II

Letter—from the Hon'ble Mr. A. G. BOURNE, D.Sc., F.R.S., C.I.E., Director of Public Instruction.

To—the Secretary to Government, Educational Department.

Dated—Madras, the 26th September 1912.

No.—Ref. on Cur. 1044 of 1911.

With reference to paragraph 2 of G.O. No. 728, Educational, dated 9th August last, I have the honour to state that the cost of the acquisition of the sites required for St. Aloysius' Industrial School, Vizagapatam, which is estimated by the Collector of that district at Rs. 2,167-2-9, as well as the grant of Rs. 6,000 required for the construction of the new carpentry shop and that of Rs. 3,000 required for the provision of additional machinery may be met from the lump provision for model high schools made in the current year's budget.

2. The matter, of preparing the draft agreement referred to in paragraph 3 of the Government Order quoted above, is under correspondence with the Government Solicitor and the mission authorities, and a reply will be submitted, as soon as the document is ready.

III

Letter—from the Hon'ble Mr. A. G. BOURNE, D.Sc., F.R.S., C.I.E., Director of Public Instruction, Madras.

To—the Secretary to Government, Educational Department.

Dated—the 14th October 1912.

No.—R.C. 1044 of 1911.

In continuation of this office letter R.C. No. 1044 of 1911, dated 26th September 1912, I have the honour to state that, as advised by the Government Solicitor, Madras, the management of the St. Aloysius' Industrial School, Vizagapatam, which has to enter into an agreement with Government in accordance with G.O. No. 2734, Revenue, dated 18th October 1910, was asked to produce the title-deeds to the property. In lieu of the documents called for the correspondent has forwarded other documents which the Government Solicitor finds to be inadequate for the preparation of the draft agreement. I am, again, requesting the correspondent to furnish the documents required by the Government Solicitor and I shall address Government on the subject as soon as possible.

IV

Memorandum No. 2619-1, Educational, dated 25th October 1912.

Rs.	
Allotment	1,50,000
Deduct—	
(1) Resumption by Financial . .	75,000
(2) Special grants to colleges . .	43,600
(3) Creation of school gardens . .	10,000
(4) Equipment for the Teachers' and Presidency Colleges including the amount required for European schools	13,600
Total	1,42,200
Balance	7,800

With reference to his letter R.O.C. No. 1044/11, dated 26th September 1912, on the subject of the payment of a grant of about Rs. 11,200 to the St. Aloysius' Industrial School, Vizagapatam, the Director of Public Instruction is informed that of the lump allotment of 1.50 lakhs provided in the Civil Budget Estimate for 1912-13 for the establishment of model high schools only a sum of Rs. 7,800 is now available for expenditure as shown in the margin. The Director is requested to report from what other source he can provide the balance of Rs. 3,400 required for the St. Aloysius' School.

T. E. MOIR,

Deputy Secretary to Government.

To the Director of Public Instruction.

V

Letter—from the Hon'ble Mr. A. G. BOURNE, D.Sc., F.R.S., C.I.E., Director of Public Instruction, Madras.

To—the Secretary to Government, Educational Department.

Dated—the 29th November 1912.

No.—Ref. on Cur. 1044 of 1911.

With reference to Government Memorandum No. 2619-1, Educational, dated 25th October 1912, and in continuation of this office No. R.C. 1044/11, dated 14th October 1912, on the subject of the enlargement and development of St. Aloysius' Industrial School, Vizagapatam, I have the honour to state that as desired in paragraph 4 of G.O. No. 99, Educational, dated 14th February 1911, the Government Solicitor was requested to prepare the draft of an agreement to be executed by the management. On the strength of the materials furnished by the correspondent, he was informed that the Lord Bishop of Vizagapatam is the legal owner of the mission property, that the agreement is to be entered with him and that on his death or his removal from his diocese by other causes, the property passes into the hands of the Vicar General until the Bishop's lawful successor is appointed by Rome. As it was not, however, stated whether the property stands in the name of the Bishop of Vizagapatam, the Government Solicitor wanted the title deeds to examine the position. He also doubted whether, in the event of the agreement being entered into with the present Bishop, Government would be free to enforce its terms on his successor, as he knew of no authority recognizing that a Roman Catholic Bishop is a corporation, as a Bishop of the English Church is, and entitled to bind his successors in office. The correspondent, in reply, forwarded the marginally-noted documents and added that the present Bishop is the universal legatee of his predecessor in office in respect of all the property held by him in trust for the mission, that the former can

- (1) Copy of the petition for letters for administration and the order thereon.
- (2) The will of the Bishop.
- (3) The power-of-attorney held by the Vicar General.

bind his successors in office, that the Vicar General who holds the power of attorney becomes legal administrator whenever and by whatever cause the Bishop is removed from his diocese and that Government might also proceed against the former for the non-fulfilment of the conditions of the bond. But as the title deeds required could not be produced, in the absence of which it was not possible to ascertain in whom the property is vested and as there was nothing, in the other documents presented, to show that the trustees have authority to enter into the proposed contract, the Government Solicitor was not in a position to prepare the draft agreement. The correspondent

to whom the opinion expressed to the Government Solicitor was communicated, states that he has no further authority to produce but points out that Catholic bodies in India are not recognised as corporate bodies and that if the authority of the Bishop be deemed insufficient to allow him to enter into a legal agreement, the matter might drop. He, nevertheless, requests that Government might proceed with the acquisition of the sites, their cost being met by the mission.

In these circumstances, I would propose that the consideration of the subject be abandoned, unless Government are disposed to sanction the grant by accepting an undertaking on the part of the management such as is usual in the case of grants for school buildings under the provisions of the Grant-in-Aid Code.

2. The amount set apart for the payment of grants St. Aloysius' Industrial School has already been proposed to be diverted to other Educational objects.

Order—No. 55, Educational, dated 22nd January 1913.

In the circumstances stated by the Director of Public Instruction the Government will not insist on the execution by the authorities of the St. Aloysius' Industrial School, Vizagapatam, of the formal agreement contemplated by paragraph 6 of G.O. No. 2734, Revenue, dated 18th August 1910, but will permit the Director of Public Instruction to accept in lieu thereof an undertaking on the part of the management similar to that usually entered into in the case of grants for school buildings under the provisions of the Grant-in-Aid Code, but embodying the additional stipulations specially agreed upon in the present case.

(True Extract.)

L. DAVIDSON,
Ag. Secretary to Government.

To the Director of Public Instruction.
" Collector of Vizagapatam.
" Revenue Department.
" Financial Department.

EDUCATIONAL DEPARTMENT.

NOTES CONNECTED WITH G.O. No. 55, EDUCATIONAL, DATED
22ND JANUARY 1913.

[SUBJECT.—Grant to the St. Aloysius' Industrial School, Vizagapatam.]

From the Director of Public Instruction, dated 26th September 1912,
No. 1044/11.

Out of the lump allotment of 1.50 lakhs made in the Civil Budget Estimate, 1912-13 for the establishment of Model High schools, a sum of Rs. 75,000 was resumed by Financial—G.O. No. 468, Financial, dated 26th July 1912. The balance available is only Rs. 75,000 out of which the following re-appropriations have already been sanctioned or are proposed to be sanctioned:—

	Rs.
G.O. No. 759, Educational, dated 29th August 1912.	1. Special grants to colleges 43,600
G.O. No. 845, Educational, dated 20th September 1912.	2. Creation of school gardens 10,000
	3. Equipment for the Teachers' and Presidency Colleges 13,600
	 67,200
	[of this only Rs. 4,400 is to be immediately allotted.]
	4. Improvement of Sanskrit education 6,000
	Total 73,200

The proposals regarding item (4) have been referred back to the Director of Public Instruction—*vide* C. No. 2411. Even omitting that item the expenditure already incurred amounts to Rs. 67,200 and the balance remaining in the provision for establishment of model high schools is only Rs. 7,800. The amount of the grant required for the St. Aloysius' Industrial School is Rs. 11,167-2-9 or say Rs. 11,200, that is, Rs. 3,400 more than the amount actually available at present.

2. The Financial department may be requested to allot a sum of Rs. 11,200 for payment of grant to the school—Rs. 7,800 from the provision for the establishment of model high schools and Rs. 3,400 from the reserve with that department.

P.R.—3-10-12.

C. RAMANUJACHARI—5-10-12.

Yes: the Director of Public Instruction took exception to the resumption of 0.75 from the model school grant on the ground that he would probably be able to expend it on other educational objects, and Educational, I believe, subsequently pressed this view on Financial. Public Works Department lapses will probably make it possible to reallocate 0.75, and India has telegraphed recently authorizing expenditure up to 12 lakhs (as against 8 and a budget assignment of 4) against Imperial funds.

L. DAVIDSON—5-10-12.

To the Financial Department.

FINANCIAL DEPARTMENT.

Please see note in which it is proposed that the balance of Rs. 3,400 required to make up a total grant of Rs. 11,200 for the St. Aloysius' School, should be met from the Imperial grant of 12 lakh for Technical and Industrial education. If the proposal is approved, there will be no need to allot the sum (Rs. 3,400) from the reserve with Financial.

With reference to **K** of Educational Secretary's note on page 1 *ante*, it has been separately pointed out to that Department that the Government of India have not sanctioned a grant of 12 lakhs for expenditure on Education as stated by that Department.

M.J.—12-10-12.

A.S.—14-10-12.

C. REILLY—14-10-12.

A. G. CARDEW—16-10-12.

To the Educational Department.

EDUCATIONAL DEPARTMENT.

The Financial department have noted that the Director of Public Instruction may be called upon to consider further from what source he can provide the balance of Rs. 3,400. In G.O. No. 915, Educational, dated 12th October 1912, only a sum of Rs. 4,400 out of the requirements for the equipment for the Teachers' and Presidency colleges, has at present been actually allotted; and the Director of Public Instruction has been asked to apply to Government for an allotment for the cost of European stores (Rs. 9,200), as soon as intimation of shipment has been received. Though this sum of Rs. 9,200 is now available, as it has been earmarked for a particular object, the Director of Public Instruction may be asked as suggested by Financial. A draft memorandum is submitted for approval.

C. RAMANUJACHARI—17-10-12.

T. E. MOIR—18-10-12.

Approved.

M. H[AMMICK]—23-10-12.

[Memorandum No. 2619-1, dated 25th October 1912.]

From the Director of Public Instruction, R.O.C. No. 1044 of 11,
dated 29th November 1912.

The agreement proposed to be executed by the mission was to embody the conditions on which Government assistance was to be given to the institution. Paragraph 6, page 9 of G.O. No. 2734, Revenue, dated 18th August 1910.

The Director of Public Instruction explains the circumstances under which the agreement could not be drafted by the Government Solicitor. He however suggests an alternative course, viz., aiding the institution on the acceptance by Government of an undertaking on the part of the management as in the case of building grants under the provisions of the Grant-in-Aid Code. With reference to this it is submitted that the institution is not to be aided under the provisions of the Grant-in-Aid Code. The whole cost of the new building as well as of the machinery is to be borne by Government. The annual grant is also special, viz., at the rate of Rs. 100 per annum for every

Paragraphs 2 and 3 of order on page 8 of G.O. No. 2734, Revenue, dated 18th August 1910.

pupil subject to a maximum of Rs. 4,000 which will be enhanced under certain conditions. Rule 55 of the Grant-in-Aid Code provides for the repayment of the grant made towards the construction of a building if the building, prior to the lapse of twenty years from the date of payment of the grant, is diverted to purposes other than educational purposes approved by Government. This rule does not provide for the fulfilment of the conditions on which the annual grant is made to the institution. In the absence of a definite undertaking on the part of the management for the fulfilment of all the conditions of grant both initial and annual, it is for consideration whether, as suggested by the Director of Public Instruction, the question of aiding the institution may not be dropped. The draft notification for the acquisition of the site having been published by Government the site may, as requested by the mission, be acquired by Government at the cost of the mission.

Paragraph 3 on page 6 of G.O. No. 99, Educational, dated 14th February 1911.

Page 11 of G.O. No. 370, dated 1st May 1912.

2. If the proposal to aid the St. Aloysius' Industrial school, Vizagapatam, is dropped the Superintendent of Industrial Education may be requested to submit an alternative scheme for providing industrial education at the place.

3. The Director of Public Instruction has, as stated in paragraph 2 of his letter, proposed that the amount set apart for the payment of grant to the St. Aloysius' school, may be utilized for meeting the charges connected with the proposals for the improvement of Sanskrit education, viz., the pay of Sanskrit Supervisors, increased grants to Sanskrit schools, etc.

S.K.—17-12-12.

It will be desirable to save the scheme from collapsing should it be possible to do so. Submitted that the question of annual grant on account of students under training need not present any difficulty in the matter of the legal agreement. It is a transaction running from year to year. The trouble is only with the Provincial funds which will be spent on the lands, buildings and equipment, amounting in the aggregate to Rs. 11,167. This sum is in no way a high figure, compared with the amounts of building grants disbursed to educational institutions under the charge of Catholic missionary bodies, who have no better legal status than that possessed by the St. Aloysius' Industrial school at Vizagapatam. It seems doubtful whether any elaborate agreement to satisfy finished legal principles are needed in this case. An undertaking given by the Bishop, who will naturally have successors in perpetuity, may be deemed sufficient. The Director of Public Instruction does not seem to object to the adoption in the case of the usual safeguards in force in support of building grants. It is for consideration whether the Director of Public Instruction may be asked to proceed in the matter on this basis.

The question of funds need not be an obstacle. If the grants cannot be made in the current year, they may be disbursed in the next year.

C. RAMANUJACHARI—20-12-12.

I do not think the legal difficulties which have arisen at the eleventh hour need block the scheme worked out for the betterment of this important industrial school. We do not want to crush private effort but to help it on. It is evident that the formal agreement contemplated by paragraph 6 of G.O. No. 2734, Revenue, dated 18th August 1910, cannot be executed, but the absence of such an agreement will involve Government in no risk which it is not politic to take. That the present mission authorities' successors will go back on the understanding is in the last degree improbable. I agree that the Director of Public Instruction may be asked to accept the usual undertaking and permitted to dispense with any formal agreement.

2. As G.O. No. 2734, Revenue, dated 18th August 1910, was accepted by Financial on the basis of such an agreement, the proposal to dispense with it should be sent to that department before the case is circulated to His Excellency.

L. DAVIDSON—23-12-12.

To the Financial Department with reference to paragraph 2 *supra*.

No. 55, EDUCATIONAL, 22ND JANUARY 1913.

FINANCIAL DEPARTMENT.

Submitted that the proposal at *M ante* may be accepted.

V.G.K.—2-1-13.

C. REILLY—2-1-13.

To the Educational Department.

EDUCATIONAL DEPARTMENT.

A draft order is submitted for approval. As it proposes to modify paragraph 6 of G.O. No. 2734, Revenue, dated 18th August 1910, it may be sent to the Revenue Department for acceptance before circulation to His Excellency the Governor.

P.R.—6-1-13.

C. RAMANUJACHARI—7-1-13.

L. DAVIDSON—8-1-13.

To the Revenue Department.

REVENUE DEPARTMENT.

The draft may be accepted in Revenue and the file returned to Educational.

K.R.N.—10-1-13.

M.R.N.—10-1-13.

Secretary.

L. J. P. JOLLY—11-1-13.

L. M. WYNCH—11-1-13.

To the Educational Department.

EDUCATIONAL DEPARTMENT.

Submitted that the file may now be circulated to His Excellency the Governor.

C.R.—10-1-13.

His Excellency the Governor with draft for approval.

L. DAVIDSON—18-1-13.

P[ENTLAND]—20-1-13.

[G.O. No. 55, Educational, dated 22nd January 1913.]

Educational Department.

G.O.No.728, Edl., dated 9-8-1912.

C.No.2619, from the D.P.I., No.1044/11, dated 26--9-1912.

C.No.2794, -do.- -do.- dated 14-10-1912.

C.No.3226, -do.- -do.- dated 29-11-1912.

ORDER: No. 55 of 22.1.13
P.S.

In the circumstances stated by the D.P.I. the Government will not insist on the execution, by the authorities of the St. Aloysius' Industrial School, Vizagapatam, of the formal agreement contemplated by para.6 of G.O.No.2734 Revenue, dated 18th August 1910 but will permit the D.P.I. to accept in lieu thereof an undertaking on the part of the management similar to ~~the one~~ ^{that} usually entered into in the case of grants for school buildings under the provisions of the Grant-in-Aid Code ~~and~~ ^{but} embodying the additional stipulations specially agreed upon in the present case.

2. The ~~D.P.I.~~ ^{Director and the Government} will submit a further report to Government as regards the provision of funds required for the payment of grants to ~~the school, and will~~ ^{this institution. The Govt. will} take steps to ensure the speedy completion of the arrangements contemplated to develop and enlarge the school.

To the D.P.I.

" Collr. of Vizagapatam.

" Revenue Department.

" Financial Department.

in print.

ORDINARY.

PREFERENCE.

URGENT (a).

EDUCATIONAL
LEGISLATIVE DEPARTMENT.

RECEIVED
30 JAN 1913

MADRAS

Current No. 2. 1194, dated 190 ..

G.O., No. 55, dated 22-1-1903.

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

Docket. *St. Aloysius' Industrial School*
Vizagapatam. Permitting the D.P.
to print on the acceptance
of the management of the school
similar to that usually entered up
in the case of grants for school buildings
under the provisions of the grant in aid

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The P. D. B.....					
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Total		18			

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(b) Each letter, memorandum, or order, or set of orders, in the file of correspondence should be headed in succession with the Roman numeral I, II, III, etc., the number being written in red ink or blue chalk above the item. The particular papers to be printed in the special issue-copies should be indicated by the Roman numeral (I, II, etc.) by which that item has been headed in the correspondence file. All matter, including marginal remarks or references, to be printed should be written in ink and matter which should not be printed should be encircled. Initials and signatures that are not quite legible should be re-written distinctly.

(b¹) For rules regarding printing of notes, see the rules in G.O., No. 1220, Public, dated 30th November 1900.

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SPECIAL INSTRUCTIONS.

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SR
22/1

SR
22-1-13

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