

Hon (1917) Department.
(Education)

Ordinary SERIES.

G.O. No. 1157

DATED 22-9-17

[Despatch Abstract.]

Endowments.-

Communicating to the Director of Public Instruction the Advocate General's opinion on his proposal to insert a new clause under Rule XV in the trust deed of the Timmarazu Venkata Subba Rao's scholarships-----fund.

PAPERS PUT UP WITH CURRENT No. _____

Papers of the department to which the current belongs.

Number.	Date.	Original (= O.) or spare copy (= S.O.)	Remarks. (In this column such of the papers as have been removed for copying, printing, etc., should be marked with a cross.)	Initials of Referencer with date in token of return to Reference department.
841	5-7-19	O		
369	2-7-19	"		
604	30-9-19	"		
338	6-6-19			
174	27-3-19			
176	28-3-19	sc		
153	20-3-19	sc		

Papers of other departments.

Department.	Number	Date.	Original (= O.) or spare copy (= S.O.)	Initials with date of (1) Referencer acknowledging returns of the paper concerned or (2) Despatcher to denote the return of the papers to the department concerned.

HOME (EDUCATION)

DEPARTMENT.

C.F.—29.



Received _____ 191 . Registered _____ 191 .

Subject.

Requesting sanction of Government to the insertion
of a new clause under Rule XV in the Timmarazu Venkata Siva
Rao Scholarships Endowment Fund Rules.

ENCLOSURES.

No. _____ R. C. No. 2778/1919
Station Madras, Dated the 23 July 1919

From (Name) the Hon'ble Mr. R. Littlehales, M.A.,

(Designation) Ag. Director of Public Instruction,
M A D R A S.

To The Secretary to the Government of Madras,

HOME (EDUCATION) Department.

Sir,

I have the honour to state that the Collector of
Vizagapatam who is also the Chairman of the Trustees of
the Timmarazu Venkata Siva Rao Scholarships Endowment
Fund reports that as the amount of the above fund has
risen from Rs.18,000 to Rs.21,500, the trustees propose
under Rule XV of the rules for the administration of the
said fund, contained in the deed approved by Government in
G. O. No.604 dated 30th September 1896, to give the excess
amount of Rs.3,500/- as a gift to the Taluk Board, Vizagapatam.

in aid of the Middle School at Palakonda which the public of the locality intend to raise to the status of a High School. This proposal has since been sanctioned in G. O. No.815 L. Mis. dated 29th June 1919. The gift of Rs.3,500 proposed to be given will be spent by the Taluk Board, Vijayanagaram at their discretion. The Collector adds that as there is no specific rule in the deed drawn up for the administration of the fund as to how any excess amount that may accrue to the fund may be spent, the trustees consider that a new rule may be framed under the existing Rule No.XV to the following effect: - "Any surplus funds can be devoted to purposes of Education as the Trustees may, in consultation with the Director of Public Instruction, decide."

2. The present Rule XV runs thus - "The Trustees of the Fund may, in consultation with the Director of Public Instruction from time to time make such rules regarding the administration of the said Endowment not inconsistent with the main object thereof as they think fit". I agree with the trustees that such a gift as is now proposed is not inconsistent with the object of the Endowment and recommend that the addition of the proposed new clause under the existing Rule XV may be approved by Government.

I have the honour to be,

Sir,

Your most obedient Servant

[Signature]
for Director of Public Instruction

Y. V. /23/7

Home(Educ tion)Dept.

Memorandum.No.1738 A-1 dated 15-8-19.

With reference to his letter

R.C.No.2778 dated 23-7-19 the D.P.I. is requested to forward to Govt. for reference the trust-deed of the Timmarazu Venkata Siva Rao scholarships endowment fund approved in G.O.No.604 Educational dated 30-9-1896.

R.K.12-8-19.

R.K.14-8-19.

C.R.15-8-19.

To the D.P.I.(Memo)

Despa

N.S.16-8-19.

Reminder one month after issue.

C.R.

Home (Education) DEPARTMENT.



Received 191 . Registered 26.8.1911

Subject.

Replying to Government Memorandum No. 1732 A-1 dated 15-8-19 stating that the trust deed of the T. Venkata Siva Rao's endowment is with Government.

ENCLOSURES
No.
Spare copies

Re No. 2228/19
Station Madras, Dated the 23-8-1911

From (Name) The Hon'ble Mr. R. Littlehales, M.A.

(Designation) Director of Public Instruction

To The Secretary to the Government of Madras,
Home (Education) Department.

Sir,

With reference to your Memorandum No. 1732 A-1 dated 15-8-19 I have the honour to inform you that the registered trust deed of the Timmarazu Venkata Siva Rao scholarships endowment fund was ordered to be deposited for safe custody in the proper receptacle in the Government Office in the Fort Vide G.O. 369 educational dated 2-7-1897.

2. There is a copy of the registered trust deed in my Office and I shall submit a copy of the same.

3. I beg to invite the attention of Government to my letters R.C. No. 6953/11 dated 3-11-1911 disposed of in G.O. No. 805 Educational dated 18-11-1911 reporting that the draft trust deed approved in G.O. No. 604 educational dated 30-9-1896

is

is not forthcoming in the records of this Office.

I have the honour to be,

Sir,

Your most obedient servant,

H. M. M. M.

for Director of Public Instruction.

T.V. N. I. 23-1-19.

Home (Eds) Dept

[C No 1732 A]

Memo

Referred to the *Board*
who is requested to
favour Govt with his opinion
whether the addition suggested
by the D.P.S. to rule XV of
the Trust deed printed in
G.O. No 805 Edt & 18.11.11
can be made legally under
the orders of the Govt. If
not, he is requested to
advise as to the procedure
to be adopted by the Trustees
to procure the necessary
modification of the rule in
question.

2K
19.19

2-9-19

21/10/19

W. S. M.

to the Govt Director
(with the D.P.S. letter
RE No 2778 & 23.7.19
+ a copy of No 805
18.11.11)
(without notes)

Remind in month after

P.T.O

Note

Note - Attention is directed
to Sections 11, and 34 of the Indian
Trusts Act, 1882. It does not
appear therefrom that Courts
are competent to sanction the
proposed modification of
the rule. Hence the reference to
the ~~Advocate-General~~
~~Local Authorities~~

Apparently the trustees
will have to move a
Court of competent
jurisdiction

No.198



OPINION.

Re. Memorandum No.1915 A-1, Home (Educational)

Department, dated the 4th September 1919.

--:0:--

The additional rule suggested cannot be made by the
trustees; for any cy pres application of surplus revenue cannot
be made by them but must be authorised by decree of court in a
suit under section 92 C.P.C. Rule 15 does not enable the trustees
to do it or to make a rule like the one proposed. The object of
the trust is to provide poor scholarships. Prima facie an ---
increase in the income may be applied by the court to increasing
either the number or the value of the scholarships though there
is no absolute rule to that effect. The court may direct a cy
pres application for any educational purpose.

S. Srinivasa Iyengar

Advocate-General.

Madras,

10th September 1919.)

(True Copy)

Ag: Government Solicitor.



From

Ag: Government Solicitor,

Madras.

To

The Secretary to Government,
Home (Education) Department,
Stonehouse Hill,
Nilgiris.

Dated 11th September 1919)

Received

No. 961

Forwarded with reference to the
accompanying Memorandum of ---
Government No.1915 A-1, Home -
(Education) Department dated the
4th September 1919.

Ag: Government Solicitor.

Sectt. II—10 (a)—7-2-16.

7-2-16.
Endowment

11-10 (a)-7-2-16. Endowment. Home (Ed.) DEPARTMENT.
Communicating to the S. P. the Advocate's
opinion on this proposal to insert a new clause
under rule 27 in the first deed of the Bannaraja
Venkata Swa Rao Scholarships — fund.

READ AGAIN G.O. No....., dated

READ ALSO:—

C. No. 1732A From the *D.P.P.* Re No. 2778, dated 23.7.1919
Answer to the D.P.P. 1732A-1.8.15-8-19
 " " 1915A " " From the *D.P.P.* Re 2778 " 23.8.1919
Memo to the Govt. Secy for 1915A-1.8.4-8-19
 " " 1782B " " From *I do* 13.12.9 " 10.9.1919

ORDER.

Mis

No. 1157, dated 22.9.1919

The opinion of the
Advocate General No
198 Oslo. 9.19 is Communicated
to the D.P.I for information
and guidance.

2K
17-9-09
NH
19/9/19

22 Aug

To the D.P. $\left(\frac{9}{10} \frac{I}{IV} + \frac{II}{V} + a \frac{IV}{V} + \frac{V}{10} \right)$

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 DETO.

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

N.B.-

A = Copy in full.

B = Not to be copied.

P = Copy abstract only.

Q = Copy heading only.