[ B. ]

598–19-4-06.

# Educational (1906 ) Department.

ORDINARY PRINTED.

G.O., No. 477

DATED 13–7–06.

486

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[Despatch Abstract.]

Code for European Schools.

matter
Stating that in the ~~case~~ of grant
certificates to destitute children under Art 41(a) of the
the magistrate should use his own dis-
that if he is of opinion that a child is sufficiently
cretion in ~~seeing whether the relative of the child are~~
destitute to "deserve a certificate under the Art. quoted
~~so utterly" destitute that they are not able~~
he may issue the certificate & that if he does so a full
~~to contribute anything towards its upkeep~~
grant may be given on account of the child unless
~~and that in such cases a full grant may~~
other exceptional circumstances exist such as
~~be given on account of the child unless other~~
to justify any reduct[illegible] contemplate
[illegible]

## BACK PAPERS.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
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## FURTHER PAPERS.

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# Government of Madras.

## EDUCATIONAL DEPARTMENT.

*Recd.* } 1906. *Enclosures*
*Regd.* } *Spare copies*

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## G.O., No. 477, 13th July 1906.

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### Code for European Schools.

Stating that in granting certificates on account of destitute children under article 41 (*a*) of the — the Magistrate should use his own discretion and that if he issues a certificate a full grant may be given on account of the child unless other exceptional circumstances exist such as to justify any reduction as contemplated in article 28 of the Code.

GOVERNMENT OF MADRAS.

## EDUCATIONAL DEPARTMENT.

Read—the following paper :—

**G.O., No. 461, Educational, dated 28th June 1906.**

Abstract.—Stating that the certificate required by article 41 (*a*) of the Code for European Schools may be dispensed with in the case of existing children in orphanages and that the certificate in the case of children newly admitted should be obtained from the Magistrate of the district where the child is found and in the Presidency town from the Chief Presidency Magistrate, it being open to the certifying Magistrates to make such enquiries as they may see fit to institute to enable them to give the certificate required.

**Order—No. 477, Educational, dated 13th July 1906.**

With reference to G.O., No. 461, Educational, dated 28th June 1906, a further question has been raised whether it is open to a Magistrate to issue a certificate under article 41 (*a*) of the Code for European Schools when he finds that the relatives of a child are not so "utterly" destitute as to be unable to contribute anything towards its upkeep. In regard to this question the Government consider that the Magistrate should use his own discretion in the matter. If he is of opinion that a child is sufficiently destitute to deserve a certificate under the article quoted he may issue the certificate and if he issues the certificate a full grant may be given on account of the child unless other exceptional circumstances exist such as to justify any reduction as contemplated in article 28 of the Code.

(True Extract.)

H. D. Taylor,
*Ag. Secretary to Government.*

To the Director of Public Instruction.
" Judicial Department.

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Educational Department.

## NOTES CONNECTED WITH G.O., No. 477, EDUCATIONAL, DATED 13th JULY 1906.

[Subject.—*Grant of certificate to destitute children under article* 41 (*a*) *of the Code of Regulations for European schools.*]

*Demi-official from F. D. Bird, Esq., Acting Chief Presidency Magistrate, Madras, to the Secretary to Government, Educational Department dated the 25th June* 1906.

In continuation of my demi-official of the 9th instant regarding "destitution certificates" to be obtained from Magistrates under paragraph 41 (*a*) of the new Code of Regulations for European schools, I find that I must ask also for a definition of the term "destitution" or for some guide to the meaning of it as used in the rule There are, I believe, a good many cases of children in orphanages in Madras who are not utterly destitute but whose parents or friends pay something, as much as they can, towards their board and lodging. Although the orphanage may not be entitled to the full boarding grant in such cases, it is possible that Government may be pleased to allow them some portion of the grant in accordance with the circumstances of each case. If so, it seems advisable that Magistrates should set forth the circumstances of each case and that they should be instructed whether they are to certify for a reduced grant or whether their certificates are to be restricted to "destitute," and "not destitute."

The enquiries and recording of evidence in the large number of cases already in Madras orphanages would, as I have already pointed out, take up considerable time. It is, however, probable that in many cases the orphanages would be unable to produce any evidence which would be of use to them particularly in the case of children who have been with them for some years.

Please see notes with G.O., No. 461, Educational, dated 28th June 1906.

2. The Acting Chief Presidency Magistrate now asks for a definition of "destitution". He desires also to know whether Magistrates can give certificates in cases where the children are poor but not absolutely destitute, a recommendation being added for a reduced grant in such cases or whether certificates should be given only in cases where the children are absolutely destitute.

3. It is submitted that this is a matter where the Magistrate should use his discretion. The order already passed is perhaps sufficient for all practical purposes. May it issue?

P. T. Tharyan—27-6-06.

Mr. Bird has raised what appears to be an unnecessary question. Government cannot define "destitute". What is destitution in one case may not be equal destitution in another; so much depends on the position of the orphan. The Magistrate should use his discretion in the matter. If the child is poor enough to go into the institution it is poor enough to get the grant.

H. D. Taylor.

C. A. Souter—27-6-06.

Issue Government order already approved and let this be treated as a separate current. Apparently the Presidency Magistrate is instituting inquiries as to children at present in the various institutions and he wants orders at once so as to stop this inquiry which has been decided to be unnecessary.

The present letter may be referred to Director of Public Instruction un-officially. It is not known what the present practice is.

H. D. Taylor—28-6-06.

The Government order already passed has issued as No. 461, Educational, dated 28th June 1906. The file may now be referred to the Director of Public Instruction.

P. T. Tharyan—29-6-06.

C. A. Souter—2-7-06.

*To the Director of Public Instruction.*

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Office of the Director of Public Instruction.

I will make general enquiries as to the practice if desired to do so, but suggest that it may be taken for granted that Managers will, as a rule, offer their limited accommodation to deserving cases only. Their own funds are at stake as well as public funds.

2. There is no provision for reducing the boarding grant.

Surely this is wrong. See article 28 of Code.
C. A. Souter.
H. D. Taylor.

**A** 3. The Magistrate might endorse the certificate "quite destitute" or "partially destitute".

4. The Inspecting officer would be instructed to enquire into the case of each inmate certified to be partially destitute only, find out whether any sum was being paid on his or her behalf and propose if necessary some reduction of the fixed grant which is being paid for educational purposes.

5. I may order this to be done even if it is not considered necessary to alter the orders already issued and the Magistrate is left to use his own discretion as to whether to issue a certificate or not.

6. I prefer the proposal at **A**.

A. G. Bourne—3-7-06.

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Educational Department.

Should the Director be asked to make inquiries as to the practice at present in regard to payment of boarding grants—whether they are paid on behalf of all inmates in orphanages without any discrimination or only on behalf of absolutely destitute children—or may orders issue as at **A** above? The Director prefers the latter course.

2. With reference to paragraph 2 of the Director's note, it is submitted that the Director has overlooked paragraph 3 of G.O., No. 220, Educational, dated 26th March 1906 (page 12) and article 28 of the Code for European schools (page 17).

C. A. Souter.

P. T. Tharyan—4-7-06.

Article 28 of the Code is general and applies to all grants (see heading of the section). Hence if necessary the grant could be reduced. But while, as the Director of Public Instruction says, the managers are not likely, with the limited space at their disposal, to take in any but really deserving cases, they are very likely, if they know that the reception of "partial destitutes" will mean the reduction of their grant, not to take in many of such cases though they may be wholly deserving. That a boy's relatives are able with difficulty to spend a few annas a month on him is little argument against the boy's destitution. I submit that the Magistrate may go on as at present. There is no harm in his saying on the certificate that such and such a case

H. D. Taylor.

does not appear to him to be so deserving as such another case, but once the orphan is admitted to the orphanage, I do not think the usual grant need be curtailed.

C. A. Souter—4-7-06.

I agree with Mr. Souter's note of 27th June 1906. The Magistrate must exercise his own discretion and if he certifies that the case is sufficiently destitute to admit of a certificate, the full grant may be given, unless other exceptional circumstances exist.

H. D. Taylor—5-7-06.

I agree generally. Please draft for approval.

G. S. F[orbes]—6-7-06.

The draft placed below is submitted for approval.

P. T. Tharyan—6-7-06.

C. A. Souter—7-7-06.

"Exceptional cases" I take to mean insufficient food or clothing, and general neglect on the part of the Manager of the Institution: but such cases would probably call for withdrawal of recognition.

H. D. Taylor—7-7-06.
G. S. F[orbes]—7-7-06.

*To the Judicial Department* for acceptance.

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Judicial Department.

The draft may, it is submitted, be accepted in this department.

S.P.—9-7-06.

Accepted.

A. Galletti—10-7-06.

*To the Educational Department.*

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Educational Department.

Issue.

H. D. Taylor—12-7-06.

[G.O., No. 477, Educational, dated 13th July 1906.]

7 1P

notes connected with ~~the~~ G.O. no. 477 Edl dt 13-7-06

[Subject — Re. the grant of Certificate to destitute children under Art. 41(a) of the Code of Regulations for European Schools.]

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REC. CHIEF SECT.
27 JUN 1906
MADRAS GOVT.

Put this up with the file
[illegible] the D.O. at present

CM
27.6.06

Presidency Magistrates' Court,
Egmore, Madras, 25th June 1906.

Dear Mr. Hammick,

In continuation of my D.O. of the 9th instant regarding "destitution certificates" to be obtained from Magistrates under para 41 (a) of the new Code of Regulations for European -- Schools, I find that I must ask also for a definition of the term "destitution" or for some guide to the meaning of it as used in the Rule. There are, I believe, a good many cases of -- children in orphanages in Madras who are not - utterly destitute but whose parents or friends pay something, as much as they can, towards -- their board and lodging. Although the orphanage may not be entitled to the full boarding grant in such cases, it is possible that Government may be pleased to allow them some portion of the

grant

grant in accordance with the circumstances of each case. If so, it seems advisable that Magistrates should set forth the circumstances of each case and that they should be instructed whether they are to certify for a reduced grant or whether their certificates are to be restricted to "destitute", and "not destitute".

The enquiries and recording of evidence in the large number of cases already in Madras orphanages would, as I have already pointed out, take up considerable time. It is, however, probable that in many cases the orphanages would be unable to produce any evidence which would be of use to them particularly in the case of children who have been with them for some years.

Yours sincerely,

Frank. D. Bird

The Hon'ble Mr Hammick
C.S.I., ICS

# 2 8 28

[Please see notes with G.O. no 461 Edl dd 28th June 1906.]

Q.

The A[illegible] Chief Presidency Magistrate now asks for a definition of "destitution". He desires also to know whether Magistrates can give certificates in cases where the children are poor but not absolutely destitute, a recommendation being added for a reduced grant in such cases or whether certificates should be given only in cases where the children are absolutely destitute.

It is submitted that this is a matter where the magistrate should use his discretion. The order already passed is perhaps sufficient for all practical purposes. Magte issue?

P.S. Harrington
27/6/6

C.S.

Mr. Bird has raised what appears to be an unnecessary question. Govt. cannot define "Destitute". What destitution in one case may not be equal destitution in another, so much depends on the position of the orphan. The Magte. should use his discretion in the matter. If the child is poor enough to go into the Institution it is poor enough to get the grant.

H.

C.A. Souter
27.6.06.

Issue G.O. already approved and let this be dealt in a separate comment. Apparently the Presd. Magte is [illegible] making inquiries as to children

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477 Edl.

LOCAL & MUNICIPAL
4 - JUL 1906
SECRETARIAT.

at present in the various institutions & he want adn at once so as to stop the inquiry what has been decided to be unnecessary.–

The present letter may be referred to D.P.I. &c. It is not known what the present practice is.

B Taylor
28.6.06

As

Ch
28.6.06

The G.O. already passed has issued as no 461 Edl dt 28th June 1906. The file may now be referred to the D.P.I.

P.J. Sharangan
29/6/06

CBSouter
2.7.06.

Edl. No. 480. D
2-7-06
desp
2/7/6

To the D.P.I. &c.

Office of the D.P.I.

I have make general enquiries as to the practice if desired to do so, but suggest that it may be taken for granted that Managers will as a rule offer their limited accommodation to deserving cases only – their own funds are at stake as well as public funds.

Surely this is wrong. See Art. 28 of Code.
CBSouter
B Taylor

2. There is no provision for reducing the boarding grant.

A 3. The Magistrate might endorse the Certificate "quite destitute" or "partially destitute"

4. The inspecting officer would be

instructed to enquire into the case of each inmate certified to be partially destitute only, find out whether any person was being paid on his or her behalf and propose if necessary some reduction of the fixed grant which is being paid for educational purposes

5 I may order this to be done even if it is not considered necessary to alter the orders already issued and the Magistrate is left to use his own discretion as to whether to issue a certificate or not

6. I prefer the proposal at A.

4.7.6

A. Bourne 3.7.6

Educational Deptt

Should the Director be asked to make inquiries as to the practice at present in regard to payment of boarding grants — whether they are paid on behalf of all inmates in orphanages without any descrimination or only on behalf of absolutely destitute children — or may orders issue as at A on page 3. ? The Director prefers the latter course.

2. With reference to para. 2 of the Director's note it is submitted that the Director has overlooked para. 3 of G.O. No 220 Edl dt 26th March 1906 (page 12) and article 28 of the Code for European schools (page 17).

Lee.

As | M.

4/7/6 Art 28 of the Code is general

HD: Applies to all grants (See heading of the section). Hence if necessary the grant could be reduced. But while, as the D.P.I. says, the managers are not likely with the limited space at their disposal to take in any but really deserving cases, they are very likely, if they know that the reception of 'partial destitutes' will mean the reduction of their grant, not to take in many of such cases though they may be wholly deserving. That a boy's ~~parents~~ relatives are able with difficulty to spend a few annas a month on him is little argument against the boy's destitution. I submit that the Magte may go on as at present. There is no harm in his saying on the certificate that such & such a case does not appear to him to be so deserving as such another case, but once the orphan is admitted to the orphanage, I do not think the usual grant need be curtailed.

C. A. Souter
4.7.06.

for orders I agree with Mr Souter's note of 27.6.06. The Magistrate must exercise his own discretion.

and if he certifies that the case is sufficiently destitute to admit of a certificate, the full grant may be given, unless other exceptional circumstances exist.

HD
5-7-06

I agree generally. Please draft.

[Forbes]

The draft placed below is submitted for approval.

Lee
C. Jsouter
7.7.06

Bharayan
6/7/6

Exceptional cases I take to mean insufficient food or clothing, and general neglect on the part of the Manager of the Institution: but such cases would probably call for withdrawal of recognition.

H.D. Taylor
7-7-06

[Forbes]

Dept.

To the T. Sec. for acceptance

Govt. no. 3502-1.
d. 10.7.06

CURRENT NO.
3502
JUDICIAL

Regd. 9-7-06.

Edl. no. 494 D
9.7.06

desp. 9/7/6

7 13 Judicial Dept

TP

LOCAL & MUNICIPAL
12 JUL 1906
SECRETARIAT.

To the U.S.

The draft may it is submitted be accepted in this dept.

J.S.
9.7.06

Accepted.

a letter
(10.7.6

~~Edl~~ no.

To the Edl. Deptt.

Edl. Depts.

Issue
Naylor
12.7.06

(G.O. No. 477 d/ 13-7-06).

[ E. / 12 ]
1,000—24-9-04.

8 14

EDUCATIONAL DEPARTMENT.

READ AGAIN G.O., No. 461, dated 28-6-1906.) 18P

" " " " , " 190 .

*READ ALSO:—*

C. No. ......, From the ......, No ......, dated ...... 190 .

" " ......, " " ......, " ......, " ...... 190 .

" " ......, " " ......, " ......, " ...... 190 .

2P

Despmins & print 12/7/6

**ORDER** No. 477, dated 13-7-1906.

P.

With reference to G.O. No 461 Edn dd 28th June 1906 a further question has been raised whether it is open to a magistrate to issue a certificate under Article 41 (a) of the Code for European schools when he finds that the relatives of a child are not "utterly" destitute as to be unable to contribute anything towards its upkeep. ~~but only poor~~. In regard to this question the Govt. consider that the magistrate should use his own discretion in the matter.

If he is of opinion that a child is sufficiently destitute ~~so as~~ to deserve a certificate under the article quoted he may issue the certificate and if he issues the certificate a full grant may be given on account of the child unless

9 · 15² 38

other exceptional circumstances exist. ~~It is of course always open to the Director~~ Department ~~under Article 28 of the Code to reduce the grant on account of a child should such circumstances exist~~.

6/7/6

7.7.06

Decline to certify any reduction as contemplated in art 28 of the Code.

7.7.06.

To the D.P.I. ✓
" Judicial Departt. ✓

Despatched
13/7/6

First copy sent to Press.

Returned for signature.

Despatched in print.

NUMBER OF COPIES REQUIRED
- Order complete. 15
- Letter only.
- Order complete with Letter.

READ AGAIN G.O., No. 461, DATED 28-6-06. 190 .

fill up the abstract.

CURRENT NO.

ENCLOSURES TO C. NO.

ORDER OF GOVERNMENT. A

LETTER TO GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.

N.B.—
A = Print in full.
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.