

*Law*  
~~Home~~ (192 / ) Department.  
*Education*

*Ordinary* SERIES.

G.O. No. 1163 *Misp*

DATED 11<sup>th</sup> August 1921

(16)

INDEXED

[Despatch Abstract.]

Endowment Guruswami Mudaliyar scholarship endowment fund  
M.R.Ry. Tirumalei Pillai and Bhixaja Mudaliyar appointed  
trustees.



# BACK PAPERS.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
|------|-----|-------------|-------|------|-----|-------------|-------|
|      |     |             |       |      |     |             |       |

# FURTHER PAPERS.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
|------|-----|-------------|-------|------|-----|-------------|-------|
|      |     |             |       |      |     |             |       |

# CURRENT FILE.



Home/Education/

DEPARTMENT.

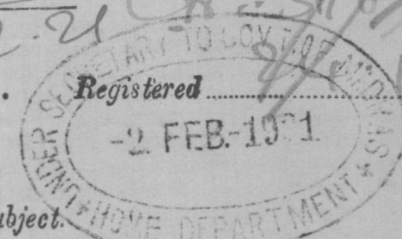
Co. 362B

Received



191

Registered



191

Subject.

stating that the endowment fund instituted by M.R.Ry P. Guruswami  
Mudaliar tenable in the Pachaiyappa's College, Madras, may be  
vested in the trustees to the Pachaiyappa's charities instead of  
in the Treasurer of Charitable Endowments.

to No 2/18  
was obtained only  
on 2.2.21

ENCLOSURES.

No.

Spare copies

Ref on Current

6384/18

No.

Madras

Station, Dated the 22 January 191

From (Name) R.G. Grieve, Esquire, M.A.,  
ag:

(Designation) Director of Public Instruction,  
Madras

To The Secretary to the Government of Madras,

Home Education.

Department.

Sir,

G

With reference to G.O.No. 1402 Home/Education/  
dated 1st November 1918 sanctioning a grant of Rs 1,000 towards  
the endowment offered by M.R.Ry P. Guruswami Mudaliar of certain  
scholarships tenable in the Pachaiyappa's college, Madras, I have  
the honour to state that the Trustees of Pachaiyappa's charities  
desire that the whole fund including the grant should vest in  
themselves and not in the Treasurer of Charitable Endowments. They  
have accordingly prepared a trust deed and this has been approved  
by the Government Solicitor. The securities are to be invested in  
the names of Messrs. V. Thirumala Pillai and T. Athiraja Mudaliar,  
the financial trustees for the time being of Pachaiyappa's charity.  
Under rule 62 (1) of the Grant-in-aid Code, I recommend that the



above mentioned names may be approved.

I have the honour to be,

Sir,

Your most obedient servant,

D. Subrahmaniam Aiyar

For Director of Public Instruction.

n.v.s.

Law (Govt) Dept

C.No 362 B

Memo No 362 B-1 8/2/21

With reference to the D.P.D.  
Letter R.O.C. No 6384/12 of 22.1.21  
regarding the endowment offered  
by M.R. P. Kurudawani Mudaliyar  
of certain Scholarship tenable in  
the Pachaiyappa's College, Madras,  
the Director is requested to forward  
to Govt. a copy of the trust deed  
referred to <sup>(therein)</sup> the letter.

as  
3.2.21

Sub  
14.2.21

Note

We have to scrutinize the  
draft of the trust deed especially  
with reference to 'B' on p.6 of G.O.

G 1402 of 1.11.18. of also correspondence

R in G.O. No 204 of 18.2.18.

as  
3.2.21

Sub  
14.2.21

8/2/21  
DESPATCHED  
8 FEB. 1921

2  
Rej.  
In D.P.D. (Memo)

Remind after three weeks

Rdwp  
In 8/3

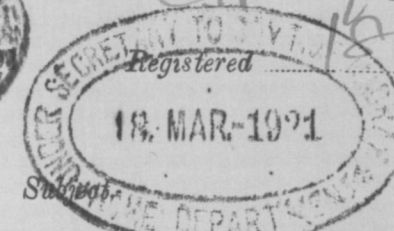
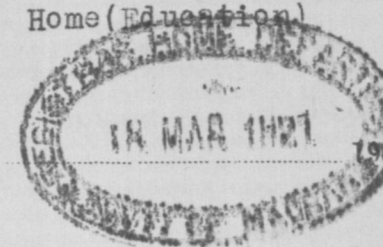
A



Home (Education)

DEPARTMENT.

Received



Registered

18 MAR-1921

Subject

C.N. 960 B

191/

submitting a copy of the trust deed relating to the  
Guruswami Mudaliars scholarship endowment in the Pachayappa's  
College, Madras.

## ENCLOSURES.

No.

Spare copies

R.C. No. 6384/18

Station Madras, Dated the 6 March 191/From (Name) R.G. Grieve Esq M.A.,

(Designation) Ag. Director of Public Instruction,  
Madras.

To The Secretary to the Government of Madras,

Home (Education) Department.

Sir,

With reference to Memorandum No. 362 B-1 dated 7-2-21  
regarding the endowment offered by M.R. Ry P. Guruswami -  
Mudaliar of certain scholarship tenable in the Pachaiyappa's  
College, Madras, I have the honour to submit herewith a  
copy of the trust deed called for therein.

I have the honour to be,

S i r,

Your most obedient servant,

*Santhoshanand Chell*  
for Director of Public Instruction.



b Copr of Trust Decd 51

We, Messrs V.Tirumalai Pillai & T.Ethiraja Mudaliar, whose signatures appear at the foot hereof, being the - Financial Trustees of Pachaiyappa's Charities for the time being, hereby accept the special grant of Rupees One Thousand only sanctioned under article 61 of the Grant-in-Aid Code by the Government in G.O.No.1402 Home(Education) dated 1st November 1918 through the Director of Public Instruction, Madras for the endowment of Rs.2,000 made by Mr. P.Guruswami Mudaliar for the award of scholarships in Pachaiyappa's College and High school at Madras in the District of Madras, in the Proceedings of the Director of Public Instruction, R.C. No.6384 dated 9-11-18 and agree on behalf of ourselves and our successors in office to administer the fund relating to the "Guruswami Mudaliar's scholarship" vested in us in accordance with the terms of the schedule set forth below.

S c h e d u l e .

1. That the sum of Rs.2,000 endowed by M.R.Ry P.Guruswami Mudaliar together with the sum of Rs.1,000 sanctioned by - Government shall vest in the Trustees of Pachaiyappa's Charities for the time being and that the whole sum of Rs.3,000 shall be vested in Government securities or other securities mentioned in section 20 of the Indian Trust Act with power from time to time to convert the said securities into other more beneficial form of investments. Subject to the previous approval of Govt.
2. That the interest and income accruing and arising from such investment from time to time shall be administered in the manner stated hereunder.
3. That two scholarships named "P.Guruswami Mudaliar's scholarships" be awarded in Pachaiyappas College annually one to a student of the Sixth form and the other to a student of the Intermediate class in value being equal to the class and other fees due to the College.
4. That the said scholarships in the first instance be awarded by the Trustees in consultation with the donor during his life time and thereafter with his executors, to poor

as such other securities  
as may be approved  
by Govt.

but if part  
62 (1) Grant  
in the Code



*Law Coy Dep't*

C. no. 1445 B.

*Memo no 1445 B, dated 22.5.21*

*with reference to the correspondence ending with his letter no. 6384/18 of the 16th March '21 regarding Garuswami Mudaliga Scholarship Endowment fund, the attention of the D.P.D. is invited to article 62 (i) of the Grant-in-Aid Code under which the endowment should consist only of Govt Securities. The Govt, however, have no objection to allowing the fund to be invested, subject to their previous approval, in any other securities mentioned in Section 20 of the Indian Trust Act, 1882, but not in any other form of investment. Para 1 of the Schedule to the trust deed, copy of which has been forwarded by the Director with his letter referred to above, requires therefore to be amended. The Director is requested to (report whether the Trustees agree to revise the trust deed of the deed after getting it revised accordingly and if so to submit to Govt a revised copy of the deed.)*

*ad 4.5.21  
Jeh 5.5.21  
A 6.5.21  
9/5/21*

to poor deserving Vellala students of the class preferably orphans and that if at any time, poor vellala students are not forthcoming the scholarships shall then be awarded to poor deserving non brahmin students, preferably orphans, of other sects.

5. That yearly accounts of the income and expenditure shall be rendered to the Director of Public Instruction in the form prescribed and that in the event of the object for which the endowment is created ceasing to exist or of the management ceasing to comply with any of the conditions of the Trust aforesaid, the fund shall be distributed as decided upon by the Director of Public Instruction.

6. All interest or income that may not be required for the award of the scholarships stated hereunder shall be accumulated and invested from time to time in the names of the aforesaid Trustees or their successors in office in Government securities and be added to the corpus of the fund.

7. That when the interest or income accruing and arising from the accumulated surplus invested as corpus is sufficient to cover the class fees of the Intermediate class, or income so arising be utilised for the award of a third scholarship in the Intermediate or higher class in the manner and subject to the conditions aforesaid.

Dated this.                      day of                      One Thousand Nine Hundred and  
Twenty One.

Signed by the said (1)  
& (2)

in the presence of (1)  
(2)

(True copy)

*Rambhadracharya*  
for Director of Public Instruction.

*corrected 27.5.21  
28.5.21*

DESPATCHED  
31 MAY 1921

*to M. P. D.*

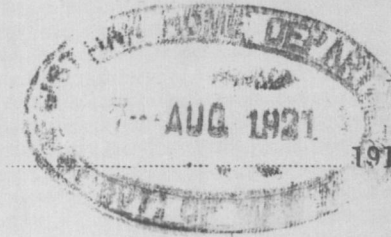


Law(Education)

DEPARTMENT.

C.F.—20.

Received



191

Registered

2313 B

191

8.8.21

Subject.

Resubmitting with remarks the Trust deed revised as suggested by Government in connection with the -- Gurusamy Mudaliar's Scholarship endowment tenable in the Pachayappas College, Madras.

ENCLOSURES.

No.

Spare copies

R.C. No. 6384/18

Station Madras, Dated the 5th Aug 1921 191

From (Name) R. Littlehailes Esq M.A.,

(Designation) Director of Public Instruction,  
Madras.

To The Secretary to the Government of Madras,

Law(Education) Department.

Sir,

With reference to Memorandum No.1445 B-1 dated - 29-5-21 regarding Gurusami Mudaliar Scholarship --- Endowment Fund, I have the honour to resubmit the trust deed revised as suggested in the memorandum. The Trustees agree to the execution of the deed in the -- revised form.

I have the honour to be,  
Sir,

Your most obedient servant,

Dubonmant Chell  
for Director of Public Instruction.

a.r.

Eed



# NOTES.

## Previous papers

|      |    |   |            |       |
|------|----|---|------------|-------|
| 788  | ed | 8 | 19.12.1884 |       |
| 395  | .. | 8 | 16.6.1885  |       |
| 590  | .. | 8 | 22.9.1904  |       |
| 356  | .. | 8 | 21.5.1906  |       |
| 816  | .. | 8 | 16.6.17    | } mis |
| 204  | .. | 8 | 18.2.18    |       |
| 1402 | .. | 8 | 1.11.18    |       |



Subject Guruswami Mudaliyar Scholarship

Endowment fund.

[C no 362B] from the D.P.D. no 6384 d 22.1.21

[C. 960B] do. do d 16.3.21

Please see the trust deed on pp 5-6 CF.

p 1 CF

It has been approved by the Govt. Solicitor as required by article 62 iii of the Grant-in-Aid Code. Para 1 of the Schedule on p 5 CF calls for the following remarks:-

G.O. 1402  
1.11.18

(1) Under article 62 (i) of the Code the sum of Rs 1000 sanctioned by Govt. together with the Rs 2000 endowed by Mr Guruswami Mudaliyar, should be invested ~~by~~ in the names of trustees approved by the Govt. In the trust deed it is proposed to vest the amount in the Trustees of the Pachaiyappa's Charities for the time being. There seems no objection to Govt. approving ~~to safeguard the interests of Govt. in its for these trustees in virtue of their office.~~ ~~and whether the words "or such other person or persons, as may be appointed by Govt."~~ ~~may not be inserted as indicated in pencil in para 1 of the Schedule on p 5 CF.~~

(2) ~~Again~~ Under the same article 62 (i) of the Code, the endowment shall consist of Govt. Securities, but in the trust deed it is proposed to invest the amount in Govt. Securities or other Securities



Vide Section 20 B  
on p. 180 of the repealed  
Acts - Vol III

Securities mentioned in Section 20 of the Indian  
Trust Act. <sup>1882</sup> This Section allows the trustees to  
invest the fund <sup>(among other securities, bonds, debentures,  
annuities or</sup> on a first mortgage of the im-  
mutable property situate in British India - provided  
that the property is not a leasehold for a term of  
years and that the value of the ~~land~~ property  
exceeds by one third, or, if consisting of buildings,  
exceeds by one half, the mortgage money. Article  
62 (i) of the Grant-in-aid Code does not ~~contain~~  
allow this. For orders therefore whether the  
"Whole clause" or other securities mentioned in  
"Section 20 of the Indian Trust Act, with power from  
time to time to convert the said securities into  
the more beneficial form of investments" <sup>(occurring in para 1 on p. 5 CF)</sup> may  
be omitted. In any case the latter portion of  
this clause viz "with power from time to time etc"  
seems objectionable.

2. For orders whether the D.P. may be  
asked to ~~revis~~ get the deed revised with reference  
to the remark above. If this is considered un-  
necessary the names recommended by the D.P.  
on p. 1 CF may be accepted. A draft order is  
subd. The Grant-in-aid Code has  
not statutory force. Deviations  
from it may be sanctioned  
by the Govt. themselves.  
We may allow other  
securities mentioned in

ad  
1.4.21  
JL  
1.4.21



"Section 20 of the Indian Trusts Act." We cannot give the Trustees power to convert the securities into other investments. If necessary we may provide that the sanction of Govt. should be obtained for the conversion. Encl. may be consulted.

Ad 7-4-21  
May 8/4/21

Encl

11/4

Lv. 0960 B-1 En  
2/4/21

Encl 2627 B  
11/4/21

put up

Finance Dept  
Under Article 62 (1) of the Grant-in-Aid Code, all endowments towards which Govt. give grants should consist of Govt. securities.

In the present case, it is proposed to relax this restriction and permit the endowment to

be in any of the securities mentioned in section 20 of the Indian Trusts Act.

ASSISTANT SECRETARY  
11 APR 1921  
GOVT. OF MADRAS

2 It is submitted that when Article 62 (1) of the Grant-in-Aid Code restricting investment to Govt. securities was originally drafted, the question whether the investment might be extended to other securities mentioned

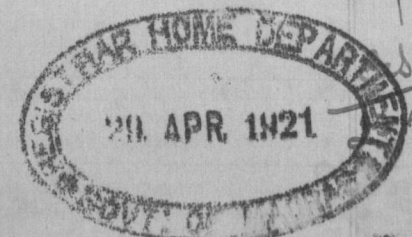


556/18 Cpt  
 (X) No - it was not of  
 pages 26-37 of Notes 6  
 R.O 356 7/21-5-16 (K)  
 + pp 12 + 30 of 50-28  
 395 7/16-6-1885  
 + p 29 of 50-590 (X)  
 22-9-04

mentioned in section 20 of the Indian  
 Trusts Act, 1882 would no doubt  
 have been examined and the  
 restriction of investment to Govt. securities  
 should have been deliberate. After  
 all, an endorsement subsists on the  
 interest accruing and for this  
 purpose Govt securities are the  
 safest and the most secure.

3 The Law Dept. have furnished no  
 special reasons for a relaxation of  
 the rule in the present case. The  
 argument that the rule has no statutory  
 force and may, therefore, be deviated  
 from could be accepted only when  
 there are exceptional circumstances  
 to justify a deviation. But the present  
 case is just an ordinary one and  
 the ordinary rule should, therefore, be  
 applied.

p2 supra



S. J. 26/4/21

F.W. 26 27/3/21  
 28/4/21

Ed 14450  
 28.6.21

I think investment in other securities  
 mentioned in Sec. 20 of the Indian Trusts Act may be  
 allowed subject to the condition that sanction of  
 Govt. should be obtained for the conversion.

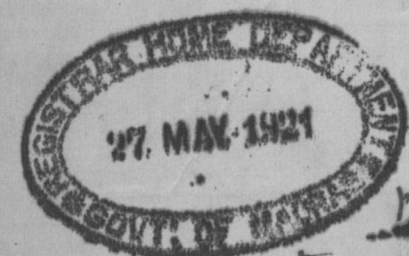
C<sub>2</sub> (shd) sec. 1  
 28.4.21



H.D. 2  
11/5

Law (Econ) Dept

For orders whether the D.P.D. may be asked  
to get the deed revised with reference to the Finance  
Secretary's remarks on p. 4 ante. 2 fls  
the draft memo below is for approval.



AS  
4.5.21  
Tel  
5.5.21

CR  
6.5.21

M 9/5/21

M 1. Agree with the Finance Secy 2/5

C4 M 2/5

1.74 [Memo: to the D.P.D., No. 1445B-1 & 29.5.21]  
From  
[C. 2313B] Memo to the D.P.D., Re No. 6384/18  
14.8.100F  
9.5.8.21

us

The revised trust deed  
on pp. 9-10 of may be approved  
by Govt. Draft order already  
submitted has been added to  
and may <sup>now</sup> issue. ~~with the con-~~  
~~currence of the Finance Dept.~~

CV  
8.8.21

CR  
9.8.21

10821

Tel  
8.8.21

8.5.21



Endowment

Guruswami Mudaliyar Scholarship Endowment  
fund - M.R.B. Arumalai Pillai & Ethiraja mudaliyar appointed  
Trustees -

READ AGAIN G.O. No. 1402 Home En, dated 1. 11. '18 192

READ ALSO:—

READ ALSO:--

C. No. 362B, From the DPD., No. 6384 dated 22.1 1921.

960 B III 16.3. 1927

IV

Memo: to the D.P.J.      N- 1445B-1 & 29-5-21

V

192

[2313 B] From .. .. 8.5.4.21  
ORDER. No. 1163, dated 11/8 1921

## ORDER

Wei

For precedent vide  
§.o 2043 18.2.18 (R)

16 AUG 1961  
889

Raj 21

The D.P.D (200)

A. 4. (29 ~~II~~)

q q V to with  
~~q q V~~ dies on  
bp. q-10 (CF)

after carrying out the  
attenuation on p. 56 c  
(in red ink)

fund.  $\frac{28}{27 \cdot 3 \cdot 21}$   $\frac{9}{7 \cdot 4 \cdot 21}$

2. They also  
 1.4.21 approve of the trust  
 deed submitted with the  
 Director's letter last read  
 above.

CVU  
8.8.2.

FL  
5.9.21



*Handwritten notes at the top of the left page, including "Government" and "When given for copying".*

*Handwritten notes in the middle of the left page, including "I", "II", "III", "IV", "V", and "VI".*

*Handwritten notes at the bottom of the left page, including "The first of the papers" and "of the 1893".*

When given for copying  
When copied  
When examined  
When signed

192

READ AGAIN G.O. No. 192, DATED

CURRENT No.

ENCLOSURES TO O. No.

ORDER OF GOVERNMENT .. .. A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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

N.B.—  
A = Copy in full.  
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P = Copy abstract only.  
Q = Copy heading only.