Scott. II-27—39,004—24-10-44.

Edu. & P. H. (1945) Department.

Ms SERIES.

23

G.O. No. 601 Edn.,

Dated 18-4-1945.

[Despatch Abstract.]

Education - Corporation of Madras - Elementary school at Kasimode - Shifting due to the firing of guns - Payment of rent - Request refused.

Back Papers.

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

Further Papers.

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

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n No. III. 373.
00—Jan. 1941.

9015

EDUCATION & PUBLIC HEALTH DEPARTMENT.

2

Received 194 . *Registered* 194 .

SUBJECT.

Building - Corporation Boys' School, Kasimode - Damage due to gun firing.

Enclosures.
No....Two..............
....
Spare copies..........

ASST. SECRETARY TO GOVT.
1 MAR 1943
EDUCATION AND PUBLIC HEALTH DE

E. G. D. C. No. A3.6194 of 1942.

Madras, *Dated the* 29th March 1943.

FROM

O. PULLA REDDI, ESQ., I.C.S.,
Commissioner, Corporation of Madras.

TO

THE SECRETARY TO THE GOVERNMENT OF MADRAS,
Education & Public Health Department.
"The Secretariat", ~~Fort St. George~~, *Madras.*

Through the Mayor of Madras.

SIR,

Anti-air craft guns have been installed by the Milita within 100 yards of the Corporation Boys' School, Kasimode Royapuram. The Engineer, Corporation of Madras reports t every time the guns are fired, a shock is communicated thro the soil to the foundations of the school building. The d and window shutters rattle terribly when guns are fired and the walls and flooring also vibrate. As a result, minute cracks are found in the plastering of the walls. Though building may stand occasionally such shocks, it may not st a succession of shocks when the guns are fired continuously some time. In these circumstances, it was not considered safe to run the school in the building and so, the school shifted on 9-11-1942 to premises No.37, Kumbalamman Koil b Street which was taken on lease on a rent of Rs.45/- per sem. This is at a distance of more than a furlong from Corporation building mentioned above.

B

2. The damage at present caused to the school build is not great. The minor cracks in the wall can be rec If on account of continuous firing of guns in future, damage is caused to the building, then the exact cost fying the damage can be worked out. The cost of damag

the Commissioner.

the building can be assessed only after the anti-air craft guns are removed once for all from the present place. The Engineer of the Corporation of Madras values the building at Rs.8,605/-. The only additional expenditure to which the Corporation is at present put to by the presence of the anti-air craft guns, is that the Corporation is obliged to shift the school to a rented building. The Collector of Madras was, therefore, addressed to request the Military Department to pay to the Corporation a rent of Rs.45/- per mensem incurred for locating the school from 9-11-1942 elsewhere and to pay compensation for damage caused to the building. The Head-quarters, Madras Defended Port Area stated that the Fortress Commander could see no reason why compensation or rent should be paid in this or any similar case. The Collector of Madras agrees with the Military authorities that no compensation is payable.

3. The Corporation Council, at its meeting held on 16-3-1943, considered this subject and resolved as follows :-

> "This Council resolves that in view of the location of the anti-air craft guns near the Corporation school building and in view of the damage caused to it, the Government be requested to pay the rent of Rs.45/- per mensem or such rent as the Corporation will be compelled to pay from time to time for another building and reserves the question of damage to the building".

I request that the Government may be pleased to pass early orders for the payment of the rent of Rs.45/- per mensem that is being paid by the Corporation for a private building from 9-11-1942 or such rent as the Corporation may be compelled to pay from time to time. The amount of compensation to be paid to the Corporation in respect of damage caused to the Corporation building may be decided later.

4. A copy of my note to the Council dated 19-1-1943 and an extract from the Minutes of the Proceedings of the Council on the subject are enclosed.

29.3.43.
For Commissioner.

29/3

Forwarded.

MAYOR. 30 3 43

k.k.29/3.

NOTE FOR THE COUNCIL.

ubject:- Building - Corporation Boys' School, Kasimode - Damage due to gun firing.

Anti-air craft guns have been erected by the Military within
00 yards of the Corporation Boys' School at Kasimode. With re-
rd to the school building, the Engineer reports that every time
e guns are fired, a shock is communicated through the soil to
e foundation of the school building. The doors and window-shut-
rs rattle terribly when guns are fired. Further, the walls and
ooring also vibrate. As a result, very minute cracks are found
the plastering of the walls. Though the building may stand
casionally such shocks, it may not stand a succession of shocks
en the guns are fired continuously for some time. In these cir-
stances, it was not considered safe to run the school in the
ilding and so the school was shifted on 9-11-1942 to premises
37, Kumbalamman Koil Street, which was taken on lease on a rent
Rs.45/- per mensem. This is at a distance of more than furlong
m the Corporation building.

The damage at present, caused to the school building is not great. The

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3

The minor cracks in the wall can be rectified easily. If, on account of continuous firing of guns in future, further damage is caused to the building, then the cost of rectifying the damage can be worked out. The cost of damage to the building can be assessed only after the anti-air-craft guns are removed once for all from the present place. The Engineer of the Corporation of Madras values the building at Rs.8,605/- after allowing depreciation at 2 per cent. The only additional expenditure to which the Corporation is put to by the presence of the anti-air-craft guns is that the Corporation is obliged to shift the school to a rented building. The Collector of Madras was, therefore, addressed to request the Military Department to pay to the Corporation a rent of Rs.45/-per mensem incurred for locating the school from 9-11-1942 elsewhere and to pay compensation for damage caused to the building. The Head Quarters, Madras Defended Port Area stated that the ~~For~~ Fortress Commander could see no reason why compensation or rent should be paid in this or any similar case. The Collector of Madras agrees with the Military authorities that no compensation is payable.

The matter is placed before the Council for consideration whether the damage to the Corporation building and rent for the private building taken on lease for the school should be borne by the Corporation or the Government should be addressed for their intervention in the matter.

O.Pulla Reddi,
19/1/1943,
Commissioner.

(True Copy)

29.3.43
Personal Assistant to the Commissioner.

G. D. Form No. III. 363.
10,000—Oct, 1941.

Extract from the Minutes of the Proceedings of a ~~General~~ an Ordinary Meeting of the Council held on 16th March 1943

Read the Commissioner's note dated 19-1-43 stating that the Collector of Madras was addressed to request the Military Department to pay to the Corporation a rent of Rs.45/- per mensem incurred for locating the Corporation Boys' School, Kasimode from 9-11-42 elsewhere and to pay compensation ~~xx~~ for damages caused to the building consequen on the firing of the Anti-air-craft guns erected by the Military within 100 yards of the School Building; that the Fortress Commander states that they see no reason why compensation ~~xxxx~~ or rent should be paid i this or any similar case; and that the Collector of Madras agrees with the Military authorities that no compensation is payable; and therefore placing the matter before the Council for consideration whether the dama to the Corporation building and rent for the private building taken on lease for the school should be borne by the Corporation or the Government should be addressed for their intervention in the matter.

Mr. M. Damodaram Naidu moved "This Council resolves that in view of the location of the Anti-air-craft guns near the Corporation School Building and in view of the damage caused to it the Government be requested to pay the rent of Rs.45/- per month or such rent as the Corporation will be compelled to pay from time to time for another building and reserves the question of damages to the building."

This was seconded by Mr. S. Daivasigamoney and put to the meeting and carried.

(True Extract)

Sd/C.V.Rama Reddi,
Secy. to Council.

(True Copy)

29-3-43
Personal Assistant
to the Commissioner.

G 16/4

10/16/4

16/4

J.C.

DM 14/4

~~6~~ 5

25: 08.4 (A, Dept)

Memo No. 9015 A-2 Edn. / 15. 4. 43

Letter from the Commissioner, ~~Corporation~~ Corporation of Madras Edn. R. A3-6194/42, of 29.3.43.

Payment of rent for a building taken on ~~rent~~ lease for the location of the elementary school at Kasimode

The ~~Corporat~~ Commissioner, Corporation of Madras is informed that the ~~request made in his letter quoted above cannot be complied with~~ Govt. ~~regret~~ that they cannot accept liability for rent or other compensation in the matter.

To,
The Comr., Corporation of Madras thro' the Mayor.

Despd 19/4

12.4.43

J.S. 12.4.43

14.4.43

13.4.43

G. D. Form No. III. 371.
1,000 Oct. 1941.

ASST. SECRETARY TO GOVERNMENT
29 SEP 1944
EDUCATION AND PUBLIC HEALTH DEPT.

6

EDUCATION & PUBLIC HEALTH DEPARTMENT.

Received 194 . *Registered* 194 .

SUBJECT.

Buildings - Corporation Boys' School, Kasimode - Damage due to anti-air craft gun firing - compensation.

47221 ① 1/2

Ref: Government Memorandum No.9015 A-2 Edn., dated 15-4-1943.

Enclosures.
No..............................
....
Spare copies...............

E.D.C.No.A3-6194/42
Madras, *Dated the* 27th September 1944.

FROM J.P.L. Shenoy, Esq., I.C.S.,
~~C. PULLA REDDI, ESQ., I.C.S.,~~
Commissioner, Corporation of Madras.

To

THE SECRETARY TO THE GOVERNMENT OF MADRAS,
Education & Public Health Department.
Fort St. George, Madras.
Through the Mayor of Madras.

SIR,

After going through the whole question, I feel that a reconsideration of the orders issued in the Government Memorandum cited above, is necessary for the following reasons:-

I
p.1 inf.

To start with, there are two questions which have to be clearly distinguished:

(i) Compensation on account of evacuation of the building and consequential renting of another building and

(ii) Compensation on account of damage caused to the building by ack-ack shocks.

Book nt. 2

2. Under Rule 50 A(3) and 50 B(3) of the Defence of India Rules, provision is made for payment of compensation in respect of any damage to person or property or interference with the rights or

privileges arising from defence exercises or field firing or Artillery practice. Under the said rules the assessment and payment of compensation are to be in accordance with Sections 6 and 11 of Manoeuvres Field Firing & Artillery Practice Act of 1938. Under Section 5 of the said Act, compensation shall be payable from the defence estimates for any damage to person or property arising from such manoeuvres including expenses, reasonably incurred in protecting person, property, rights and privileges. Under Section 6 thereof a Revenue Officer deputed by the Collector of the District has to be appointed to consider all claims for compensation.

3. The Collector of Madras was, therefore, requested to consider the question and take action to pay to the Corporation rent at Rs.45/- per mensem incurred by the Corporation in taking up another building for the school. He stated that the school was under no obligation to move from that building and that he could not agree that any compensation was due.

4. Because the building has withstood the shocks of Ack.Ack gun fire for over 1½ years, it cannot be said that the shifting of the school to a safer place incurring an expenditure of Rs.45/- per mensem was, therefore, unjustified. It was considered unsafe for the children to remain inside the school building when the guns were in action. The fact that minute cracks have appeared on the walls of the building clearly indicates the intensity of the Shocks and the possibility of danger to the building. Even if it could be proved that the building has, in no way, been damaged or weakened by shell-shock, compensation is justified on the ground that the building had to be vacated owing to ack.ack gun fire as it would not be fair to take the risk of exposing school children to the danger of the building collapsing over their heads, however remote that risk might be. It may be stated here that the Military authorities who practised Anti-air craft gun firing advised the staff of the school to take away the children from the building during practice and that, in my opinion, is conclusive evidence that the shifting of the school was wholly justified.

When a wall develops cracks, it indicates the commencement of disintegration in masonry and when shell shocks are repeated indefinitely, sometime or other the cracks will widen more and more resulting in the ultimate collapse of the building.

5. I, therefore, request that Government may be pleased to reconsider their decision in the matter and pass early orders for the payment of rent at Rs.45/- per mensem from 8-11-1942. The question of compensation to be paid to the Corporation in respect of the damage caused to the Corporation building will be taken up later on when the ack.ack guns are removed.

For Commissioner.

Forwarded.

Syed Niamathulla

MAYOR. 28.9.44

N.H.27-9-44.

60

25th. [illegible]

~~The~~ remarks of Public Deptt. may be ~~requested~~ invited ~~to note~~ on the request of the Commissioner, Corporation of Madras.

UNDER SECRETARY
OCT 1944
PUBLIC DEPARTMENT

3.10.44
3.x.44

E
5.10.44

Pub: n/o
(War B)

Pub (War) Dept.

4722/A7
6.10.44

49419
6.x
9/10/44

This is a case analogous to the one dealt with in the bottom file (C.No. 30706/44). It is not clear whether this Corporation School is building No ⑦ which is adjacent to No ② in the sketch at ⓧ. Building No. 7 in that sketch is indicated as 'not damaged' – pl. see the note marked x in the sketch. As the principle involved is however the same this also may go ~~this~~ to the C.R. for remarks along with the other file

Remarks for C.R.

x bottom file

NS
10.10.44

CS 10.10.44

Carried over to note file
4.11

Form No. 364.
500—July 1944.

31 OCT 1944

From
J. P. L. SHENOY, Esq., I.C.S.,
Commissioner,
Corporation of Madras.

11
6

51862

To
THE SECRETARY
TO THE GOVERNMENT OF MADRAS,
Education & Pub. Health DEPARTMENT,
FORT ST. GEORGE, MADRAS.

THROUGH THE MAYOR OF MADRAS.

E.D.C. No. A3.6194/42. dated 30-10-1944.

ENCLOSURES :

SIR,

SUBJECT :— Buildings – Corporation Boys' School, Kasimodu – Damage due to anti-air craft gun ~~firing~~ – Compensation.

Refce:- This office letter E.D.C. No.A3.6194/42 dated 27-9-1944.

I invite attention to this office letter cited above and request that the Government may be pleased to pass early orders in the matter.

For Commissioner.

Forwarded.

Syed Niamathulla
Mayor.

K.30/10.

6/671

file sent on 6/10/44

Edn. L & H Dept.

The remarks of the Public Dept. have been invited on the Commissioner's letter. This may lie over till the file is received back from Public (Public will be reminded separately). The interim reply below may issue.

1.11.44

Memo

Kr 1.11.44

[Subject as on page 1 note]

Refce:- Letter from the Comm. Corporation of Madras No H3-6194/42 d 30.X.44

— · —

The matter is under consideration.

Kr 1.11.44

S 3.11.44

47221 A.2
4.11.44

To
The Commissioner Corporation of Madras through the Mayor ✓

Dptd 6/11

Memo 47221 A-3

13 Edn. L.H. Dept

18.12.44

Corporation of Madras – Elementary school building at Kasimode – Shifting due to ~~anti-aircraft gun~~ gun practice: compensation

9

24/9/12

The Collector of Madras is requested to report whether any notification has been issued under rule 50 A or 50 B of the Defence of India Rules authorising the carrying out of defence exercises, field firing or artillery practice in the area within ~~the~~ the vicinity of the Corporation boys school building at Kasimode and whether the school building (now left vacant) ~~lies~~ is located within the area so notified.

2-3 43

10 pm

dy 4.12.44

Kr 5.12.44

S 7.12.44

7/12/44

To
The Collector of Madras ✓

Dpd 19/12

have abnormally increased. This is clear even from the index tables published by Government.

(2) that, in Malabar, the rice in price has been the highest in the Presidency.

(3) that, consequently, the memorialist finds it extremely hard to maintain himself and his family on his/~~her~~ present salary of Rs. 50.

(4) that, owing to the inadequacy of his/~~her~~ present salary to meet the abnormal increase in the cost of living, he/~~she~~ is running into debt and will soon be on the verge of insolvency.

(5) that his/~~her~~ present position, therefore, demands immediate pecuniary relief.

(6) that, realising the, difficulties of their low paid servants, Government themselves have sanctioned varying rates of dearness allowance to their servants and have permitted Local Boards to grant similar allowance to their servants.

(7) that, private employers like factory owners and quasi public agencies like Railway Companies have also given generous aid to their low paid employees to allow them to tide over these difficult times.

(8) that the Malabar District Board has not yet granted the dearness allowance allowed in G. O. No. 2788, L. A. dated 19-9-'42 to its servants and

(9) that, therefore, he/~~she~~ humbly prays that the benign Government may be pleased to consider his/~~her~~ present pitiable circumstances and to issue immediate orders to the District Board making it obligatory to grant dearness allowance to the memorialist at the rates sanctioned to Government servants treating the expenditure as a prior charge on District Board funds.

For which act of justice and generosity, the memorialist shall, as in duty bound,

Place, Velur

Date, 5-3-43

Ever Pray,

Memorialist.

14

G. D. III—363.
1,000—July 1944.

Registered

194 15

A

10

From

J. P. L. SHENOY, Esq., I.C.S.,
Commissioner,
Corporation of Madras.

To

THE SECRETARY
To The Government of Madras,
Education & Pub.Health **Department,**
FORT ST. GEORGE, MADRAS.

E.D.C. No. A3.6194 of 1942, Dated 29-12-1944.

Through the Mayor of Madras.

ASST. SECRETARY TO GOVERNMENT
30 DEC 1944
EDUCATION AND PUBLIC HEALTH DEPT.

60439

Enclosures : No.

Sir,

Subject:— Buildings - Corporation Boys' School, Kasimode - Damage due to anti-air-craft gun firing - Compensation.

Reference:- Government Memo No.47221-A.2 dated 4-11-1944.

I invite attention to the Memo cited above and request that Government may be pleased to pass early orders in the matter.

For Commissioner.

Forwarded.

MAYOR.

k.k.
29/12.

16

Memo 47221/A.4 / 2.1.45 — 25th Ed. & P.H. Dept.

f. 9 ante — Letter from the Commissioner, Corporation of Madras, E.D.C. No. 6193/42, d/ 29.12.44

Corporation boys' school, Kasimode – Shifting due to gun firing compensation for ~~[illegible]~~ rent

The Commissioner, Corporation of Madras, is informed that the matter is ~~still~~ under consideration.

70/71

2.1.45

30.12.44

30.12.44

30.12.44

To
The Commr.
Corporation of Madras
thro' the Mayor

4.1.45

G. D. III—363.
1,000—July 1944.

ASST. SECRETARY TO GOVERNMENT
13 FEB 1945
EDUCATION AND PUBLIC HEALTH DEPT.

A

Registered

11 / 17 194

From
J. P. L. SHENOY, Esq., I.C.S.
Commissioner,
Corporation of Madras.

06255

To
THE SECRETARY
To The Government of Madras,
Education & Pub.Health Department,
FORT ST. GEORGE, MADRAS.

E.D. C. No. A.3.6193 of 1942 Dated 8--2--1945.

Through the Mayor of Madras

Enclosures: No.

Sir,

Subject:— Buildings - Corporation Boys School, Kasimode - Damage due to anti air-craft gun firing - Compensation.

----

f. 10 ante Ref: Government Memorandum No.47221-A.4. dated 2-1-1945.

I invite attention to the memorandum cited above and request that the Government may be pleased to pass very early orders in the matter.

C. Narain
For Commissioner.

Forwarded.
M. Sathakrishna
MAYOR.

SVS.

18

Memo 47221-A3
21.2.45

Letter from the Commissioner Corporation of Madras
E.D.C. No. A3-6793/42 of 8.2.45.

Corporation boys' school on Kasimode –
Shifting due to gun firing –
compensation for rent

-- --

The Commissioner Corporation of Madras, is informed that the matter is ~~[illegible]~~ under consideration.

14.2.45

13.2.45

To
The Commr.
Corporation of Madras
thro' the Mayor.

Despd

From
B.W.Day, Esq., I.C.S.,
Collector of Madras,
No.12 Haddows Road,
Cathedral Post Madras.

To
The Secretary
to Govt., Education and
Public Health Department,
Fort St. George, Madras.

06408

19/12

ASST. SECRETARY TO GOVERNMENT
14 FEB 1945
EDUCATION AND PUBLIC HEALTH DEPT.

No. A.5.6772/44. Dated. 10-2-45.

Sir,

Sub: ~~Compensation of~~ Corporation of Madras - Elementary School building Kasimode - Shifting due to A.A. Gun Practice - Compensation -

Ref: Government Memo 47221-A.3. dated 18-12-44.

~~A Notification under~~ Rule 50-A or ~~50-B of~~ the Defence of India Rules referred to in the Government Memo was not issued by the Collector. The H.Q. 164 L/C Sub Area states that he is unable to trace any such Notification.

V. Raghavan
12.2.45

FOR COLLECTOR.

S.N. 12-2-45.

14/7
Issued 16-4-45

Memo 47221/A 6 12-4-45

25 ...

Letter from the Commissioner, Corporation of Madras E.D.C. No. A3-6794/42, d. 27-9-44.

Corporation Boys' school Kasimode – Shifting due to the firing of guns Payment of rent from Govt. funds

The Commissioner Corporation of Madras is informed that the Govt. see no ~~next~~ reason ~~decline~~ to reconsider their previous ~~the~~ orders ~~in G.O.~~ on the subject.

~~Memo of 9015 A-2 d. 15-4-43~~

I
10-4-45
10-4-45

11-4-45

To
The Commr.
Corporation of Madras thro' the Mayor.

G. D. III—365.
1,000—July 1944.

A

Registered

194 .

13

From

J. P. L. SHENOY, Esq., I.C.S.,
Commissioner,
Corporation of Madras.

To

THE SECRETARY
To The Government of Madras,
Education & Pub. Health **Department,**
FORT ST. GEORGE, MADRAS.

30 JUL 1945

E.D. C. No. A.3. 6193 of 1945 , Dated 27th July '45

Through the Mayor of Madras.

Enclosures : No. (Three)

34123

Sir,

Subject:— Corporation Boys' School, Kasimode - Damage due to anti-air-craft gun firing.

Refce: Government Memorandum No.47221.A.6. dated 12-4-1945.

(X) The Council, at its meeting held on 17-7-45, considered the Government Memorandum cited above and resolved to reiterate its previous resolution dated 16-3-43 (copy enclosed) and to request the Government to reconsider their order in the light of the reasons given in the previous letter dated 27-9-44.

p4 cf. (X)

p3 cf.

A copy of my note to the Council and an extract from the

p7 cf. (X)

M. 3-5 infra

minutes of the proceedings of the meeting of the Council dated 17-7-45 on the subject are enclosed.

C. Narain
For Commissioner.

Forwarded.

Sd/
27/7

M. Sathakiesh
Mayor.

svs. 27-7-45.

3/ 14

EXTRACT FROM THE MINUTES OF THE PROCEEDINGS OF AN ORDINARY MEETING OF THE COUNCIL HELD ON 16th March 1943.

Read the Commissioner's note dated 19-1-43 stating that the Collector of Madras was addressed to request the Military Department to pay to the Corporation a rent of Rs.45/- per mensem incurred for locating the Corporation Boys' school, Kasimode from 9-11-42 elsewhere and to pay compensation for damages caused to the building consequent on the firing of the Anti-air-craft guns erected by the Military within 100 yards of the School Building; that the Fortress Commander states that they see no reason why compensation or rent should be paid in this or any similar case; and that the Collector of Madras agrees with th Military authorities that no compensation is payable; and therefore placing the matter before the Council for consideration whether the damage to the Corporation building and rent for the private building taken on lease for the school should be borne by the Corporation or the Government should be addressed for their intervention in the matter.

Mr. M. Damodaram Naidu moved "This Council resolves that in view of the location of the Anti-Air-Craft guns near the Corporation School Building and in view of the damage caused to it the Government be requested to pay the rent of Rs.45/- per month or such rent as the Corporation will be compelled to pay from time to time for another building and reserves the question of damages to the building."

This was seconded by Mr. S. Daivasigamoney and put to the meeting and carried.

(True Extract)

Sd.
Secretary to Council.

B. Sundaram 27.7.45
(Educational Officer)

EXTRACT FROM THE MINUTES OF THE PROCEEDINGS OF AN ORDINARY MEETING OF THE COUNCIL HELD ON 17th July 1945.

Resolution No.428/45.

Sub: Building - Corporation Boys' School- Kasimode Damage due to gun firing.

--

Read the Commissioner's note dated 4-5-45 placing for information Government Memorandum No.47221-A6 Education & Public Health dated 12-4-45 informing the Corporation that they saw no reason to reconsider their previous orders (Memo No.9015 dated 15-4-43) regretting that they could not accept liability for rent or other compensation in the matter of damage due to gun firing to the Corporation Boys' School, Building, Kasimode.

Rao Sahib T.R. Kothandaram Mudaliar moved to reiterate the resolution of the Council dated 16-3-43 and request the Government to reconsider their orders.

Khan Bahadur Dr. Syed Nymathullah seconded.

This was put to the meeting and carried.

(True copy)

Sd.
Secretary to Council.

B. Sundaram 27.7.45
(Educational Officer)

COPY OF NOTE FOR THE COUNCIL:

Sub: Buildings - Corporation Boys' School - Kasimode - Damage due to Gun firing.

Anti-aircraft Guns have been erected within 100 yards of the Corporation Boys' School, at Kasimode. Due to continuous firing minute cracks were found in the plastering of the walls of the School building and it was considered unsafe to run the school there. The school was therefore, shifted to a rented building No.37, Kumbalammen Coil Street, far away from the locality which was taken on lease on a rent of Rs.45/- per mensem from 9-11-42. The Collector of Madras was addressed to request the Military Department to pay to the Corporation ~~on~~ a rent of Rs.45/- per mensem incurred for locating the school elsewhere from 9-11-42 and to pay compensation for damages caused to the building. The Head Quarters, Madras Defended Port Area stated that the Fortress Commander could see no reason why compensation or rent should be paid in this or any similar case. The Collector of Madras agreed with the Military authorities that no compensation was payable. The Council at its meeting held on 16-3-43 passed the following resolution: "This Council resolves that in view of the location of anti air-craft guns near the Corporation School Building and in view of the damage caused to it, the Government be requested to pay the rent of Rs.45/- per mensem or such rent as the Corporation will be compelled to pay from time to time for another building and reserves the question of damage to the building." This resolution was communicated to Government with a request to pass early orders for the payment of rent of Rs.45/- per mensem from 9-11-42. In their memorandum No.9015.A2 Education dated 15-4-1943 the Government regretted that they could not accept liability for rent or other compensation in the matter.

167

The C.L.A. was of opinion that the Local Government was not in any event liable for the damage caused to the building by the firing of the Anti aircraft guns in its proximity and advised us to address the Collector again. Under Rule 50 A(3) and 50.B(3) of the Defence of India Rules, provision is made for payment of compensation and the assessment thereof, in respect of damage to person or property or interference with the rights or privileges arising from defence exercises or field firing or Artillery practice. The Collector was therefore requested to re-consider the question and intimate what he proposed to do in respect of the claim of the Corporation for the compensation under the provisions of The Manoeuvres Field Firing and Artillery Practice Act of 1938.

In his letter dated 21-4-44 the Collector wrote to say that he inspected the building and could see no sign of any damage inspite of its having been subjected to the sound of the gun fire and that he could see no reason to give any compensation. The Collector was again addressed in the matter but he stated that he could not agree that any compensation was due. The Government were then requested to reconsider their previous decision for the following reasons:- Because the building has withstood the shocks of Ack Ack gun fire for over 1½ years, it cannot be said that the shifting of the school to a safer place incurring an expenditure of Rs.45/- per mensem was, therefore, unjustified. It was considered unsafe for the children to remain inside the school building when the guns were in action. The fact that minute cracks have appeared on the walls of the building clearly indicates the intensity of the shocks and the possibility of danger to the building. Even if it could be proved that the building has, in no way, been damaged or weakened by shell-shock, compensation is justified on the ground that the building had to be vacated owing to ack ack gun fire as it would not be fair to take the risk of exposing school children to the danger of the building collapsing over their heads, however remote that risk might be. It may be stated here that the Military authorities who practised Anti-air Craft gun firing advised the staff of the school to take away the children from the building during practice and that in conclusive evidence that the shifting of the school was wholly justified. When a wall develops cracks, it indicates the commencement of disintegration in masonry and when shell shocks are repeated indefinitely, sometime or other the cracks will widen more and more resulting in the ultimate collapse of the building.

15

In memorandum No.47221-A6 Education & Public Health dated 12-4-45 Government were pleased to inform that they saw no reason to reconsider their previous orders on this subject.

The final orders of the Government are placed before the Council for information.

Sd.

Commissioner, C.M.

(True Copy)

Educational Officer.

27.7.45

Memo 34128 A1
22.8.45

Letter from the Commissioner, Corporation of Madras
E.D.C. A3-6193/45 d 27.7.45

Corporation boys' school at Kasimode
Shifting due to the firing of guns
Payment of rent from Govt. fund

The Commissioner, Corporation

caused to the building. The

of Madras is informed that the Govt. decline to reconsider the orders previously passed on the subject quoted above.

p. 6 & 20 of ⊗

15-8-45

6.8.45

7.8.45.

Despd
K M
24.8.45

To
The Commr.
Corporation of
Madras thro'
the Mayor.

Note

No fresh grounds have been adduced for a reconsideration of the orders already passed. The matter has been fully discussed in the note to the G.O. ⊗ — Pl. see orders in case X/11 n.f.

15.8.45

6.8.45

7.8.45.

21/8/45.

16

Est. [illegible] Dept.

pp 1.2 c.f.

Lr. 9015 A from the Commissioner Corporation of Madras E.D.C. No. A3-6194/42, d. 29.3.43.

Damage caused to a school building by gun firing - compensation.

p. 2 c.f.

The Public Dept. may be requested to advise on the request ~~made by~~ of the Corporation of Madras referred to in the Commissioner's letter quoted above. ~~If they agree to the payment of rent for the private building from Provincial funds it appears the expenditure should be debited to the Civil Defence budget.~~

3.4.43

2.4.43 2.4.43

Public Dept.
U.O.

2.

The report does not show ~~that~~ it has so far become necessary to move the school. ~~So~~ There is no ground for a claim ~~at present~~.

ECW.

15335
6.4

Pub. (War) dept.

This dept. may agree with A above and the file returned to E.&P.H.

5/4/43

Pub. (War) Bldg. 9015 Adl. Ex.
5/4/43

pl. speak
5/4/43

UNDER SECRETARY
6 - APR 1943
PUBLIC DEPARTMENT

7.4.43

Secy.
7.4.43

The Military Commander has already refused to pay any compensation for the damage to the building seems inevitable. There is no provision under which such compensation can be demanded. As

A 3/

17

amount of rent is small [illegible] there seems no ground for making any claim for it. We may suggest that even if the moving of the school was absolutely necessary the Corporation may meet ~~it~~ the rent

Pub (War) No
15335/43-1
9.4.43

C-S.
9/4/43
Secy.

ASST. SECRETARY TO GOVT.
9 - APR 1943
EDUCATION AND PUBLIC HEALTH DEPT.

Edn. & P.H. (A) Dept. 11028

A draft memo is submitted for approval.

12.4.43
12.4.43

14.4.43

S (Draft passed by Secy.) 15/4

Education & P.H. Department.

Subject:- Buildings - Corporation Boys' School, Kasimode - Damage due to gun practice - Compensation.

CF

Ref:- From the Corporation of Madras, EDC.No.A3.6194/42, dated 27-9-1944.

The remarks of Public Department may be invited on the request of the Commissioner, Corporation of Madras.

E.A.V.
5.10.44.

E.& P.H. U.O.No.47221-A1
6-10-1944.

Public (War) Department.

Removed

(W)

This is a case analogous to the one dealt with in the ~~bottom~~ top file (C.No.30706/44). It is not clear whether this Corporation School is building No.(7) which is adjacent to No.(2) in the sketch at (Z) in that file. Building No.(7) in that sketch is indicated as 'not damaged' - pl see the note marked 'X' in the sketch. As the principle involved is however the same this also may go to the C.R. for remarks along with the other file.

Removed in Public

Pub.(War) U.O.
49419/44-1
12/10/1944
With L.F U.O.30706/44-6
10/12/10/44

NS 11.10.44 11.10.44

11/10/44

CR. no

No remarks have been made in this file by the CR. The principle of paying compensation to owners of property damaged by gun practice has been accepted in the top file. The Corporation's letter in the CF may be referred to the Coll. of Madras for assessing the amount of compensation due to the Corporation. This may be done by the E&PH

vide pp 8-9 cf.

(W)

NS 14.11.44 14.11.44

The Commissioner has not raised at present the question of payment of compensation for the actual damage done to the building, the principle of which has been conceded in top file. He says he will do so later after the removal of the A.A. Battery (p.3 cf.). What he claims now is payment of rent of Rs 45 p.m. consequent on shifting

Removed

(W)

5

the school to another building.

Book p. 2 He has quoted the provisions of Rules 50A & Rule 50 B of the D.O.I. Rules & the Field Firing & Artillery Practice Act. It does not appear that any notification was issued under any of these provisions in this case; if so the Collector would not have turned down the request as stated ~~on~~ in para 3 on p. 2 c.f. E & P.H. may however ascertain this first from the Colls. If there was any such statutory notification the claim appears to be a strong one.

A

If there was no such notification, the question it appears has to be disposed of on two grounds (1) whether there is a legal claim for this in addition to the claim for actual damage to the building. Legal may be requested to advise on this point w.r.t. also their notes on pp 3 4 n.f of top file & (2) if there is no such legal claim whether ~~as~~ there are any other grounds for the Govt. to reimburse the rent to the Corporation. There does not seem any reason why we should pay the rent in addition to cost of damages ~~already~~ incurred to the actual building.

The file may be returned to E & P.H. through Legal.

C.S. 17/11/44

Legal / E P H

le(war) no. 49419/44-2
20-11-44.

7474

ASSISTANT SECRETARY I
21 NOV 1944
LEGAL DEPARTMENT.

Legal Department.

It is a question of fact whether orders have been issued in this case under rule 50A or 50B of the Defence of India Rules. If no such

6 3

19

orders have been issued , the Corporation will ~~xx~~ not be entitled to any compensation under rule 50A(3) or 50B(3) of the Defence of India Rules.

Assuming that the case does not fall under rule 50A or 50B, the claim of the Corporation for compensation will be limited to the injury actually done to the Corporation property as a direct consequence of the Ack-Ack gunfire. I have already explained the legal position in my note at pages 3-4 n.f. in the top file. The position there stated holds good in this case also. That is to say, the Corporation will be entitled to compensation for such damage to their property as is directly attributable to the firing of the guns by the Military authorities The Corporation is not entitled to claim as compensation the cost of hiring another building for running their school. The cost incurred by the Corporation for such hiring is not a direct consequence of the Ack-Ack practices carried on in the vicinity and consequently the Corporation is not entitled to claim such cost as compensation.

W

B 5/3

Legal U.O. 7474-1
28/11/44

28/11/44

E & P.H

56376

A on p. 2 ante

25th E.P.H. Dept

A draft memo is submitted for appr.

[It is presumed that in asking E & P.H. to make the refce: Pub: have taken account of Secty: direction 62 A]

4.12.44

5.12.44

9.12.44

S 7/12/44

5/12

p 15 c.f

c.f. 6408A. from the Collector of Madras No. A5-6772 [illegible] 10.2.45

As no notification has been issued under the Defence of India Rules the Corporation has no ~~claim right to~~ claim for ~~is not eligible for~~ any compensation towards the charges incurred on renting another building for the school in question ~~as agreed on p above~~. The other grounds urged in favour of the proposal are ~~set~~ out in para 4 on ~~order whether the Commissioner may be informed~~ pages 2-3 c.f. It is for consideration whether these grounds will be considered adequate for the payment of the rent

Although there can be no legal claim, I think para 4 on p. 2-3 makes out quite a good case, in equity, for asked for ~~[illegible]~~. Public (War) ~~(Gl.)~~ may see before circulation.

2. The interim reply proposed to the Commissioner on p 14 cf. is also for appl.

I consider the claim may be allowed.

Approved

17.2.45

as 17.2.45

16.2.45

17.2.45

Pub. (War) (after issue)

21/2/45

Pub (War) Dept

47221 A-6
23.2.45

Notes from p 1 ante may be perused. The analogous case since disposed of in this Dept is put up at (W) (Memo No. 30706 (44-7 & 18.11.44). For orders whether the E&PH Secy's views may be concurred in this Dept. The file may be returned to E&PH.

UNDER SECRETARY
23 FEB 1945
PUBLIC DEPARTMENT

08971
23/2

24.2.45

24.2.45 It is submitted that payment of the rent of the new building if agreed to in this case may be a very inconvenient ~~[illegible]~~ precedent. There are other buildings in the vicinity (flag (W) - perused in Public) - presumably there will be similar cases elsewhere also. In addition to actual damage to the house (for which Govt. are willing to pay compensation) the residents may demand that Govt. pay them the rent for moving into new buildings on the ground the old ones are unsafe.

In requisitioning houses also it is a general rule I believe that though Govt. are prepared to meet the initial cost of moving into new quarters as part of the compensation, they do not pay the rent etc.

The Corporation can ~~in any case~~ also in no case ask for compensation 'ex-gratia'.

08572

Pub (War) No.
8971-1
1.3.45

26/2/45

D.S. / C.S.

I do not think anything other than compensation for the actual damage done to the building should be allowed

I agree 23.2.45

27.2.45 E.P.H.

A

20

8

E&PH Dept

The Public Dept. have noted that no compensation need be paid in respect of the expenditure incurred on the taking of another building on rent for the location of the Corporation school, Kasimode. For orders whether the matter should be pressed in circulation. If so, Finance should see.

8.3.45

6.3.45

6.3.45

I wish to press the case on the ground of distinction from the case of private house-owners: in the latter case the decision to move elsewhere in search of safety is a matter for the householders & need not be encouraged or countenanced, but in a case like the present a public body has to take a decision covering a number of children & in its institution whose safety it was responsible (and the decision it took was reasonable & deserves to be countenanced.

9/3/45

47221 A1
10.3.45

Finance (Acctt.)

ASST. SECRETARY TO GOVERNMENT
10 MAR 1945
FINANCE DEPARTMENT

In view of the legal position set out at pages 2-3 above, Finance may ~~[illegible]~~ the views of Pub (War) on page 4 above that anything other than compensation for the actual damage done to the building should not be allowed in the present case.

Acctt. A.
Fin. No 12324 Acctt.
12/3/45

10.3.45

10.3.45

12.3.45

12.3.45

E.P.H.

E&PH Dept.

Submitted for orders.

10250 W

ASST. SECRETARY TO GOVERNMENT
13 MAR 1945
EDUCATION AND PUBLIC HEALTH DEPT.

14.3.45

14.3.45

14.3.45

16/3/45

16.3.45

A. & M.

The military advised removal of the children: it would be equitable to pay rent of the building to which they went. 19.3.45

I am quite certain the Military won't pay the rent. We need not ask them to do so.

20.3.45

SECRETARY, EDN. AND P. H. DEPT.
2 MAR 194
GOVERNMENT OF MADRAS

It is understood from Public that there have been cases where the Prov. Govt. have paid compensation even though the Military refused to pay ~~for which whether the request of the Corporation should be considered in that view. If so the file may be sent to Public for remarks before~~ Public may be requested to put up that case for reference

21.3.45

21.3.45

24.3.45 Public

47221A-8
26.3.45

UNDER SECRETARY
27 MAR 1945
PUBLIC DEPARTMENT

Pub (War) Dept.

A case of the kind referred to above is put up at (E) (G.O. No ~~1308~~ 662 Pub (War) dated 10.3.45) ... may be returned

13704
27/3

...precedent. Have there ...ings which were ...of or on account of the ...Pub. C.D. Who deal ... ~~of the kind~~ so far ... of complete evacuat- ...bungalow in Cochin ...is it in SC?

28.3.45

E & P. H

UNDER SECRETARY
9 - APR 1945
PUBLIC DEPARTMENT

Secret paper 76/44 in Pub w.s.'s custody wh. had been put up with pub. n/s of 2.4.45 —

No longer reqd. retd. to pub. w.s (with thanks)

9.4.45

Recd. with thanks.
9/4/45

Slip may kindly be retd. with taking of ack:
9/4

A.S. Ed & PH.

Public Dept.

The papers referred to by D.S. on p. 6 ante are at flag (T). The Mily. installations in the compound of the R.D.O's bungalow in Cochin are given in para 2 of the Collector's letter on pp. 16-17 c/ of (T). A compensatory allowance of Rs. 20/- p.m. has been sanctioned to the R.D.O. the debit of which has ~~al~~ been accepted by the Govt. of India. The reasons for the grant of this allowance are also given in para 3 on pp 16-17 c/ of (T).

S.F. 76/44

pp. 18 & 36 c/ of (T)

2/4/45

D.S. 2/4/45 Edn. & P.H

31/3

SECRETARY, EDN. AND P. H. DEPT.
APR 194
GOVERNMENT OF MADRAS

E & P. H.

The case cited above appears to be analogous to this except that the one is a bungalow & the other a school house. That point of difference appears to make this a stronger case, for the reasons ~~[illegible]~~ in Secy's note - p. 5 ante. Finance may see before further action.

5.4.45

6/4/45

ASST. SECRETARY TO GOVERNMENT
4 APR 1945
EDUCATION AND PUBLIC HEALTH DEPT.

DEPUTY SECRETARY TO GOVERNMENT
APR 1945
FINANCE DEPARTMENT

Finance. The case in (T) does not appear to be a clear parallel. The Military authorities advised the removal of the children only during practice, and there was no need for the Corporation to have shifted the School permanently. While in (T), there were guns placed under the walls of the Bungalow and the annoyance would have been much greater than in this case where the Artillery practice – which is apparently only occasional – was at a distance of 100 yards. Compensation was given in (T) only to the R.D.O. ~~there~~ and not to the other residents of that locality which is incidentally very crowded. The guns had been placed within a few yards of the living room in the Bungalow.

6.4.45 Ed PH

SECRETARY, EDN. AND P. H. DEPT.
APR 194
GOVERNMENT OF MADRAS

c
46/184

Ed P. K.

(T) was brought in only to illustrate the broad principles: it was not relied on as a close parallel. The commr. has categorically said that cracks have developed in the walls and that he had in view the safety of pupils in moving the school to another building. c. 7 2'-3

S/ (Minutes at pp. 5-6 ante; n/s following.)
6.4.45

Will A1 agree to Govt. paying the rent?
6/4/45 A2. A1.

6/4/45

No. I see no need for it
7.4.45

May be circulated to A2.
S/ A2
9.4.45
9.4.45

A2 Very well – the request will be turned down
9/4/45

A draft memo is p 16 of submitted for appl. After issue the papers may be recorded.

9.4.45

S.O.
10.4.45

601-Edn. 9 18.4.45
Recorded.

S
11.4.45
11.4.45

Education
Corporation of Madras – Elementary school at Kasimode shifting due to the firing of guns – Payment of rent – Request refused.

SECRETARY, EDN. AND P. H. DEPT.
9 APR 194
GOVERNMENT OF MADRAS

SECRETARY, EDN. AND P. H. DEPT.
9 APR 194
GOVERNMENT OF MADRAS