

closed
No
Enpatt

Scott. II-27-60,004-17-11-48

Education and Public Health

(1949) Department.

Ms. SERIES.

G.O. NO. 3238, Education,

Dated 24-10-1949.

— p 18, 4
1 Oct 7

[Despatch Abstract.]

MADRAS EDUCATIONAL RULES - Rule 125 - Form of agreement to be entered into by training students - Amended.

Back Papers.

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

Further Papers.

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

FROM THE NOTE FILE RELATING TO RECOVERY OF TRAINING AND
TION FEES AND STIPENDS GRANTED TO EX-SERVICEMEN FOR
COOPERATIVE TRAINING.
Public (Resettlement Dept. C.No.1557/47.

Post War Reconstruction - Cooperative Training for Ex-
servicemen - Training and payment of tuition fees and
stipends - Clarification of conditions.

XXX

XXX

XXX

Finance Department.

(Finance last noted on above).

The summarising note on pp.11-13 above and the draft
below may be perused and the case passed on to Legal.

76908

9.8.48.

The Legislature can of course
say that any particular sum due to Govt. may be recovered
as if it were an arrear of land revenue. But whether the
effect will be the same if this is embodied in an agreement
is a question which may be specifically considered by Legal.
If the answer is in the affirmative we would have an easy
solution for the thousand and one cases in which Govt. have
now to go to Court e.g. lease rents, sums recoverable under
contracts etc and the question whether a similar clause may
not be inserted in lease deeds and other contracts so as to
make those sums also recoverable as if they were arrears of
land revenue may be considered.

Personally I doubt whether a clause in an agreement
is sufficient to make a certain arrear due to Govt. reco-
verable as if it were an arrear of land revenue.

T.N.S.R.
10.8.48.

LEGAL DEPT.

Section 52 of the Madras Revenue Recovery Act provides
that all sums due to the Provincial Government INCLUDING COMPENSATION
FOR ANY LOSS OR DAMAGE SUSTAINED BY THEM IN CONSEQUENCE OF A BREACH
OF A CONTRACT may be recovered in the same manner as arrears of land
revenue under the provisions of that Act, unless the recovery thereof
is otherwise specially provided for. There is therefore no legal
objection to the insertion of a clause in the agreement to be executed
by the trainee that a breach of the conditions of the agreement will
render him liable to repay the tuition fees and other sums received
by him during the period of training and that they are liable to be
recovered as arrears of land revenue under Madras Act II of 1864.

K.B.S. P.V.B.
26.8.48 26.8.48.

FINANCE (EXPE).

Previous Finance note above, and the notes following may
be perused.

2. Legal have stated that Section 52 of the Revenue Recovery Act
provides that all sums due to the Provincial Government including
compensation for any loss or damage sustained by them in consequence
of a breach of a contract may be recovered in the same manner as
arrears of land revenue under the provisions of that Act, unless, as to
recovery thereof is otherwise specially provided for. With ref com-

'X' Secretary's remarks at 'B' above, Development may be requested
K.C. communicate relevant extracts of notes from this file to the Deion.
23.9. of the Sectt. (all sections) for information and necessary it would
48. This is a ruling of great importance having to go
save the Govt. the botheration of forms and now
to a Court of Law. Where stand

p.t.o.

laid down for contracts, leases, etc. they might well be revised so as to contain an additional clause making the amounts due to the Government recoverable as if they were arrears of land revenue.

G.K.G.
23.9.48.

Yes. The Departments concerned may consider the possibility of inserting an additional clause such as suggested in the as many forms for contracts, leases etc as possible.

T.N.S.R.
23.9.48.

DEVELOPMENT DEPT.

The Finance Dept's note above may be perused. With reference to 'X' above necessary extracts may be communicated to all departments of the Secretariat (all sections) for information and necessary action.

Yes. Communicate extracts sufficiently complete to enable Depts. to follow the opinion of Legal.

S.G.A.
1.10.1948.

/True extracts/

To all Departments of the Secretariat (all sections).

Forwarded/By order,

R.V.

[Signature]
SUPERINTENDENT.

With reference to A above the S.O. may be requested to give his remarks. A draft memo. to the D.P.I. is ruled below for approval.

[Signature]
9/10/48

[Signature]
10/11/48 S

[Signature]
10/11/48 S

Sd. that copies of the above note have been received in all sections. This will be circulated in other sections to find out what action has been taken by them after on the copies of the note received by them, after issue of the draft the memo. (the draft has been typed and is ruled below for approval.)

[Signature]
12/11/48 S

[Signature]
12/11/48 S

Edw. & P. H. Dept. (C)

Memo. No. 76908/48-1-C, -Edw, dated 15-11-48

Agreements - Pupils of Training Schools and Students of Training Colleges - Recovery of stipends for breach of conditions - Application of the Madras Revenue Recovery Act.

Reminded
12/13/49

The D.P.I. is informed that the annexation with the preparation of a draft agreement for an to be executed by ex-servicemen undergoing Co-operative training, the Legal Dept. has noted that there is no legal objection to the insertion of a clause in the agreement that a breach of the conditions of the agreement will render them liable to repay the tuition fees and other sums received by them during the period of training and that the amounts on they are liable to be recovered as arrears of revenue under the Madras Revenue Recovery Act (Madras Act II of 1864). The Director is

[Signature]

2/4

further informed that if, in pursuance of the above legal opinion, recoveries of ~~the~~ all sums due to the Court can be made by the provision of a clause ^(as stated above) in the agreements to be executed by ~~trainees~~ ^{from trainees of the Ed. Dept.} in Ed. Dept. the Court will be saved much trouble involved in going to court for every case of recovery. He is, therefore requested to examine the ^{forms of} agreements prescribed for trainees in the Teachers' Training Schools and Colleges and to see whether ~~it~~ ^{it would be possible} to insert an additional clause such as suggested above. ~~provision referred to above can be made in the draft forms of agreements to be made, and, if so, to submit necessary proposals in the matter.~~

gm
9/11/48
of
9/11/48

gm
27/11/48

20 The D.P.D.

Dr
MD
22/11

Case 2695/48
To be sent to CE quickly.

My
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Z

The S.G. has been asked to submit revised draft terms of agreement bonds, take necessary action in the matter of pupil compensation.

The S.G. has been asked to suggest a clause to be inserted in all contracts to be entered into by the Government of India.

The S.G. has been asked to suggest a clause to be inserted in all contracts to be entered into by the Government of India.

Need action
based on
present
situation

F21
Note 3.3.11

The S.G. has been asked to submit revised draft terms of agreement bonds, take necessary action in the matter of pupil compensation.

The file has been sent to P.W.D. for remarks as to whether they are taking any action so far as the CE is concerned.

The S.G. has been asked to submit revised draft terms of agreement bonds, take necessary action in the matter of pupil compensation.

Pl. see Secy's query on p. 2 ante and the further note of this section on the same page. The four men, on pages 3-4 ante has been issued. All other sections may now be asked to say what action has been taken by them on the 10. note at pages 1-2 ante.

Action has been taken separately in respect of ex-servicemen undergoing the Sany. Inspectors' course.

[illegible]

Plus
C2 + C3.

27/12/48
27/12/48

please. See the remarks of C. the various sections on page 5 ante. with ref. to the Secretary's query on page 2 ante (bottom). It will be seen from these remarks that the ^{remains at the} S. G. and ^{the} D. P. H. ^{has been} ~~has~~ also have been ~~addressed~~ in the matter. C2 and G3 sections have not offered any specific remarks whether the S.G. P. and S.S. ~~are~~ have been addressed with ref. to the UO. note at pages 1-2 ante. They may now be requested to offer their specific remarks in the matter.

Edm FPH.

Separate action is being taken in C 2 Sec in regard to the agreement to be executed by Contractors for Stationery articles. Extract of notes has been taken. The file may be sent to G.S. Section.

CP
8/1/49
Jb
CP 49

So far as F, Section is concerned, the S.P. H. has already been addressed separately in regard to the agreements to be executed by pupil health visitors.

As regards the S. Crp, it is not known whether he makes any agreements are entered into by him with contractors or others. He may be consulted. A draft ^{memo} is ruled below for approval. After issue, nec. extracts will be taken for further action in F, and this file rel'd to C, Section.

gus
10/1/49

DM
12/1/49

Sp file
not put up

To 4/3

To C1

C. No. 76908/48

E+PH(C.)



EDUCATION DEPARTMENT

THE DIRECTOR OF PUBLIC INSTRUCTION, MADRAS

The Secretary to Government,
Education and Public Health Dept.,
Madras.

24899

Roc.No.3418E3/48 dated 24th March '49

Sir,

Sub:--Madras Educational Rule--Recovery of stipends for breach of conditions--Application of the Madras Revenue Recovery Act. P3 ante

Ref:--Government Memorandum No.76908/48-1-C-1 Edn. dated 15-11-48

The matter is under correspondence with the subordinate Officers and their reports are awaited. I shall submit a reply shortly.

DM
The PI may be reminded on 15-2-49, if necessary

1/4/49
CP 49

DM
1/4/49

Yours faithfully,

K. S. Hanumanth

For Director of Public Instruction

Clb.28-3-49

Kuo 28/3



C.F. 32 (a).

Education Department

Received _____ Registered _____

From (Name)

To

Designation The Director of Public Instruction,
Station Madras-

The Secretary ^{to} Government,
Education & Public Health Dept.
Madras.

Enclosures : Roc. No. 3414-13/48 dated 9-4-1949.

Sir,

Sub:- Agreement - Pupils of Training Schools
and students of Training Colleges -
Recovery of stipends for breach of
conditions - Application of the Madras
Revenue Recovery Act.

Ref:- Your Memo No. 76908/48-1-31 Ebn., dated
15-11-48.

The matter is under correspondence with the
subordinate officers. A reply will be submitted as soon as
reports from all officers are received.

Maybe reminded on 10-5-49

Yours faithfully,

D. V. Pantavanarishu
For Director of Public Instruction

MDS
12/4

9/14/49

19/3
no debited at part 19 cut
you are to pay 10-5-49

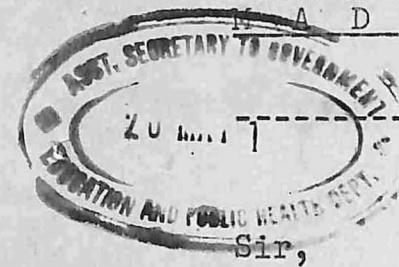
12/4/49

epm

EDUCATION DEPARTMENT.

From
The Director of Public Instruction,
M A D R A S.

To
The Secretary to Government,
Education and Public Health
Department, M A D R A S.



R.O.C.No.3418-E3/48 dated 13th May 1949.

Sir,

Sub:- Agreements-Pupils of Training Schools and
Students of Training Colleges-Recovery of stipends
for breach of conditions-Application of the
Madras Revenue Recovery Act.

Ref:- Government Memo No.76908/48-Cl/Education, dated
15-11-48.

The matter is under correspondence with the Inspectress of
Girls' Schools, III Circle. A reply will be submitted as soon
as her remarks are received.

May be over till 10-6-49

D. V. Pantea afishua
19.5.49

KVS.

For Director of Public Instruction.

18/5.

13/9 (a)

From The Director of Public Instruction,
M a d r a s

To The Assistant Secretary to Government,
Education and Public Health Department,
Fort St. George, M a d r a s.

59584
59585

Sir,
R.C.No.3418-E3/48 dated 30th July 1949.
M.E.R.--Rule 125--Recovery of stipends paid to students under training.
Reference:--Government Memorandum No.76908/48-1-C1 Edn., dated 15.11.48.

In continuation of this office letter R.C.3418-E3 dated 13.5.1949, I am to report that the matter is under correspondence with the Principal, Teachers' College, Saidapet and my reply will be submitted immediately on receipt of his remarks.

Yours faithfully,

J. O. Lawrence
For Director of Public Instruction.



may be over till 1-9-49
RM 10/8/49

From The Director of Public Instruction,
M a d r a s

To The Assistant Secretary to Government,
Education and Public Health Department,
Fort St. George, M a d r a s.

Sir,
R.C.No.3418-E3/48 dated 30th July 1949.
M.E.R.--Rule 125--Recovery of stipends paid to students under training.
Reference:--Government Memorandum No.76908/48-1-C1 Edn., dated 15.11.48.

In continuation of this office letter R.C.3418-E3 dated 13.5.1949, I am to report that the matter is under correspondence with the Principal, Teachers' College, Saidapet and my reply will be submitted immediately on receipt of his remarks.

Yours faithfully,
J. O. Lawrence
For Director of Public Instruction.

O.F. 32.

EDUCATIONAL

Department

Received

Registered

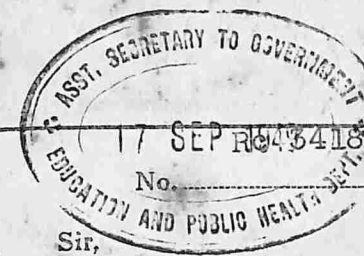
From (Name)

The Director of Public
Instruction, Madras.

Designation

To
The Secretary to Government
Education and Public Health
Department
M A D R A S.

Station



Enclosures :

No.

dated

13-9-1949

194

Sir,

Sub:- Madras Educational Rule - Recovery of stipends for
breach of conditions - Applications of the Madras
Revenue Recovery Act -

Ref:- Government Memo. 76908/48-1 Cl Education dated
15-11-48 -

I agree with the suggestion contained in the Government
Memo cited above, that a clause may be provided for in the
agreements to be executed by the stipendiaries to the effect
that a breach of conditions of the agreement will render them
liable to repay the tuition fees and that the amounts are
liable to be recovered as arrears of Revenue under the Madras
Revenue Recovery Act (Madras Act of 11 of 1864) By the inser-
tion of the clause now suggested the recovery of stipends
from the defaulters will relieve the Departmental officers
much of unnecessary and prolonged legal proceedings and the
procedure of recovery of stipends consequently becomes
simpler.

I therefore suggest that after the word "virtue" in the
last sentence of the form of agreement the following words
may be added:- "And the Government, without prejudice to any
other rights, may recover such sum or sums of money as may
be due from me by virtue of this bond as if it or they were
arrears of land revenue under the Madras Revenue Recovery
Act."

Copies of the letters No.268 dated 19-1-49 and No.2633
dated 21-7-49 from the Government Solicitor are enclosed.

Yours faithfully,

J. P. Paulson

For Director of Public Instruction

MSR 15/9

15/ (5)
Copy of letter from the Government Solicitor
No.268 dated 19th January 1949 to the Direc-
tor of Public Instruction, Madras.

Sir,

Sub:-Madras Educational Rules -Rule
125-Recovery of stipends paid to
students under training -
Application of the Madras Revenue
Recovery Act.

With reference to your letter Roc No.
3418/E3/48 ~~xxxxx~~ of the 3rd instant with
its enclosure section 52 of the Madras Re-
venue Recovery Act was amended by the Ma-
dras Revenue Recovery ~~Act~~ (Amendment) Act,
1939, by adding to it the following pro-
visions:-

"And all sums due to the Provincial
Government including compensation for any
loss or damage sustained by them in con-
sequence of a breach of contract may be
recovered in the same manner as arrears
of land revenue".

Therefore the clause as suggested by
the Government in its Memorandum No.76908/
48.C.1 of the 15th November 1948, of the
Public Works Department can be inserted
in the form of agreement in question.
Please send me a specimen form of agree-
ment for revision.

/True Copy/

J. P. Pantapalle
For Director of Public Instru-
ction.

16/ (2)
Copy of letter from the Government Solicitor, Madras to
the Director of Public Instruction, Madras No. 2633
dated 21st July 1949.

Sir,

Madras Educational Rules - Rule 125 - Recovery of
stipends paid to students under training - Appli-
cation of the Madras Revenue Recovery Act.

With reference to your letter Roc No. 3418 E3/48
~~xxxx~~ of the 1st instant after the word "virtue" in the
last sentence of the form of agreement sent to me the
following words may be added:-

"And the Government, without prejudice to any other
rights, may recover such sum or sums of money
as may be due from me by virtue of this bond as if
it or they were arrears of land revenue under the
Madras Revenue Recovery Act."

/ True Copy /

2/3
D. Santanah
For Director of Public Instruction

Madras Educational Rules - Rule 125- Form of agreement to be entered into ~~are~~ entered into by training students - Amended

From the D.P.L. No 3418 E₃/48 dated 13-9-49

Order (M.E.) No 3238 Educated 24-10-49

The following amendment to the Madras Educational Rules will be published in the Fort St. George Gazette
Amendment-

~~After the word "Virtue" occurring in the last sentence of the form of agreement in Appendix 22 to the M.E.R. The following shall be added, namely, "And the Govt. may, without prejudice to any other right they may have, recover under the Madras Revenue Recovery Act, 1864, any sum or sums of money due under the bond, as if the same were arrears of land revenue"~~
(as the last sentence of the form of agreement in Appendix 22 to the M.E.R.)

To, The D.P.T.
The S.G.P for publication
in the F.S.L.R.
3 spare copies

15/10/49.
17/10/49
17/10/49 S 18/7

18
GOVERNMENT OF MADRAS
Education and Public Health Department
G.O. (No) No. 3253, Education, dated 24th October 1949.

Abstract
MADRAS EDUCATIONAL RULES - Rule 125 - Form of agreement to be entered into by
training students - Amended.

Read:-
From the Director of Public Instruction, No. 3413 ES/43 dated 15-9-'49.

ORDER:
The following amendment to the Madras Educational Rules will be published in
the Fort St. George Gazette.

Amendment.

The following shall be added as the last sentence of the form of agreement in
appendix 22 to the Madras Educational Rules, namely, "And the Government may, without
prejudice to any other right they may have, recover under the Madras Revenue Recovery
Act, 1934, any sum or sums of money due under the bond, as if the same were arrears
of land revenue".

(By order of His Excellency the Governor)
J.N. Lobo Prabhu,
Secretary to Government.

To
The Director of Public Instruction, Madras.
" Superintendent, Government Press, for publication in the Fort St. George
Gazette.
True copy/Forwarded/By order
JV.24-10.
SUPERINTENDENT.

19 (4) 1949
 Madras Educational Rub - Recovery of expenses for breach of Conditions - Application of the Madras Revenue Recovery Act.

From the D.P.I. No 3418 E3/48 dated 13-9-49

P/1CF

In Connection with the preparation of a draft of the agreement to be executed by ex-service men undergoing Cooperative training the Legal dept. has noted that there is no legal objection to the insertion of a clause in the agreement to the effect that a breach of the conditions of the agreement will render ^{the ex-service men} ~~them~~ liable to repay the tuition fees and other sums received by them during the period of ^{their} training and that the amounts are liable to be recovered as ~~arrear~~ arrears of revenue under the Madras Revenue Recovery Act.

P/4CF

In pursuance of the above opinion the D.P.I. has suggested the following amendment to the form of agreement presented for trainees in the Teachers Training schools and Colleges. He suggests that after the word "Virtue" in the last sentence of the form of agreement, the following ~~is~~ may be added "And the Government, without prejudice to any other rights, may recover such sums or sums of money as may be due from me by virtue of this bond as if it or they were arrears of land revenue under the Madras Revenue Recovery Act."

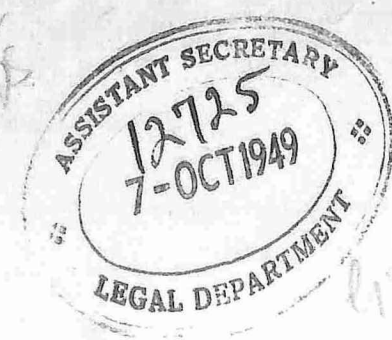
Legal may see for remarks on the amendment proposed by the D.P.I.

P 46 H E R.
 Bork N. 154

A

Et P. H. U. O

No 76908-C/48-2 Edn
 6-10-49



4/10/49
 6/10/49 Legal

Legal Department.

The draft ~~rule~~ may be recast as follows:--

20

"And the Government may, without prejudice to any other right they may have, recover any sum or sums of money due under the bond, as if the same were arrears of land revenue, under the Madras Revenue Recovery Act, 1864."

11/10/49

R.B.H.
C.

Legal u.o. no. 12725/
148-1
11-10-49

A draft order is submitted.

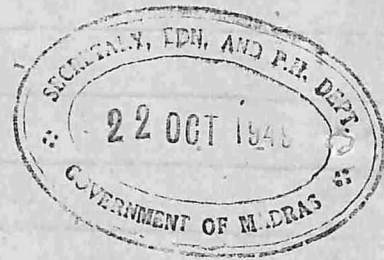
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1/2