

Law (Education) (1925) Department.

Ordinary SERIES.

G.O. No. 488

DATED 4/4/1925

[Despatch Abstract.]

Lawrence Memorial School.

Arrangements for execution of works after
the introduction of the Trustee scheme —
orders passed.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	8. 465 29.3.26						

Lawrence Memorial school works —
waiving of centage charges.

Extract from the notes in the file regarding the transfer of the control of ^{the} Lawrence Memorial School, Lovedale, to a Board of Trustees.

x x x

At the same time we should see if there are any privileges granted by the Govt. of Madras the continuance of which ought to be stipulated for before the Trust is completed.

x x x

A.R.K(napp)
25-6-24

x x x

(d) Waiving of centage charges for services rendered by the P.W.D. staff for works etc. done for the School.

Since 1914, the buildings of the L.M. School have been in the charge of the Military Works Department. In approving the Trustee scheme, the Govt. of India have sanctioned the transfer to the Board of Trustees of all right, title, and interest vested in ~~that~~ Government over the buildings and lands of the school. As under the Trustee Scheme, the school becomes a private institution, centage charges will be leviable on all works executed by the P.W.D. for the school. The question of levying such centage charges was raised by the A.G. last year in connection with the works already being carried out by the P.W.D. at Lovedale. Pending a final decision on the question of the future management of the school, it was, however, directed that such charges should not be levied.

The question whether the recovery of the centage charges may be waived after the school is brought under the Board of Trustees was examined in February last at the instance of H.M. (C.2). The Finance

c.f. p. 178. 16978
3.12.23 (0)

8. 1697
3.12.23 (0)

vide notes with
8. 185 (1)
7.2.24

Department considered that, when the works outlay was greater than Rs 1,000/-, the most suitable method was to give a grant-in-aid to the institution to cover the centage charges which it had to pay to the P.W.D.; C.2. has accepted this position. This arrangement may therefore be adopted when the Trustee scheme is introduced.

C.V.V.
12-7-24

S.K.
12-7-24

C.G.N.
12-7-24

V.T.K.
14-7-24

I should like the point above developed a little further.

One great object of the Trustee Scheme was that the school as regards monetary grants from the Local Government should be placed in the same position as other private schools, but this aim will not be achieved if we have to go to the Legislative Council for special grants-in-aid to cover the money to be paid to the Public Works as centage charges whenever the Public Works are called upon to do any work for the school. The Trustees are relieving the Government of ^{the} responsibility of maintaining an institution for whose continuance the Local Government is partly responsible, in as much as it represents the male and female orphan asylums whose endowments were in the hands of the Government and were transferred on certain conditions to the Lawrence School. This particular connection between the Local Govt. and the School might well, I think, justify its being made a condition of the Trust that the services of the Public Works Department would, when required, be placed at the disposal of the Trustees free of charge. I do not say that the Trustees will necessarily want to use the P.W.D. It is quite possible that they will prefer to have their own agency, but it would be a great advantage to be able to call in the P.W.D. when necessary. I should like this

M. 18-34 of (Y)

When the outlay is less than Rs. 1,000, centage charges can be waived by Local Govt. - A on p. 14 of 8. 431

M. 33-34 of (Y)

Mainly in M.O. on 21/7 + 21/7

x Para 3 of letter

M. 922

8/1/24

(10) cc. 41. 12. 24

(5) cc. 41. 12. 24

(1) cc. 41. 12. 24

(10) cc. 41. 12. 24

(1) cc. 41. 12. 24

(1) cc. 41. 12. 24

(1) cc. 41. 12. 24

(1) cc. 41. 12. 24

(1) cc. 41. 12. 24

matter separately taken up and considered afresh in consultation with P.W.D.

A.R.K.
18-7-24

The question raised in the notes extracted above is that of waiving centage charges for services rendered by the P.W.D., to the Lawrence Memorial School after the Trustee scheme comes into force. The P.W.D., are now carrying out extensions and improvements to the school buildings without levying centage charges and the continuance of this concession, after transfer of the school to a Board of Trustees, may be urged on the following main grounds.

In the first place, as pointed out in H.M.'s note above, the Trustees are relieving the local Govt. of their portion of the responsibility of maintaining an institution for orphans. In the second place, the concession is one which the school has been enjoying for a long time and its withdrawal will cause much inconvenience. From 1911 to 1922 all repairs and new works connected with the school were carried out by the Military Works Department. Since the receipt of the Secretary of State's orders regarding the provincialization of the school in 1922, the procedure adopted has been to make the necessary provision for works connected with the school in the Provincial P.W.D. budget, the expenditure being ultimately debited to the grants received from the Govt. of India for the purpose. The P.W.D. have carried out these works like any other work for which pro-

provision is made in that Dept. budget. When the Trustee scheme comes into force, the procedure may be slightly altered. The grants from the Govt. of India may not be received by the local Govt., but will be paid to the committee of the school direct. Instead of the works being provided for in the P.W.D. budget, the school committee will place funds at the disposal of the P.W.D., for the works to be executed by that Dept. It does not seem fair that this change in procedure in regard to the payment of grants should throw on the school committee the responsibility of engaging a separate agency for the carrying out of works, which ~~the committee~~ has never had till now. Even the Finance Dept. has recognised the necessity for allowing some concession in this matter. That Dept. suggests the payment of a grant-in-aid to cover the centage charges. As pointed out by H.M., provision for such grant-in-aid will have to be made in the Provincial budget and this may evoke unfair and hostile criticism. One of the objections to the provincialization scheme of the school was that, under it, budget provision for the charges of the school would have to be voted by the local Leg. Council. It is, therefore, not desirable to adopt the system of paying a grant-in-aid to cover centage charges which makes it necessary to approach the Leg. Council. The alternative therefore is to waive the recovery of centage charges. The Finance Dept. has already noted that the rule regarding the levy of centage charges is not statutory and that it is in the discretion of this Govt. to change it. The case of the Lawrence Memorial School is, as pointed out, special and relaxation of the rule in its favour would seem to be justifiable.

The

The file may be sent to P.W.D., and Finance for remarks.

L.E. 2168D

25.7.24

CVV

22.7.24

8/5
23.7.24

CVV
24.7.24

VTK
25.7

P.W.D. } u.o
Finance }

L.E. 2168B7
28.7.24



us

P.W.D

Under rule 8 of Appn 7 of the P.W. Account code, as it now stands, Centage charges cannot be waived in the case of ~~works~~ non Govt works costing more than Rs 1000. The above rule is not statutory but can be superseded or modified by the Local Govt in consultation with the Auditor General. vide the Govt of India's letter recorded in S.O. 322 Finance 27.4.22. The concurrence of the Auditor General would thus seem to be necessary to make an exception to the above rule in the case of the Lawrence Memorial School.

With these remarks, the case may be passed on to the Finance Dept for consideration.

CR.
4.8.24

17/8/24

Finance



7.7.

P.W.D. 203356 Ac/m-1

11-8-24

7c 2773 exp
13.8.24

M. 22-23 + 33-34

8.185 (Y)

7.2.24

M. 33-34 bid

p. 2 ante

x c.f. portion A.
in C's note on p. 8
of notes at (II)

M. 19-20 + 33-34

8 (Y)

x Rule 8 in App. 7 to the
Public Works Account Code.

Fin. note on p. 2256208-7m

11.3.24

not now in file

pp. 3-4 ante

Under the existing rules, centage charges can be waived only in respect of works costing less than Rs. 1,000. As regards other works, the only suitable form of aid is to give a cash grant, but remission of centage charges is not allowed. This, however, open to local Govts. to modify the existing rule in consultation with the Auditor-General.

2. The Law (Ed.) Dept. propose that centage charges should be waived in respect of works executed by the P.W.D. on behalf of the Lawrence Memorial School after its transfer to a Board of Trustees. The objection against giving a grant-in-aid to cover the centage charges is that provision for such grant-in-aid will have to be submitted to the vote of the Legislative Council & that it will evoke unfair & hostile criticism.

3. The question whether the existing rule should be modified so as to allow remission of centage charges for works costing Rs. 1,000 + more was considered in February last & it was decided that no change was needed - vide pp. 5-6 of G.S. 208-Finance of 11-3-1924. It

(E)

does not seem that the rule should be modified solely with a view to overcome the difficulty anticipated by Law (Edm.) in respect of ~~the Lawrence Memorial School~~ ^{a single institution}.

~~When once the rule is modified~~ We cannot tell the Auditor-General that it is proposed to evade the sanction of the Legislative Council. Moreover, when once the rule is modified, it will have to be applied in all cases. The result will be to falsify the accounts of the P.W.D. (i.e.) the ~~cost~~ charges on account of the establishment employed on these works 20.8.24 will fall on other works with which that establishment has in reality no connection.

Vide para. 297 in note on p. 52 of G.O. 208-74 (E) 11.3.24

LR
22.8.24

Read

Law.

23.8.24

Law (Edm.) Lno 2773 Expt-1
23.8.24

The case may be circulated

to C₂ ^{+C₄} for orders with reference to C₂'s

L. En 2395 B
25/8/24

note extracted on pp. 2-3 ante. The Finance Dept. do not agree to the waiving of cartage charges.

25.8.24

C₂

26.8.24

C₂

C₄

V.T.K.
26.8.



The rule on which such then a law is not. Stating a does not, I presume, but the Gov.

Mr. 2-3 ante I still think that we might for the reasons given in my note of July 18th place the services of the P.W.D. at the disposal of the School free of charge, as in the past in consideration of the selection in which the school will stand to Government. (25)

He

2/11/24

The main objection to this is that the cost of P.W.D. establishment etc has to be distributed over the works which it undertakes; if one work or group of works is exempted, proportionately higher charges have to be levied on all the rest. I do not think we should be justified in doing this & the Auditor Genl is bound to object.



Rel

Submitted

4/11/24

C₂

V.T.K.
6.11

9
 Let P.W.D please let me know
 urgently what percentage will be
 added to the account of the school
 when in provision 2
 of (1) plan are prepared & (3) the
 work is done by P.W.D in future.



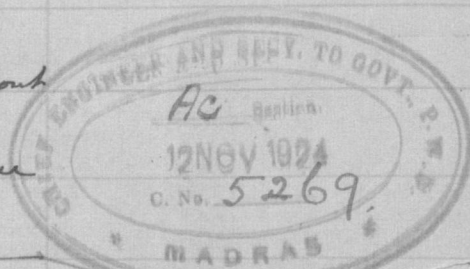
P.W.D. U.O

V.T.
 18/11

Law (Edu) no 2168 B.2.
 11/11/24

Madras Govt no
 12/11/24 at 4:30 PM

P.W.D.

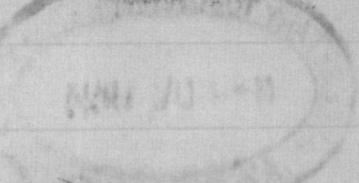


X Compare Art 71 (b).
 C.S.R.

LC 3213 B

(25)

17/11/24



P.W.D. no 5269 Aep 24-1
 15.11.24

1) When advice can be given without
 detriment to the public service, it can
 be given free and no charge need be
 made. 2) When plans and estimates
 are prepared, a charge of 2 1/2 per cent
 on the estimate amount will have to be levied
 on the analogy of the rule at A in clause
 (1) of So no 150 WD 7-2-24 (3) When the
 work is executed by the P.W.D, a charge
 of 15 per cent on the works outlay is
 leviable under clause (1) of So no 150 WD 7-2-24
 With this information the file may be
 sent to the Law (Edu) Dept no.

CR. 13.11.24
 Law (Edu)
 14/11/24
 13/11/24
 P.W.D.

10
 The case may now be recir-
 culated to C2 with reference to his
 note at p. 9 ante



CVV
 17.11.24
 8A
 17.11.24

C2

Very well. I should like to see it last
 Jan his under 'advice' which will
 be from free may be included the
 general sinking of estimates which the
 School may have had prepared by it
 as per the plan which they would like to
 be fulfilled by a superior person.

18/11



A draft order is
 submitted. If approved, it may
 be sent to Finance and P.W.D.
 for acceptance. It ~~would~~ seem
 sufficient to issue the order after
 final orders are issued approving
 the trustee scheme.

K CVV
 21.11.24
 8A
 24.11.24

Law (Edu) no 2168 B.3.
 25/11/24

LC 4667 C2
 26.11.24

Finance }
 P.W.D }

15/11

Finance (Exp.)

(Previous Finance notes on pp. 6-7 ante.)

The draft order may be accepted.

28.11.24

RWD

29/xi



Law

Law (Edw) Dept

Law 4667 exp

1.12.24

L. En 3338 B

11/2/24

P.W.D.

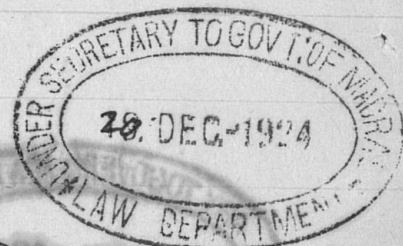
L. En 40.2168-B-4

2.12.24

(Previous P.W.D. note on p. 9 ante.)

The draft order may be accepted

and the file returned to Law (Edw)



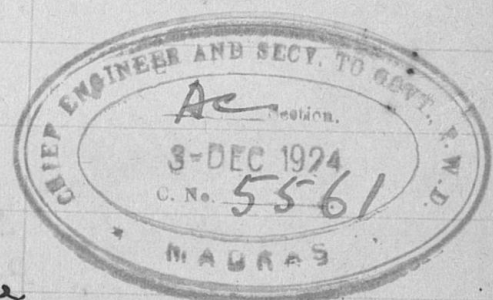
C.R.

3-12-24

18/12/24

7D

4/12/24



Law (Edw)

Please see portion of note

marked K on page 10 ante. The case

may lie over until final orders are

issued approving the trustee scheme

P.W. 5561 Acpt

19-12-24

Law Edw 3540 B.

20/12/24

CVV

22.12.24

8A

22.12.24

25/12

12 9

Law (Edw)

order approving the trustee scheme have just been issued. The draft order below (as slightly modified) may therefore be issued now.

Bottom of p. 11 ante

CVV

3.4.25

8A

3.4.25

Issue

4/4

V.T.R. 4.4

2. The Government have had under their consideration the question as to how far the arrangements sanctioned in the above order should be continued

2-14

after the management is taken over by the Board of Trustees. They have now decided that centage charges should not be levied when the school authorities seek of the P.W.D. ~~only~~ advice that can be given without detriment to the public interests. Such advice will include any general scrutiny of the estimates which the school authorities may have ^{had} prepared by their own agency and on which they may like to have the opinion of ^{however} the P.W.D. When ~~ever~~ plans and estimates for works connected with the school are ~~either prepared or executed by the P.W.D.~~ the usual centage charges should, ~~however~~ be levied.

VTK
25.11
25/11
S

DESPATCHED
4-APR 1925
8

the works are executed by the department

To
the Principal Secy, L.M. school
D.P.J.
A.C. through the Finance Dept
Finance Dept
P.W.D.
(Please take an add copy)

When given for copying
When copied
When examined
When signed

192

READ AGAIN G.O. No. 192 DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT ... A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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