

Close

Scott. II-27--39,004--24-10-44.

Education and Public Health (194⁵) Department.

Miscellaneous SERIES.

G.O. No. 437.Edn.

Dated 21st March 1945.

[Despatch Abstract.]

Madras Educational Rules - Disciplinary regulations - Rule 93
Modified.

Back Papers.

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

Further Papers.

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

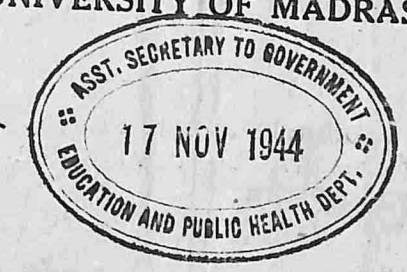


UNIVERSITY OF MADRAS.

2

UNIVERSITY BUILDINGS,
CHEPAUK,

No. C. 4905



Madras, 17 NOV 1944

54754

From

The REGISTRAR,
UNIVERSITY OF MADRAS.

To

The Secretary to the Government of Madras,
Education and Public Health Department,
Fort St. George, Madras.

Sir,

The following resolution passed by the Senate in March 1944 was considered by the Syndicate at its last meeting and it was resolved that the resolution should be forwarded to Government. The resolution reads as follows:-

"That the Syndicate be requested to urge upon the Government of Madras for the withdrawal of their recent amendment to the Madras Education Rules which runs as follows:-

4 12-134

20 NO. 159 Edn

4 2 44

No student who has been convicted in a Court of Law for disloyal activities or who has been detained under the Defence of India Rules or the Restriction and Detention Ordinance, 1944, shall be admitted and readmitted into a College or school without the previous sanction of the Director of Public Instruction."

Page 39
of vol I
Part II

2. Before arriving at a decision on the subject, the Syndicate informally consulted the Principals of Colleges on the Syndicate and it was stated that there had not arisen any case in which there was difficulty in regard to the admission of any student and excepting for a little delay the help and advice of the Director of Public Instruction was readily available. The Syndicate felt that there was another aspect of the question which it felt it must bring to the notice of the Government. Under the existing laws of the University, the Syndicate is seized with the responsibility of permitting a student once expelled from a College to rejoin a College or with-holding such permission temporarily or permanently (vide Regulation 4 of Chapter XXXVIII of the Laws of the University.) It will be seen that the Syndicate is fully seized of this particular duty, and it has also to make such enquiries as it deems proper before delivering the transfer certificate to a student. I am to point out that the Director of Public Instruction who is ex-officio on the Syndicate is generally aware of such cases, and has in most instances helped the Syndicate with his advice before the Syndicate could arrive at such a decision. Under such circumstances, the Syndicate felt that the decision of a Body wherein the Director of Public Instruction was also a member should be accepted as final.

3. It would appear that the Government Order in its comprehensive aspect would seem to deprive the University of its control over Colleges and students thereof. It may be mentioned in passing that the Syndicate has not hesitated to take

P.T.O.

251/
decisive action where necessary in the interests of discipline even in the most troublous of times. The Syndicate therefore requests Government to review their order in the light of the above observations. I may add that the Director of Public Instruction, who is a member of the Syndicate will be consulted in the case of students who were already once in the Colleges and his opinion would be ^{made} available to the Syndicate before any decision is arrived at. I am to request you to kindly place the matter before the Government for further consideration.

I have the honour to be,
Sir,
Your most obedient servant,

Ch. R. Anapathi
AG. REGISTRAR.

ks/15/11/-

Education and P.H. Deptt. 3

I. (3)

31-32
2/3
1/2
MADRAS EDUCATIONAL RULES - Disciplinary regulations - Rule 93 - Modified.

READ:- From the Regr., Unty. of Madras, No.C.4905, dated 16-11-1944.

G. O. (MS.) No. 437 Edn., dated 21.3.45.

1/12-13CF (Y)
The Govt. have further considered the scope of rule 93 of the M.E.R. as made by G.O. No. 159-Edn., dated 4-2-1944, and have decided that its operation should be restricted to schools ~~but not to~~ ~~colleges~~.

2. The following amendment will be published in the Fort St. George Gazette:-

Amendment.

In rule 93 of the Madras Educational Rules, for the expression "shall be admitted or re-admitted into a college or school" the expression "shall be admitted or re-admitted into a school" shall be

substituted.

II.

LETTER/Ref. No. 54751C/44-6 EP, dated 20.3.45

To The Registrar, University of Madras.

Sir, Madras Educational Rules.

I am directed to say that the Govt. have re-examined the scope of rule 93 of the M.E.R. with reference to your letter No.C.4905, dated the 16th Novr. 1944, and have decided that the operation of the rule should be restricted to schools. ~~but not to colleges.~~ I am to add that the consequential amendment to the rule is being published separately.

Y.O.S.,

9.3.45

To the D.P.I.
" S.G.P. (for publica-
tion in the P.S.G.G.).
" Pub. (Genl.) Dept.

20p copies Dpt
22/3

Dpt
22/3
1/12-13 CF
1/1-2 CF.

C.No.54751. From the Regr., University of Madras, No.C.4905, dated 16-11-1944.



Rule 93, M.E.R. - Admission of students convicted for disloyal activities, etc.

The Madras University Syndicate wishes that Govern-ment should review the provision in rule 93, M.E.R., introduced by G.O.No.159-Edn., dated 4-2-1944, as that body feels that it is rather repugnant to Regulation 4 of Chapter XXXVIII of the Laws of the University. This is a sequel to the Senate's resolution of last March which was noted on - "Y"/20-27. Please see also papers with D.O.No.15025-B/44-2-Edn., dated 15-4-1944, regarding the conduct of the Government members on the Senate when the regulation was discussed.

2. The M.E.R. provision in question is reproduced

below:-

"No student who has been convicted in a Court of Law for disloyal activities or who has been detained under the Defence of India Rules or the Restriction and Detention Ordinance, 1944 shall be admitted or re-admitted into a College or School without the previous sanction of the D.P.I.

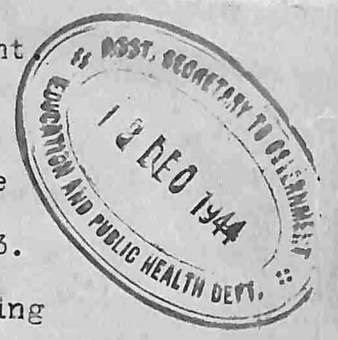
A similar provision, but somewhat different in content, was first introduced by G.O.No.1289-Edn., dated 21-5-1934. It was as follows:-

"No student convicted in a Court of Law for disloyal activities should be admitted into a college without the previous sanction of Government."

That provision was given up in 1938 and has been re-introduced in the form extracted at "K" above.

3. Whatever objection the University may have to the present provision might have been taken, with more or less equal force, to the provision of 1934 also. That, however, is a minor point. The view taken in respect of the 1934 provi-sion was that where a person had been convicted of disloyal activities against Government, Government, and not the school or college management, should be the authority to decide whether he should or should not be a member of a college or school - pp. 19-21 of G.O.No.1076-Edn., dated 11-5-1938. It appears

that the present provision should also be defended on that ground although in the rule as now made the D.P.I. decides for Government. Whatever power the University may have in respect of expulsions and re-admissions of students should be exercised where these take place under circumstances different from those provided in rule 93. Expulsions may take place for numerous other reasons - e.g., copying at examinations, turbulent behaviour, strikes and demonstrations not necessarily connected with sedition or disloyalty to Government. Perhaps the D.P.I. may see the note u.o., before Government explain their position to the University.



U.O. reply No. 2460-E/44. *1.12.44* *1/12/44* *D.P.I.* *no 54751C-1200* *1.12.44*

Office of the Director of Public Instruction, Madras, 11-12-1944.

Even before I received this U.O. reference from Government, I had explained the position to the Vice-Chancellor. In effect, what Government has done is roughly to go back to the position existing before the Congress Government altered the rule.

I would most ~~certainly~~ *strongly* advise that Government do not alter their orders and I can, I think with some confidence, say that if Government remain ~~firm~~ *firm*, the University is not likely to make further representations.

I may, for the information of Government, also add that I am using the powers conferred on me by the existing rule with the utmost liberality.

R. D. J. 11/12/44 *58406*
D. P. I.

To the Secretary to Government, E. & P. H. Department, u.o.

E & P. H.

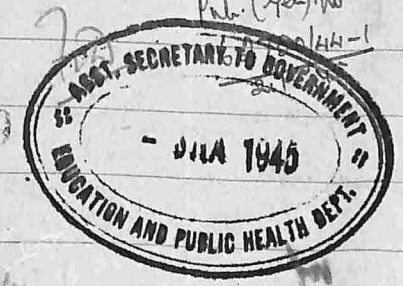
The words may be interpreted as at 'A' above. *my*
Public may see and perhaps legal also, to
make sure that the legal position is all-right



Legal No 8009C-1
24-12-44

12/12/44 *02688* *17.12.44* *Legal* *Pub.* *14/12/44* *no 54751C-250*

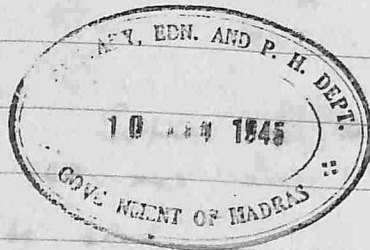
Pub. (Govt) Dept.
May be perused and returned
to E & P. H. This dept may agree with
the D.P.I. that it is not necessary
to alter the orders in force.
29/12/44 *25/12/44* *C.S. 30/12/44* *21/12/45*
E.P.H. *E & P.H.*
Draft letter for consideration.
2.1.45 *3/1/45* *A2. A1. He*
May issue *12/1/45*
For the reasons given by the
Syndicate I would be inclined to grant the
request. I have discussed with A2. He would



48

agree, provided it is understood
that the order will be restored
should circumstances warrant it

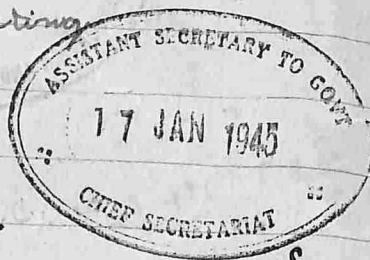
This can be discussed at
an Advisory Mtg. A.H.
10/1/45



May be circulated to A2.
his name may also be added as to whether
a note should be prepared for the meeting



Yes - please -
little 10/8/45



5475/10.32m
17.1.45

A draft note is submitted: Para 4 on the orders.
Public order see by
15/1/45 15/1/45
15/1/45 S/10/1/45 Pub.

6

9

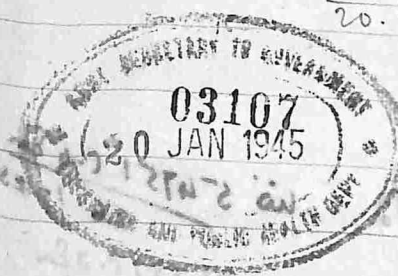
Pub. (Genl.) Dept.

The orders in circulation on 1/3-4
and the note for the cabinet
below may be perused and the
case returned to Ex. H.

18/1/45
16/1/45

19/1/45

Pub. (Genl.) No.
2686/45-1
20.1.45

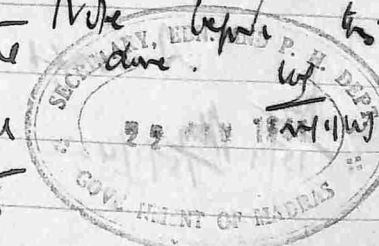


copies of the note filed & made at
taken and circulated to H.E. & Mr. Visser and
the note may then be sent to Chief Secy.
for use at the meeting.

22.1.45

A2 may see to

Explain briefly in note why the
rule was modified - 1/44 The
circs obtaining then. 1/1/45



610

A para has been inserted in the note - at the position indicated by A₂



22.1.45
A₂
M2114



Copies of the note have been circulated to P.S.G.,
Advisors and Chief Secretary. The file may now
be sent to Chief Secy. for use at the meeting.

ha
23.1.45

18m
23/1/45

25.1.45

Chief Secy: 4/2

5-4751 C-4 Em
26.1.45

⑦
to be maintained with the Government of India...
in the case of a student who was residing in the VI
in the Board High School, Vizianagaram District, in
1943 was brought to the Government's notice in September 1943.
This student had been convicted of offences under the Defence of
India Act and sentenced to a term of imprisonment. After his
release from jail the school authorities declined to re-admit him
as a student. The student's father therefore asked Government to
intervene in the matter. It was then found that the power which the
Government had under the rule made in 1938 could be exercised only
in the direction of compelling the admission of a student of the
type in question. The Government decided that there should be possible
provision in the rules whether it would not be possible
not only for students who were convicted in a Court of law for dis-
loyal activities or who were also detained under the Defence of
India Act or the Restriction and Detention Ordinance, 1944 to gain
admission into schools and colleges without the previous sanction of
the Director of Public Instruction. The rule was therefore modified
as follows in 1944.

~~Some~~ Some
 A number of students got connected with the disturbances of August 1942. The case of a student who was reading in the VI Form in the Board High School, Vilamanchilli (Vizagapatam District) in 1942 was brought to the Government's notice in September 1943. This student had been convicted of offences under the Defence of India Rules and sentenced to a term of imprisonment. After his release from jail the school authorities declined to re-admit him as a student. The student's father therefore asked Government to intervene in the matter. It was then found that the power which the Government had under the rule made in 1938 could be exercised only in the direction of compelling the admission of a student, of the type in question. The Government decided that there should be a positive provision in the rules whereunder it would not be possible not only for students who were convicted in a Court of Law for disloyal activities or who were also detained under the Defence of India Rules or the Restriction and Detention Ordinance, 1944 to gain admission into schools and colleges without the previous sanction of the Director of Public Instruction. The rule was therefore modified as follows in 1944.

Note for the meeting of His Excellency the Governor and his Advisers.

Subject:- Madras Educational Rules - Rule 93 - Students with antecedents of disloyalty against Government - Admission into schools and Colleges.

With a view to prevent the indiscriminate admission into educational institutions of students convicted for disloyal activities the Government made the following provision in the Madras Educational Rules in 1934:-

"No student convicted in a Court of Law for disloyal activities should be admitted into a college without the previous sanction of Government" - Rules 93 and 99.

The rule was altered by the Ministry in 1938 and it ran as follows:

"No school or college shall be barred against any one convicted of any offence whatsoever".

The rule was again modified as follows in 1944:

"No student who has been convicted in a Court of Law for disloyal activities or who has been detained under the Defence of India Rules or the Restriction and Detention Ordinance, 1944 shall be admitted or re-admitted into a college or school without the previous sanction of the Director of Public Instruction".

2. The Syndicate of the Madras University has objected to the present provision on the ground that it is repugnant to the Laws of the University under which the Syndicate is seized with the responsibility of permitting a student once expelled from a College to rejoin a college or withholding such permission temporarily or permanently and that the rule in question would seem to deprive the University of its control over colleges and students thereof. It has also urged that as the Director of Public Instruction is ex-officio a member of the Syndicate and his advice will be available in such cases, the decision of the Syndicate should be accepted as final.

3. The Director of Public Instruction (the late Sir Statham) who was consulted in the matter, considered that the existing provision should be retained, particularly on the ground that it merely restored the provision roughly, which had been in existence from 1934 up to the alteration of the rule in 1938 by the Congress Ministry.

A-1 and H.E. have recorded the following minutes:-

"For the reasons given by the Syndicate, I would be inclined to grant its request. I have discussed with A-2. He would agree, provided it is

understood that the order will be restored should circumstances warrant it.

D.N.S./3-1-45

This can be discussed at an Advisers' meeting.

A.H./10-1-45

4. The point for orders is whether the existing rule 93 of the Madras Educational Rules extracted at 'A' on page 1 ante should be abrogated and, ^{if so, whether} the rule made by the Ministry, ^{restored}, or whether the existing rule may be so modified as to restrict its operation to schools.

16.1.45

16/1/45



Meeting of His Excellency the Governor with his Advisers held at Fort St. George on Monday, the 5th March 1945.

09331

His Excellency the Governor Presided.

Present:

Air Norman Strathie, K.C.I.E., I.C.S.,

Mr. T. Austin, K.C.I.E., I.C.S.,

Mr. S.V. Ramamurthy, C.I.E., I.C.S.,

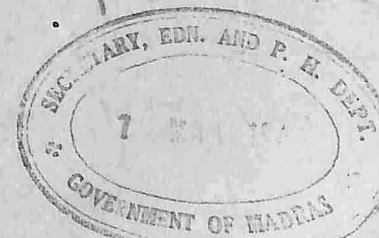
Mr. G.W. Priestley, C.I.E., I.C.S.,

Agenda: Madras Educational Rules - Rule 93 - Students with antecedents of disloyalty against Government mission into schools and Colleges.

ORDER:

The existing Rule 93 may be so modified as to restrict its operation to schools.

Sd/- Arthur Hope



Secy, E. + P. H. Dept.,

E. P. H. Dept (C)

Please see the decision ~~on the previous page~~ taken in the matter at the meeting of H.E. and his Advisers held on 5-3-1945.

A draft order is sub^d amending Rule 93. as ordered.

The Reg^r University of Madras may also be given a reply to his letter on pp 1-2 of. A draft letter is also submitted. Public (Genl) may see.

CS
8.3.45
8/3/45

9.3.45

5/8/45

Pub:

Encl^{re} S4751C/44-5

9.3.45

Pub. (Genl) sept.

This Dept. last saw on p. 5 ante. The orders on p. 9 ante & the drafts below may be perused & the case returned to E. P. H. Dept.



11088
10/3/45

10415



CS
10/3/45
Public (Genl) 11088/45-1
10.3.45

E. P. H.

May be circulated to the following drafts
14.3.45