

Government of Madras.
EDUCATIONAL DEPARTMENT.

Recd.

Regd.

} 1913.

Enclosures

Spars copies

G.O. No. 599, 27th June 1913.

Land Acquisition.

Stating that the Government do not consider it advisable to frame any hard and fast rules regulating the cases in which the — Act may be put in operation for the acquisition of land required for schools under private management but that each case should be decided on its merits.

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GOVERNMENT OF MADRAS.
EDUCATIONAL DEPARTMENT.

READ—the following paper :—

Letter—from the Hon'ble Sir ALFRED BOURNE, D.Sc., F.R.S., K.C.I.E., Director of Public Instruction.
To—the Secretary to Government, Educational Department.
Dated—Madras, the 4th June 1913.
No.—Ref. on Cur. 1834.

I have the honour to submit herewith a copy of letter No. 280, dated 2nd May 1913, of the correspondent, Tirukkattupalli high school, and to ask for a specific decision on the question of policy in applying the Land Acquisition Act to cases of schools under private management. A grant of Rs. 27,158 was sanctioned in G.O. No. 359, Educational, dated 24th April 1913, towards the cost of extending the buildings occupied by this high school and I am not aware whether the Government realized in passing this order that it was intended to apply the Land Acquisition Act.

2. Acquisition of a site for the village school at Thondavada, ordered in G.O. Mis. No. 439, Educational, dated 13th May 1913, appears to be almost an evasion of the Act and this case, if made a precedent, might lead to the Act being used merely to enable a private individual to secure an indefeasible title. The authorities of the B.G.M. College, Calicut, appear to have addressed the Collector for acquiring a site under the Act for constructing a new college building. Generally, there may be no great objection to such use of the Act; but as it is practically a new departure, the Government should, I submit, consider the general policy and lay down some criteria as to cases in which such application might justly be made. Once the practice comes into vogue, the Government will doubtless be asked to invoke its assistance in a large percentage of the cases where a new site has to be secured.

ENCLOSURE.

Letter—from the Correspondent, Tirukkattupalli High School.
To—the Director of Public Instruction, Madras.
Dated—the 2nd May 1913.
No.—280.

On behalf of the management I beg to thank you for the building grant of Rs. 27,158 sanctioned for this school in G.O. No. 359, Educational, dated 24th April 1913.

2. In this connection I beg to point out that the grant applied for was towards the cost of sites proposed to be acquired (approximate value of Rs. 12,915) and the cost of extensions to the existing buildings estimated at Rs. 41,400, the total cost of both sites and new buildings being Rs. 54,315 and the half grant now sanctioned is Rs. 27,158 for both together.

3. The Collector of Tanjore was requested to acquire the sites for the school, but he has replied that he cannot take steps in the matter unless the Government pays a portion of the cost of the sites. As the Proceedings Ref. on C. No. 1834/13, dated 28th April 1913 conveying the sanction of the grant by the Government does not clearly state that the grant is for the extensions to the buildings as well as for the sites proposed to be acquired (through the Collector of Tanjore), I have the honour to request that you will be pleased to communicate to him the orders of the Government on the acquisition of lands for the school, though it may be clearly inferred from the amount sanctioned and the estimates recommended for sanction in the note of the Chief Engineer that the grant is for both buildings and sites.

4. I further beg to state that a portion of the new buildings will have to be constructed on a part of the lands proposed to be acquired and the exact cost of the sites will be settled by the Collector of Tanjore at the time of purchase.

5. Under these circumstances I have the honour to request that you will be so good as to clearly specify that the half grant sanctioned Rs. 27,518 is towards the cost of both extensions to the buildings and the sites proposed to be acquired for the school and to communicate the orders to the Collector of Tanjore so that he may take the necessary steps to secure the lands for the school.

6. A copy of the Collector's letter No. 2809, dated 31st March 1913, is herewith sent for your kind perusal.

7. I have the honour to submit that foundations for the new buildings have to be excavated and laid before the rivers are in floods and when the water level is low, as the Tirukkattupalli village is very near the two rivers Cauvery and Kodamuratti.

Order—No. 599, Educational, dated 27th June 1913.

The Government do not consider it advisable to frame any hard and fast rules regulating the cases in which the Land Acquisition Act may be put in operation for the acquisition of land required for schools under private management; each application for such assistance will more conveniently be decided on its merits. The application of the Act has hitherto been restricted to cases, in which a substantial contribution from Provincial funds has already been sanctioned towards the cost of the land proposed to be acquired, or where it has been proved to the satisfaction of Government that serious difficulties stood in the way of private purchase or that a valid and clear title to the property was otherwise impossible of attainment.

2. It is open to the Director of Public Instruction to address Government separately if he considers that the application of the Act is necessary in the case of the Tirukkattupalli high school.

(True Extract.)

W. FRANCIS,
Ag. Secretary to Government.

To the Director of Public Instruction.

NOTES CONNECTED WITH G.O. No. 599, EDUCATIONAL, DATED
27TH JUNE 1913.

[SUBJECT.—*Question of policy in applying the Land Acquisition Act to cases of schools under private management.*]

From the Director of Public Instruction, dated 4th June 1913, No. 1834-13.

Where a substantial portion of the cost of acquisition of land for schools is contributed by Government as grant or where the management has been registered as a

Vide section 6 of the Land Acquisition Act. company, there will be no difficulty in

applying the provisions of the Land Acquisition Act to such cases. The question raised is in which of the cases falling under

the former class it should be done. In the former case the Government as contributor

to the cost have an interest in seeing that proper use is made of the money and that

valid transactions are entered into in the matter. No definite policy has been laid

down to govern such cases. There have not been many cases in which the

Government in Educational had to deal with such applications. In recent years the cases of Basel German Mission College, Calicut, of Voorhees' College, Vellore, and of the Pachaiyappa's high school, Conjeeveram, have been dealt with

G.O. No. 307, Educational, dated 24th June 1903. 2. In 1903 the Basel German Mission

invoked the aid of the Government to acquire the land which it had by private

negotiation agreed with the owner to purchase, but valid sale of which could not be

legally carried out on account of the peculiar nature of the tenancy in Malabar. The

Government in order to satisfy the requirements of section 6 of the Act made a

nominal contribution of Rs. 150, first acquired the land and then assigned it to

the mission with the sanction of the Government of India. In the case of the

Voorhees' College the case of Basel German Mission College was distinguished and

the Government declined to apply the Act as the circumstances did not warrant the interference of Government. The owners

had full power to alienate the property, but the mission would not pay the price asked

for. It was pointed out that if that body got itself registered as a company, the

application of the Act would be sanctioned. Please see the notes with G.O. No. 316,

Educational, dated 24th May 1904. In the case of the Pachaiyappa's high school, Conjeeveram, the Trustees negotiated with

the owner, but the latter sold the land to a private individual for a sum less than

that offered by the Trustees, who therefore, with the object of bringing the case within

the purview of the Land Acquisition Act, applied to Government for a grant. The

Government, however, declined to make the grant and to assist them in acquiring it.

But none of these cases furnish a parallel to the cases which the Director of Public Instruction has in contemplation at present, viz., those in which liberal grants have been made by Government already and have thus qualified themselves for the application of the Act.

3. It does not appear that any hard and fast rule can be laid down in respect of the latter cases. The circumstances of each case should be examined and the Act applied where difficulties exist and where it is proved to the satisfaction of Government that private negotiations have failed to secure or cannot secure a valid title to the management in the land. As the question is a general one the remarks of the Revenue Department may perhaps be obtained u.o. before any decision is come to.

W. FRANCIS—24-6-13.

Not necessary. Revenue Department has little to do with the view. Educational may take on the subject.

W. FRANCIS.

4. As regards the particular case, namely, that of Tirukkattupalli high school, the Director in paragraph 2 of his letter on page 2 of G.O. No. 359, Educational, dated 24th April 1913, referred to the "acquisition of the sites" by which was probably meant acquisition under the Act. The question then under consideration having been only the eligibility of the school for a grant and its amount, there was no need to consider specially the question of acquisition of the site. It is now open to the Director to address Government separately if he considers that the application of the Act is necessary in the case.

W. FRANCIS—24-6-13.

C. RAMANUJACHARI—23-6-13.

A draft order is submitted for approval.

P.R.—24-6-13.

C. RAMANUJACHARI—24-6-13.

Approved.

W. FRANCIS—25-6-13.

[G.O. No. 599, Educational, dated 27th June 1913.]

C.No.1799, from the D.P.I., No.1834/13, dated 4-6-13.

ORDER :-
P.S.

10.599 Ed, 27-6-13.
Post. to not consider it
The Director of Public Instruction *advisable to frame any* will be informed that no hard and fast rules can be laid down regulating the cases in which the Land Acquisition Act *may* should be put in operation for the acquisition of lands *required* for schools under private management. Each application for such assistance *will not necessarily* should be decided on its *own* merits. *Not as a general rule* The application of the Act should be restricted *only* to cases in which a substantial contribution from Provincial Funds has already been sanctioned towards the cost of the land proposed to be acquired, *or* where it has been proved to the satisfaction of Government that *serious* difficulties *arise* in the way of private purchase or that negotiations on the part of managers have failed to secure *a valid and clear* title to the property *was otherwise impossible to of attainment*. It is open to the Director of Public Instruction to address Government separately if he considers that the application of the Act is necessary in the case of the Tirukkattupalli high school.

To the D.P.I.

* To be initialled and dated

(e) The names of the Secretary and Members should be printed in full when they occur on the right hand side, but only the first time when they appear on the left side, the initials alone being printed later.

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P. Ramon
25/6/13

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