

Law (1925) Department.
Education
Order SERIES.

G.O. No.

953

DATED

8/6/25

[Despatch Abstract.]

Elementary Education fund

Expenditure on medical inspection and establishment to maintain
accounts of the fund - inadmissibility - Advocate-General's opinions -
Communicated.

BACK PAPERS.

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

FURTHER PAPERS.

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

Law (Education) Deptt.

Memo No 830 C-1 dated 3-4-25

Section 33 (2) of the Madras Elementary Education Act, 1920, provides that all expenses incurred on elementary education by a local authority shall be paid out of the elementary education fund under the control of that authority. 'Elementary education' is defined, in section 3 (v) of the Act, as education in such subjects and up to such standard as may be prescribed. The question has been raised whether it is the intention of the Act that the education fund should be restricted to expenditure on elementary education as defined in the Act and to that purpose alone and whether expenditure on the medical inspection of pupils in elementary schools under the control of a local authority may be debited to the

fund. The Advocate General is requested to advise Government on the question raised. His attention is invited to

his opinion No. 149, dated 14-11-1924 in which it was held that the expenditure incurred on the feeding of poor pupils is not a legitimate charge on the fund as the law stands at present.

To Government Solicitor.
The Advocate General.

DESPATCHED
3 APR 1925

2/4/25 V.T.K.
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K. S. 2521C (3)
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O P I N I O N.
- P. S. 21/25

Ref:- Memorandum No. 850 C-1 dated 3rd April 1925,

Law (Education) Department.

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K. S. 1187C
16/4/25

Section 33 of the Madras Act VIII of 1920 directs that "all expenses incurred on the elementary education by the local authority concerned shall be paid out of the fund" i.e., from the elementary education fund constituted under section 32. Be it noted that what is directed to be paid is expenses incurred on elementary education, not expenses in some manner or other connected with elementary education. Unfortunately "elementary education" is defined as "education in such subjects and up to such standard as may be prescribed" making no reference to any matter other than the imparting of knowledge to the pupils up to a certain standard. The ----- inevitable result, [however undesirable], is that expenses of medical inspection cannot be paid out of the elementary ----- education fund.

As I pointed out in my previous opinion, an amendment of the Act is necessary to allow of expenses being incurred for other than the imparting of knowledge.

T. R. V. Sastri

Advocate General.

Madras,)
7th April 1925.)

(True Copy)

[Signature]
Ag: Government Solicitor.

LAW (EDUCATION) DEPARTMENT

From

L. Mainwaring Taylor,

Ag: Government Solicitor,

Madras.

To

The Secretary to Government,

Law (Education) Department,

Madras.

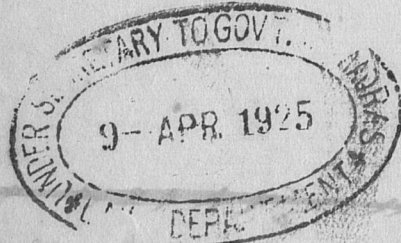
Dated Madras the 7th April 1925 }

Received }

No. 614.

Forwarded with reference to -
Memorandum No. 850c-1 dated the
3rd April 1925 Law (Education)
Department, Madras.

Ag: Government Solicitor.



21/4
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To

The Govt. Solicitor

Reminded on 7-5-25

DESPATCHED
21 APR 1925

for other matters connected with its administration relating to the funds. The Advocate

General is requested to advise Government on the

question raised.

10.4.25

16.4.25

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V.P.P.
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C. 850c
Memo 850c-2 d/ 21.4.25

Section 33(2) of the
Madras Elementary Education
Act, 1920, provides that all
expenses incurred by a local
authority on elementary edu-
cation shall be paid out of
the elementary education
fund under the control of
that authority. 'Elementary
education' is defined, in
section 3 (v) of the Act, as
'education in such subjects
and up to such standard
as may be prescribed'. The
question has been raised
whether it is permissible
to debit to the Elementary
education fund the
pay of clerks employed
on ~~the maintenance of the accounts~~
~~the maintenance of the accounts~~
~~the maintenance of the accounts~~

OPINION.

Ref:- Memorandum No. 850 C-2

Dated 21st April 1925,

Law (Education) Department.

---:C:---

The series of questions that have till now arisen on the interpretation of section 33 of the Elementary Education Act VIII of 1920 illustrate its defect and the need for an immediate amendment of it.

The question that is now raised is "whether it is permissible to debit to the Elementary Education Fund the pay of clerks ^{on} employed the maintenance of accounts relating to the fund or otherwise connected with its administration".

The fund is constituted in respect of each local authority. The local authority administers the fund. The local authority has other funds of its own out of which its establishment is paid and maintained. Section 33 speaks merely of all expenses incurred on elementary education being payable out of the fund. The amount paid to those employed to keep accounts may be expense connected with elementary education but is not expense on elementary education. The Act as it stands can only be taken to intend that the local authority should pay the establishment out of its own funds and not out of this fund specially constituted for meeting the expense on elementary education. (Whether that was or was not the intention of the legislature that is the result of its language and only an amendment of the Act will enable the payment of expense connected with the management or administration of the fund.)

Amendments to obviate other difficulties have been suggested in previous opinions, for example, to enable the feeding of Adi-dravidas, Medical Inspection etc.

Ootacamund,
13th May 1925.)

T.R.V. Sastri

Advocate General.

(True Copy)

Ag: Government Solicitor.



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G.O. No. 1890
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READ AGAIN G.O. No. DATED
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CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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