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1901 (1)

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G.O., No. 143

DATED 23-3-1900

INDEXED.

[Despatch Abstract.]

According to the Public Dept. Com.
the Collector of Sirmour, the op.
the Advocate Genl regarding
Ruckle's Caste Girls' School in down
to ind. & requesting him to add
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G.O.	No.	Department.	Date.	G.O.	No.	Dept.

M. மதுகௌ
செப்பனிருபவர் பெயர்
செப்பனிருவதற்காக எடுத்துக்
கொள்ளப்பட்ட நாள். May 2004
செப்பனிரு முடிக்க நாள் May 2004
சரிபார்க்கும்
ம. நி. பா. எ
கையொப்பம்
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Order no. 143 d/23.3.00.

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Enclosures *nel*
Spare copies *6*

G.O., No. 262, 14th March 1900.

MARCH.

Puckle's Caste Girls' School, Tinnevely.

Communicating to the Collector of Tinnevely the opinion of the Advocate-General regarding the best course to be taken for placing the Puckle's Caste Girls' School Endowment Fund on a legal basis in conformity with the wishes of the original subscribers thereto, and requesting him to advise the school committee to take action accordingly.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

Read—again the following paper:—

G.O., Mis. No. 35, Public, dated 17th January 1900.

Read—the following letter from J. P. BEDFORD, Esq., Acting Collector of Tinnevely, to the Chief Secretary to Government, dated 1st December 1899, Ref. on Cur. No. 823-Gl.:—

I have the honour to report that, in Tinnevely, there is a quasi-public institution known as the Puckle's Girls' School. It is managed by a local committee with the Collector of the district as the president and the Tahsildar as secretary. In 1875, donations were raised and a caste girls' school founded in the name of Mr. Puckle, the then Collector. *vide* copy of the resolution, dated 7th November 1875 (Enclosure 1). For about three years the institution continued to be managed by a local committee. In 1878, the committee resolved to transfer the management to the District Collector under Regulation VII of 1817 (Madras) and to place the school funds at the disposal of the Collector for deposit into the Madras Bank and leave the school affairs to his general supervision—*vide* copy of the resolution, dated 15th June 1878 (Enclosure 2). Accordingly the secretary of the committee addressed the Collector in the matter and Mr. Pennington complied with the committee's request. Copies of the secretary's letter, No. 2068, dated 3rd July 1878, and of Mr. Pennington's reply, No. 1051, dated 8th July 1878, are enclosed (Enclosures 3 and 4). Since then the Collector has continued to be the president of the committee and all moneys are invested and drawn out in his name—*vide* copy of resolution, dated 27th July 1878 (Enclosure 5).

2. Mr. Pennington does not appear to have had any orders from the Board of Revenue to take up the management of the institution as required by Regulation VII of 1817, and it is not clear how the resolution of a private committee can in any way bind the successors in office of the Collector. At the time when Mr. Pennington took over the management the Local Fund and Municipal Acts were presumably not in such active operation as now, and it seems clear to me that they provide the proper and satisfactory agency for dealing with institutions of the present kind. I accordingly advised the committee to hand over the institution to the Tinnevely Municipality (which body has expressed its willingness to accept the trust), but the committee is not willing to do so, as will appear from a copy of their resolution, dated 29th October 1899 (Enclosure 6). The funds of the institution standing in the name of the Collector in the Madras Bank (Tuticorin) and the Tinnevely Post Office Savings Bank amount to Rs. 4,476 and Rs. 300-10-0 respectively. I propose to sever my own connection with the institution and to direct the Tahsildar to do the same. The arguments advanced in my letter, R.C. No. 210-Eng., dated 25th October 1899, with reference to the Pennington Market Committee at Srivilliputtur (to which reference is respectfully requested) seem equally applicable to the present case, and there appears to me to be an additional anomaly in my holding a position of personal and special responsibility in relation to an institution of necessarily restricted scope like a high caste girls' school. I may add that in both cases every effort has been made to induce the committee to hand over their funds as a trust to the municipality but without success. I accordingly solicit the approval of Government to my proposed action in the matter.

Order—Mis. No. 35, Public, dated 17th January 1900.

The letter of the Collector of Tinnevely and its enclosures will be referred to the Advocate-General, who will be requested to advise Government as to the best course to take to put the Puckle's Caste Girls' School Endowment Fund on a legal basis in conformity with the wishes of the original subscribers thereto.

2. Pending further consideration by Government of this subject the Government considers that it would be injurious to the interests of the school for the Collector and the Tahsildar to sever their connection with the fund.

(True Extract.)

(Signed) G. STOKES,
Chief Secretary.

To the Advocate-General.
" Collector of Tinnevely.

Read—also the following paper:—

From the Hon'ble Sir V. BHASHYAM IYENGAR, Kt., c.i.e., Officiating Advocate-General, to the Chief Secretary to Government, dated Madras, 2nd March 1900.

With reference to G.O., Mis. No. 35, Public, dated the 17th January 1900, I have the honour to forward herewith my opinion as to the best course to take to put the Puckle's Caste Girls' School Endowment Fund on a legal basis in conformity with the wishes of the original subscribers thereto, and to return the papers sent to me with the said Government Order and subsequently.

ENCLOSURE.

[Re the best course to be taken for placing the Puckle's Caste Girls' School Endowment Fund on a legal basis in conformity with the wishes of the original subscribers thereto.]

Opinion.

For the reasons explained in my opinion *re* "Lady Grant Duff Gold Medal" (*vide* G.O., No. 826, Educational, dated 8th December 1899), the best course to be taken for placing "the Puckle's Caste Girls' School Endowment Fund" on a legal basis in conformity with the wishes of the original subscribers thereto, is to advise the existing committee administering the trust fund to take action under "the Charitable Endowments Act, 1890," for the purpose of vesting the fund in the Treasurer of Charitable Endowments for the Presidency of Madras under section 4 of the Act, and of having a scheme settled under section 5.

2. From the proceedings of a meeting held on the 15th of June 1878 (Enclosure No. 2), I observe that the school was to be managed always by a Hindu committee, and that the then existing managers were to continue in management.

3. I also observe that the Collector was only to exercise a general supervision over the affairs of the school, as it was supposed under Regulation VII of 1817, and that the fund was to be invested in the name of the Collector of the district for the time being.

4. From the proceedings of a meeting of the committee held on the 29th October 1899, I find that the meeting was attended by eight members of the committee of management, and that a resolution was passed with reference to a letter from the present Collector of Tinnevely that the committee were unwilling to hand over the management and funds of the school to the Tinnevely Municipality.

5. The question to be considered is, who are the persons acting in the administration of the trust within the meaning of section 6 (1) (a) of the Act, all of whom or the majority of whom are competent to apply to Government under sections 4 and 5 for the vesting of the fund in the Treasurer of Charitable Endowments Act and for settling a scheme and the appointment of persons to administer the trust fund. The Collector of Tinnevely states in his letter, dated the 1st December 1899, that "the Puckle's Girls' School" is managed by a local committee with the Collector of the district as its president, and that the moneys forming the endowment are invested in the name of the Collector and drawn out in his name. The latter statement seems to be correct, but the former statement, namely, that the Collector is the president of the managing committee, is, I think, erroneous. From resolution II, recorded in enclosure 2, it appears that the intention of the original donors was that the girls' school was always to be managed by a

Hindu committee. It also appears from the same document that the Collector was only to have general supervision over the school under Regulation VII of 1817. This will not constitute him a member of the committee of management or its president. Such supervision as he may have over the school, as a college within the meaning of Regulation VII of 1817, as the local agent of the Board of Revenue, he will have, independently of the resolution of the managing committee recorded in enclosures 2 and 3. If in fact and practice the Collector of the district was treated as a member and president of the managing committee, that will not legally constitute him a person, or one of the persons acting in the administration of the trust within the meaning of section 6 (1) (a); nor will the fact that the fund was merely invested in the name of the Collector of the district for the time being and drawn out in his name constitute him such a person.

6. The Hindu gentlemen who are now members of the committee of management of the school (including dormant or absent members who have not resigned or otherwise ceased to be members under the rules governing the institution) are the only persons acting in the administration of the trust and entitled to take action under sections 4 and 5 of the Act, either unanimously or by a majority. If they are unwilling that the management should pass out of their hands, Government may intimate that in the scheme which will have to be settled under section 5, the members of the committee or such of them as may be selected by them will be appointed as a board for administering the trust property. Provision should also be made in the scheme for filling up vacancies on the board of management. And under that section a Hindu divisional officer, or some other officer [vide section 5 (5)] may also by virtue of his office be appointed a member and president of the board of management.

ORDER—No. 262, Public, dated 14th March 1900.

The opinion of the Advocate-General will be communicated to the Collector of Tinnevely, who will be requested to advise the Committee of the Puckle's *Qanta* Girls' School to take action accordingly.

(True Extract.)

[Signature]

for Chief Secretary.

To the Collector of Tinnevely.
 „ Advocate-General.
 „ Educational Department.