

Edl (1915) Department.

No SERIES.

G.O. No. 1388-Edl

DATED 10. 12. 15

[Despatch Abstract.]

Leg Council

Recording ^{notes} connected with
the question no 23 asked by the
Hon'ble Mr. B. V. Narasimha Ayyar
at the meeting of the ——— held on
23-11-15 regarding the management
by local bodies of the educational &
medical institutions hitherto
managed by hostile missions.

CN. 3226 & 8

18/9/15

Legislative Department. ✓

LOCAL AND MUNICIPAL
EDUCATIONAL
PUBLIC (MEDICAL)

DEPARTMENT.

Civilic (War section)

The Honourable Mr. B. V. Narasimha Ayyar:--

18. Will ^{the} Government be pleased to state with reference to G.O.No.1096 L.,
(N) dated 7th August 1915, whether they would be pleased to direct the Surgeon-General and the Director of Public Instruction, before addressing any missionary agency, to address the local bodies within whose area any German or other enemy mission school or medical institution is now working and is about to be closed, to take up such school or institution if it is possible for them to do so?

VERY URGENT.

CN^o 3226 Eog
18/9/15

QUESTION.—No. 18

for the meeting of the Legislative

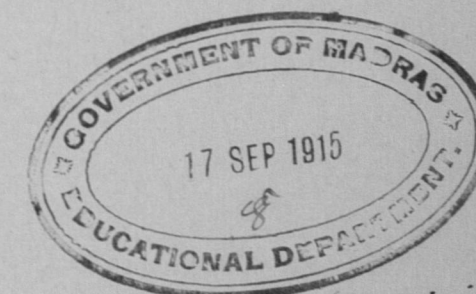
Council to be held on the 23rd Nov. 1915.

SUBMITTED that two copies of this Question may be forwarded to the
Educational Department with reference to Nos. (1) and (4) of the rules
regulating Secretariat procedure in dealing with these Questions in the Legislative
Council. Orders regarding admission will be communicated in due course.

16.9.15

17.9.15

To the Educational Department.



Educational Department

VE The D. P. G. might perhaps be informed of this
Suggestion

8/12.5.15

A copy of the question has been furnished to the Hon'ble Mr. Stone.

2. The D.P.I's reply to paragraph 2 of G.O. No.686 Edl., dated 25th June 1915, has not yet been received. A suggestion similar to that now made by the Additional Member was already made by the Honourable Sir Sivaswami Ayyar in his note on page 13 of ^{note by} G.O.No.686 Edl., dated 25th June 1915 and a similar course was followed in respect of the Jeypore Mission Training School - vide G.O. No.1175 L., dated 19th August 1915 - the Government undertaking to pay an annual subsidy to the Koraput District Board.

3. The D.P.I. to whom the question was referred unofficially remarks as follows:--

"I am finding some difficulty in replying to G.O.No.686 Edl., dated 25th June 1915, because the missionaries say in effect if Government will recognise the transfers of management we propose the schools won't be closed. I am therefore addressing Government saying what proposed transfers of management I consider may be recognized. When this point is disposed of the question of transfer to local bodies will come up. The disadvantages of the idea are--

"(1) The enemy mission bodies will not do it willingly.

"(2) Government will have to bear the entire cost as no funds will come from Germany and I don't believe any local body will do it without a subsidy.

"The Missionary Educational Council of South India strongly urge that enemy missions should be replaced by British or neutral missions. I doubt whether any prospect should be held out to the Hon'ble Member of Government's accepting his suggestion. Transfers of management of some kind should be effected before the Council meets.

"Perhaps the Hon'ble Member can be told that Government have considered his proposal"

45 3

4. The Secretary suggested the following answer and sent it to Local and Municipal for acceptance:--

"The Government have no authority
"under the law to make over to a local
"board the management of a school or
"medical institution hitherto controlled
"by hostile aliens. Nor have the local
"boards funds from which to meet the
"expenses of such management."

He added--

"So far as I can see the answer will
"depend on two legal points--

"(1) whether the missionary bodies in
"this country controlling the schools and
"hospitals have power to make them over to
"any one,

"(2) whether, if they have not, Government
"have any power to make them over to local
"boards or other missions.

"So far as I understand the matter ~~at~~
"~~all~~, (1) transfer by consent may be possible -
"but we want a lawyer's opinion both on the
"general question and on the powers of the
"local managing body in each instance first,
"(2) Government have no power 'to address'
"a local body 'to take up' a hospital or
"school. If they did, Government and the
"local body might be sued for an account of
"their stewardship after the war.

"I have proposed a reference to the
"Advocate-General on another file."

5 6 24

Distilled + submitted
separately for analysis.

5.21.15

Somewhat since it was

with Public Medical accept the
alternatives answers suggested and say?

Public Medical u.o-

Volvo 3226-4

5/11/8

8614



6497

8. 11.15

Legislative Question No. 18.

Draft Answer.

"The Government have no authority under the law to make over to a local board the management of a school or medical institution hitherto controlled by hostile aliens; nor have the local boards funds from which to meet the expenses of such management. The Government understand that none of the medical institutions are likely to be closed for the present by the withdrawal of aid from public funds"

AA
29.10.15
JL
30.10.15

Alternative

Government will consider the suggestion, but are unable to give any undertaking. Each case must be disposed of on its merits. None of the medical institutions are likely to be closed at present.

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6.11.15

Put Dept.

W.L.

submitted that the alternative
suggested by the Educational
Secretary may be accepted in this Dept.

W.L.

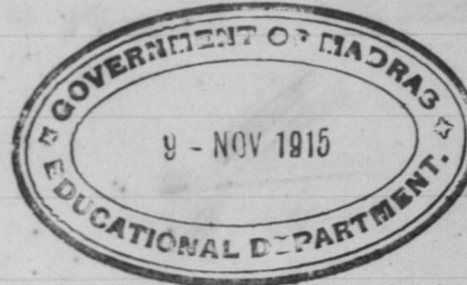
8.11.15

See

8.11.15

Alternative accepted in Public (Mud.)

Education (100)



Edl Dept.

For orders as to circulation to H.E. the Governor
H.M. (L.M.) and H.M. (Public).

9.11.15

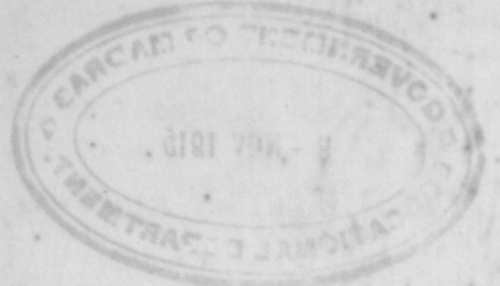
10.11.15

H.E. the Governor
H.M. L. and H.
H.M. Public.

I prefer the Government's draft. As far
as the question of legal difficulty is concerned,
it arises equally whether the Government
is a local body or a missionary body.

Pub no 6492-1
9.11.15

Circulates in Confidential
box no 43
10.11.15



Refd 163

For circulation to H.E. the Governor
H.M. (L.M.) and H.M. (Public).

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We have no power to make a legal transfer without the consent of the parties. If a hostile missionary body is willing a transfer can be made - but to a local body, it can be done. If it is not, the question arises whether it would be possible to allow a local body to start a school, in place of the hostile missionary one (closing the latter) provided the local body can carry it on with no larger subsidy than would have to be paid to a missionary body. If the Council is favorable, I should prefer it.

[Signature]
11-11-15

Submitted to His Excellency the Governor for information. The answer settled in Council was as follows:-

"The suggestion will not be lost sight of".

[Signature]
20.11.15

H. E. the Governor

[Signature] approves.

[Signature]

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22/11



The question and answer as finally approved were as follows: -

23 Q.—Will the Government be pleased to state with reference to G.O. 1096 L., dated 7th August 1915, whether they would be pleased to direct the Surgeon-General and the Director of Public Instruction, before addressing any missionary agency, to address the local bodies within whose area any German or other enemy mission school or medical institution is now working and is about to be closed, to take up such school or institution if it is possible for them to do so?

Management of alien enemy institutions by local bodies.

23 A.—The suggestion will not be lost sight of.

2. The papers may be recorded and copy communicated to the S.P.G. for information.

Order No 1388 E.L.Mis 10-12-15

Mis.

Recorded.

PA
6.12.15

Ed.
6.12.15

Ch.
9.11.15

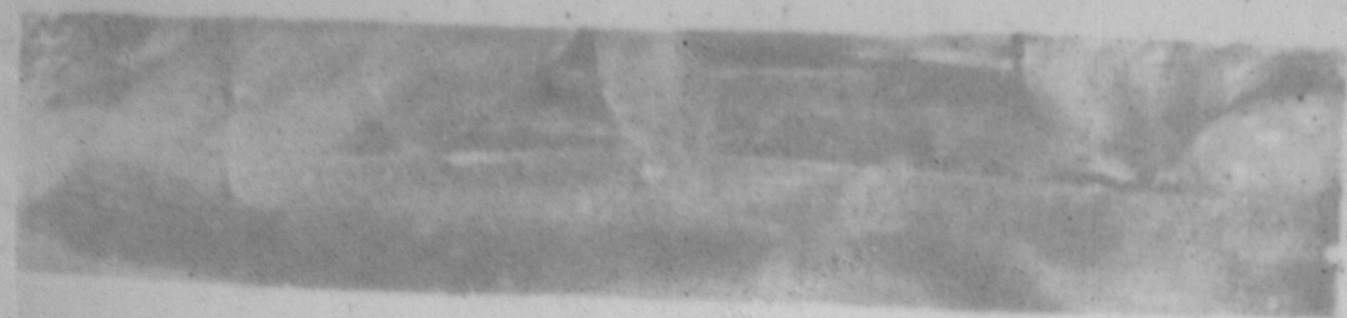
I.

The S.P.G. with a copy of question and answer.

10-12-15

CO2 - 14/12 - 10/12/15

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When given for copying
When copied
When examined
When signed

191

READ AGAIN G.O. No. 191 DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH BITTO.

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

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