

Law Education (1926th) Department.

Mis SERIES.

G.O. No. 1710

DATED 4-9-26

[Despatch Abstract.]

Subsidy.

towards the reconstruction of compound wall - Muhammadan
Girls' School, Shevapat - Payment to Municipal Council, Salem -
Sanctioned.

BACK PAPERS.

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

FURTHER PAPERS.

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

GF 30

Law Education -----

DEPARTMENT.

Received 192 Registered 192



1685 A-1
6526
Law (Ed., & Pk.)

Referred to the Director of Public Instruction for remarks (By order)

Ramanyaihar
Asst. Secy to Govt. Law Dept.

ENCLOSURES.

No.

Spare copies

Reference No. 4/C-3 of 26.

Station Salem. Dated the 26--4--1926. 192

From (Name) M. R. S. C. Venkatappa Chettiar M.L.A.,

(Designation) Chairman Municipal Council,

Salem.

To The Secretary to the Government of Madras

Law Education ----- Department.

Sir,

With reference to G.O. No. 523 His., dated 31--3--26,

I have the honour to forward herewith a copy of Municipal Council's Resolution No. 49 (5) dated 23--4--26 whereby the Council agrees to take up the management of the Shevapet Muhammadan girls' school subject to the conditions originally laid down. Necessary orders may be issued in the matter.

I have the honour to be,

Sir,

Your Most Obedient Servant.

Chairman

S.L.S. 27/4



28/4.

Extract from the Proceedings of a General Meeting of the Municipal --
Council of Salem held on the 23rd April 1926:---

Present

49 (3) Read G.O.No.523 Mis., dated 31--3--1926 stating that the manage-
ment of the Muhammadan girls' school at Shevapet will be taken over by
the Government from 1--4--1926.

Resolution:---

Recorded.

In the correspondence relating to this school, the Council resolved
to hand over the management of the school to the Government as it ---
declined to bear the cost of reconstruction of the compound walls which
fell down in the rains. As the Council is now of opinion that the
Government declined to bear the cost because the Council erroneously
represented to Government that the walls were repaired instead of ---
stating that it was completely reconstructed and as it understands that
the management of this school will be handed over to some Association or
to private individuals and as it apprehends that such a procedure will
be detrimental to the interest of muslim female education this council
resolves that the management of this school should be taken up in its
hands subject to the conditions originally laid down

(sd) S.C.Venkatappa Chettiar,
Chairman

(True copy)

S.M.S.27/4

Chairman

Aug
1926

LAW (EDUCATION)

DEPARTMENT.

Received



192

Registered

192

387/26

Subject.

Government Muhammadan Elementary school for girls
Shevapet, Salem - retransfer to the Municipality.

ENCLOSURES.

No.

Spare copies

R.O.C. No. 1615 A/25

Station Madras, Dated the 26th July 1926 192

From (Name) R.G. Grieve Esq., M.A., F.R.G.S.,

(Designation) Ag. Director of Public Instruction

To The Secretary to the Government of Madras,

LAW (EDUCATION)

Department.

Sir,

I have the honour to resubmit herewith Government Law (Education) Endorsement No. 1685 A-1, dated 6th May 1926 and to state that the Chairman, Municipal Council, Salem has in his letter No. 426-C3, dated 13th July 1926 agreed to my proposal to consider the Muhammadan Elementary Girls School, Shevapet, Salem as having continued under the Municipal control from 1st April, 1926 from which date it was directed to be taken over under departmental control in G.O. No. 523 Mis. Law (Education) dated 31st March 1926.

2. The Chairman, however states that as the compound wall of the Muhammadan Girls' School referred to above was "reconstructed" at the cost of the Municipality and not "repaired", the expenditure in this regard may be

Copy of letter p 4 infra

p 1 ante
p 4 infra

4
borne by Government. The subsidy towards the cost of repairs was negatived by Government in their orders No. 916 Law (Education) dated 1st June 1925 and R. 436 Law (Education) dated 26th October 1925.

3. Copies of the Chairman's letter referred to in para 1 and the Salem Municipal Council's resolution on the subject are enclosed.

I have the honour to be,

Sir,

Your most obedient servant,

R. M. B. B. B.

for Director of Public Instruction

P.R.K. 26/7

SW
27/7

Copy of letter R.C.No. 4-26-C-3, dated 13th July 1926 from the Chairman, Municipal Council, Salem to the Director of Public Instruction, Madras

Your letter R.O.C.No. 1615 A/26, dated 8th May 1926-Management of the Government Muhammadan Girls' School, Shevapat, Salem.

The Council has no objection to regard the Muhammadan Girls' School Shevapat as having continued under its management from 1-4-1926.

2. As regards para 2 of your letter I enclose a copy of Municipal Council's resolution No. 293, dated 9th July 1926 on the subject. It has all along been urged that the compound wall was repaired and the term 'repairs' was wrongly used in all the previous communications. In view of the fact that the wall has been reconstructed at the cost of the Municipality, I request that the expenditure incurred in this work may be borne by the Government and the amount paid to the Municipality at an early date as the work cannot by any means be considered to be 'repair'

Extract from the Proceedings of the Municipal Council, Salem passed at its meeting held on 9th July 1926.

293 Read letter from the Director of Public Instruction, Madras requesting to be informed if the question of provincial subsidy for the reconstruction of the compound wall of the Shevapat Muhammadan Girls' school has been dropped.

RESOLUTION.- As the wall that fell down has been reconstructed at the cost of the Municipality and as the expenditure does not come under 'repairs' it is resolved that amount of expenditure should be given to the Council by the Government and that there is no justification whatsoever to drop this.

*

(sd) S.C. Venkatappa Chettiar
Chairman,

*

Law Esy. Dep't
Subject: Govt. Muhammadan Elem. School for Girls
Shevapat, Salem.

pp1-2 CE [C no 1685A] from the CMC Salem No. 4/26 d 26.4.26
pp3-4 CE [C no 2974A] D.D. No. 1615 d 26.7.26

(F) In Eo No 1132 L.E. d 23.9.22 the Govt. sanctioned the transfer of the Govt. Muhammadan girls' school, Shevapat to the control of the Municipal Council, Salem. Subject to the condition that a sum of Rs 2563/- is paid to the Council every year towards the cost of maintenance of the school.

(D) para 1, p 8 of Eo 523 L.E. 31.3.26
2. Subsequent to the transfer, the Council carried out certain repairs to the compound wall of the school building at a cost of Rs 1203/- and applied to Govt. for a subsidy to recover the amount. The Govt. however declined to sanction it on grounds that under para 2 of Eo No 1132 L.E. d 23.9.22 the Council should meet the cost of such repairs from its own funds.

(B) (Vide notes to Eo No 916 L.E. d 1.6.25) Subsequently the Council asked for a reconsideration of the question but the Govt. declined to do so. (Vide Eo 436 R. 26.10.25.)

(X) 3. In December 1925 the Council requested that the Govt. might take over the management of the school back from the Council but the Govt. declined to do so. (Vide Eo 101 L.E. d 23.1.26.) The Council subsequently proposed to close the school from 14.12.25. As the school is intended for Muhammadan girls, the D.P.I. was asked to investigate the possibility of the transfer of the school to the Muhammadan Ed. Association, Salem or to any other suitable association or individual willing to assume charge of the school. Pending result of the

investigation, the Govt directed that the school be taken over under departmental control from 1.4.26. The Council has since resolved that for the reasons mentioned in p.2 CF, the school should be retained under its control. It has agreed to the Director's proposal that the school may be ~~and~~ considered to have continued under its control from 1.4.26. The Director's proposal may be accepted.

4. The Council again renews its request for the subsidy of Rs 1203/- referred to in para 2 above. It now reports that it originally represented to Govt erroneously that the compound wall was repaired instead of stating that it was completely reconstructed. Attention is directed to the P.W.D and the Finance Dept's notes on pages 20-22 of L.O. No. 916 L.O. of 1.6.25. The rebuilding of the fallen compound wall is of the nature of replacement and not of improvement and can therefore be considered only as repairs. There seems to be no case for a reconsideration of the orders already passed. The Council may be informed accordingly.

5. Draft Sub. It may perhaps be sent to P.W.D for acceptance of para 2.

10/8/26
9/8/26
The building still remains Govt property & the Council had to reconstruct the wall. It is not, strictly speaking, 'maintenance'. On reconsideration, I think there is a case for considering the Govt order already

p.2 CF

p.3 CF

(The Council ask to be reimbursed of the cost of reconstructing the compound wall. This is made up as follows:—
(1) Building Compound wall 979
(2) Repairs to the entrance gate 56
(3) Repairs to the roof 39
(4) Repairs to floor 129
1203

p.2 CF

p.20 of L.O. 916 L.O. 1.6.25

(B)

Viol. of P.W.D Sec's note in the margin of p.20 of L.O. 916 L.O. 1.6.25

(B)

(B)

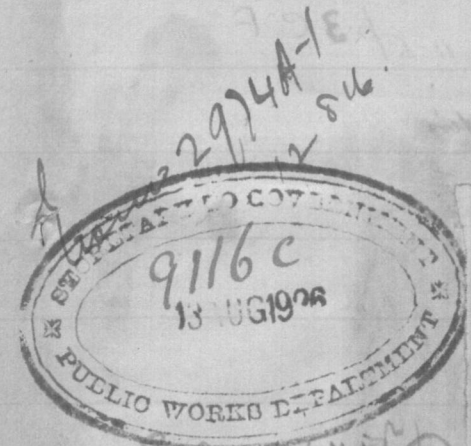
(B)

issued

V.Tr

11.8

P.W.D }
Fin }



7.6.916 L.O. 1.6.25

para 2 (F)
Viol. of P.W.D Sec's note in the margin of p.20 of L.O. 916 L.O. 1.6.25

Para 1.6.25

The subsidy to the Municipal Council Salem to meet the cost of reconstructing a portion of its Compound wall was refused on the ground that the work was classifiable under "Repair" and that therefore the M.C. should bear the entire cost from its own funds under the terms of the transfer in G.O. No. 1132 Law (Edn) of 23.9.1922. This decision was arrived at with reference to para 175(ii) of the P.W.D Code (10th edition). This para has been superseded by para 91 of the Madras P.W.D Code - Para 91(a) of the Madras Code defines how mixed works such as replacements or reconstructions which are partly of the nature of repairs and partly of original work, should be treated for purposes of determining the authority competent to accord administrative approval to the estimate for the works and how expenditure on the works should be accounted for. [In this case the original cost of the compound wall which was replaced was Rs 700/- and the cost of reconstructing it was Rs 978-11-6. Under para 91(a) of the Madras

p.15 of G.O. at (B)
See (i) on p.20 of G.O. at (B)

P.W.D Code, the estimate for the work was classifiable under "original works" and Rs 278.11.6 would go to increase the Capital Cost of the Compound wall] This para 91 of the Code seems to have no bearing on the question of reimbursing the M.C. of the Cost of reconstructing the wall.

Further According to the Terms of G.O. 1132 Law Edn of 23.9.22 the M.C. is required only to keep the buildings etc in "good repair". The work of reconstructing the Compound wall can hardly be called a work of "repair" especially from the nature of the work carried out as explained by the Municipal Engr. on p 5 of G.O. 916 Law Edn of 1.6.25. It therefore

appears that the M.C. is entitled to a subsidy of Rs 978.11.6 which was the actual expenditure incurred on the work. This dept may agree with the Law Secretary and the file may be passed on to Finance.

16/8/26
16/8/26

17/8
17/8

(F) - para 4

If, for instance, a substantial portion of the building itself fell down & is replaced, it is not a repair but it does not seem equitable to make the Municipal Council pay it on the ground that the esty is chargeable to repairs under para 91 of the P.W.D (municipal) code.

Item (i)(a) on p. 209 of G.O. at (B)
P.W.D. G.O. 9116 of 1.6.25
Rs 978.11.6



Fin Cr 24323 Exp.
18-8-26

P.T.O.

Finance (Exp.)

One of the conditions of the transfer of the Muhammadan Girls' school, Shevapet, from Govt. to the Municipal Council, Salem was that the building should be kept by the Municipal Council in good repair - see para 2 of G.O. No 1132 Law (Edn) of 23.9.22.

2. In 1923, the Municipal Council incurred the following expenditure on the building:-

(i) (a) Rebuilding the fallen compound	Rs 979
(b) Repairing the entrance gates	56
(ii) Repairs to roof	39
(iii) Repairs to floor	129
	<u>1203</u>

The Chairman asked that a grant of Rs 1203 might be sanctioned from Provincial funds.

3. As the Chief Engineer considered that item (i)(a) above was of the nature of replacement and not of improvement and that it ~~did not~~ ^{did not} go to increase the capital cost, and as under para 2 of G.O. No 1132 Law (Edn) of 23.9.22 the Mpl. Council should meet all ^{on repairs} expenditure from its own funds, the Govt. declined to sanction any grant -

G.O. No 916 Law (Edn) of 1.6.25. A reconsideration of the order was refused in G.O. No 436 Law (Edn) of 26.10.25.

4. The Municipal Council has again applied for a reconsideration of the above decision and in doing so has stated that the expense on the compound wall does not come under

(F)

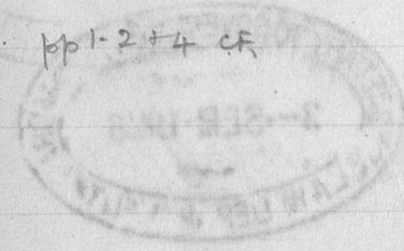
para 4 on p1, pp 3-5 + p 209 G.O. at (B)

para 4 of G.O. at (B)
Marginal note on p 209 of G.O. at (B)
p 18 and 19

(F)

(B)

pp 1-2 + 4 CF



date. The Chairman, Municipal Council, Salem, should arrange to present the necessary bill at the Treasury for obtaining payment or adjustment of the amount.

2. The expenditure will be met from the provision of Rs. 71,900 in the current year's C. B. E. under "31-C-(c) Education - Primary - Grants to local bodies for Primary Education - Grants-in-aid- General - Voted - Non-recurring - Buildings."

21/8/26

9.9.26

V.T.K.

2.9

DESPATCHED
18-SEP-26

To

The C.M.C. Salem (with ref. to his letter No. 43c-3-26 d. 26-4-26)

- " D.P.I. (with ref to his letter no 16157/2 d. 26-7-26)
- " P.D.E.C., Salem.
- " Exr. of L.E. Accounts.
- " A. G. thro. Finance.
- " Finance Department.
- " L.S.G. Department.

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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