Out

M/ 28/12/47

Scott II-27—58,004—1-11-46.

3

E&PH (1947) Department.

Ms SERIES.

①

G.O. NO. 2591 – Edn

Dated 3. 12. 47

[Despatch Abstract.]

M.E.S. + M.E.S.S. — Spl. Rules — Spl. provns. relating to appt. to Muslim institutions — Deleted — Amendment issued

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	549 18.8.31	O(S.					
	863 20.10.33						
	155 14.2.33						
	1507 21.11.30						

Further Papers.

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

T.N. E J G.H.(A)

From: A.S., E&H
To: Principal, Muslim College, Mt. Rd.

Immediate

②

The no. of students belonging to the Muslim community and the no. of non-Muslim students in yr. college may please be commd. over the phone before this evening

PG
24.7.47

(Bw.)

Issued
on 25.7.47

24/7

A

POST COPY OF THE TELEPHONIC MESSAGE, DATED 25th July 1947.

----

(3) 2

From
The Principal,
Govt. Muslim College,
Mount Road, Madras.

To
The Asst. Secretary to
Government,
Education & Public Health
Department,
Madras.

p. 10 all

60602 Ref:- Your Telephonic message, dated 24th July 1947.

****

The number of Muslim students and Non-Muslim students in this college is 413 and 183 respectively and the total strength is 596.

EDUCATION AND PUBLIC HEALTH DEPT.
[illegible] JUL 1947
ASST. SECRETARY TO GOVERNMENT

U Hashmi

PRINCIPAL.

RVK.

Memo. No. 10081-A-1, dt-12/8/47 Edn. & O.H. (A)

Confdl.

Muslim institutions – Appts.

(H)

It has been suggested that there is no justification now for retaining in the ~~special~~ Rules for the M.E.S. and the M.E.J.S. the special provisions requiring ~~the~~ appt. & posting of only Muslim candidates to institutions mainly intended for Muslims and that those provisions may be abrogated, recruitment to posts in Muslim institutions being left to be made as to posts in other institutions. The O.O.!

4

requested to offer his remarks on the suggestion.

11/8/47

11/8/47

14/8/47.

To the D.P.I. ✓

13/8

Special

4(a)

⑤

B.1

ASST. SECRETARY TO GOVERNMENT
4 OCT 1947
EDUCATION AND PUBLIC HEALTH DEPT.

78867

Secy., E.& P.H.

Two notes were sent to you with regard to the amendment of certain rules governing the Muslim Schools and Colleges.

A section
(1) about the reservation of Teachers' posts in the Muslim Schools & Colleges reserved only for Muslims.

B1 section
(2) For the introduction of the regional language as compulsory subject in Muslim schools.

It is long since these notes were sent. ~~If~~ These matters, even if sent to the D.P.I., must be made to come within a week. Even if the opinion of the D.P.I. has not yet been received, the papers may be put up so that early orders may be issued. These are simple matters of policy in which we need ~~should~~ not even wait for the opinion of the D.P.I., if it is not received in time. The matters may be put up.

TSA

H.M.Edn. ~~2~~ . 10-47

E.P.H.(A)

[Note (2) refd. to on page 1 ante relates to B1 section. A copy of the note has been given to that section for taking action separately.]

The matter refd. to in Note (1) is dealt with in this file ~~below~~ (Attention is solicited to the office note on page 7 n.f. and the memo to the D.P.I. on pages 1-2 cf. The Director's reply has not been received. A draft reminder is subd. for appl. After issue the file may be circulated ~~f~~ to H.M. (Edn.)

TNB
6.10.47

This is one of the items included in the list of files sent to the D.P.I. for discussion with Secy.

6/10/47

7/10/47

H.M. (Edn.) - c.i.

issued p 3 cf.

From

Dr. S.R.U. Savoor, M.A., D.Sc., I.E.S.,
Director of Public Instruction, Madras.

To

The Secretary to Government,
Education and Public Health Department.

R.C. No.4330 C1/47 dated 6-10-47.

ASST. SECRETARY TO GOVERNMENT
9 - OCT 1947
EDUCATION AND PUBLIC HEALTH DEPT.

80430

~~Sir,~~

Sub: PUBLIC SERVICES - Appointment of Muslim to Muslim institutions - Special provision in the rules - Abrogation of - Remarks submitted.

Ref: Govt. E & P.H. department Memo No.60081 A.1 dated 12th August 1947.

pp 3-4 ante

With reference to the suggestion contained in the Government Memorandum cited above I have the honour to submit the following remarks:-

2. So far as gazetted posts in Muslim educational institutions are concerned, special provisions for appointment, re-appointment, confirmation, and posting of Muslims exist - vide proviso to rule 3 and rules 12 and 17 of the Special rules relating to the Madras Educational Service. In this connection, I consider that whatever might have been the reasons some two decades ago to make these special provisions, there is no sufficient justification at present to continue these special provisions relating to posts in the institutions mainly intended for Muslims. The existence of the above special provisions has also been the cause of much discontent among senior members of the Department belonging to other communities.

pp 17 & 20 Book 113

3(a) + 3(1)

3. The existence of the special provisions cannot also be considered to be in the best interests of the Muslim institutions themselves, as may be observed from the fact that a senior and experienced non-Muslim officer cannot be posted to the Government Muslim colleges if there was a qualified Muslim officer available to hold the post ~~at~~ in the Muslim colleges, although the latter officer may not happen to be so efficient as the better-qualified and more experienced non-Muslim officer. For example, none of the present Lecturers in Economics, Physics, and Mathematics in the Government Muslim college, Madras possessed even five years' experience as Assistant Lecturer at the time of their appointment as Lecturers and they had necessarily to be posted to the Muslim college only. I may also add that in some cases it is not possible to replace certain Muslim officers by transferring persons of the same community from other places so much so their entire service happens ~~i~~ to be in the same institution which tends to make them set in their outlook and prevents them and their students in the college from coming into contact with new blood and having first hand experience of the working of the Departments in other colleges.

4. So far as Direct Recruitment is concerned apart from the fact that the Muslim community along with the Brahman community enjoys a weightage which sufficiently safeguards their interests, no additional benefits are conferred on Muslims in the existing special provisions. But the existence of the special provisions in regard to appointments by transfer, re-appointment, promotion, confirmation, etc., referred to in paragraph 1 above, confers on Muslim members of the Department certain benefits at the cost of senior members belonging to other communities. This is unfair to seniors and those with superior qualifications belonging to other communities.

5. As regards the subordinate services, the special rules existing with regard to the exceptional treatment to be shown to the Muslims with regard to their recruitment for Muslim

6

pp 18, 19, + 20, 114

Institutions, viz., Rules 4(b), 5(b), 6(b), 10(a)(ii) and (iii) of the Special rules for the Madras Educational Subordinate Service may be abrogated also. The needs of the schools were the medium of instruction is Urdu it will be sufficient if such institutions are staffed by teachers who can teach in that language. Even the posts of Sub-Assistant Inspectresses and Deputy Inspectors of Muslim schools can be filled by those who have a knowledge of Urdu - whether they are Muslims or Non-Muslims. I amy also state that the mother tongue of the Moplahs of Malabar and a large number of Muslims in the South is only the regional language of the place.

6. In the above circumstances, I agree with the suggestion for the abrogation of the special provisions in regard to the appointment, postings, etc., of Muslims in the institutions mainly intended for Muslims.

7.10.47.

for Director of Public Instruction.

R.C. 7/10.

7

88913
9/11/47

Copy of the minutes of H.M.(Education) in the file relating to the posting of a non-muslim in a science vacancy in the Municipal High School for Muslims, Cuddapah.

---

(7)

" This may be ~~xxxx~~ approved. I think I have already given directions that this rule that only Muslim teachers should be appointed to Muslim schools must go and that the Director may be asked to submit proposals for altering this rule. I hope action has been taken on it already."

T.S.A.
31--10--47.

(Issued as G.O.Ms.No.2326 Education, dated 1---11---1947.)

With referance to the minutes of H.M.(Education) above it is submitted that the question of amending the relevant rule is under consideration in 'A' section. A copy of the minutes may be given to that section for necessary action,m and the file may be closed.

S.S.D.
5--11--1947.

B.M.
6--1--1947.

Tur True copy/Forwarded.

To A. Section.

Superintendent.

88773

(8) 8

Secretary, E.& P.H.

We have asked the D.P.I. to submit amendments to the rules that henceforth it is not necessary that only Muslim teachers should be appointed to Muslim schools and Colleges and that all communities must be eligible for posts according to their seniority and qualifications. I understand that the amendments have been sent by the D.P.I. to our Office. That amendment may be put up immediately.

TSA
8.11.47

H.M. Education.

The remarks of the D.P.I. on the proposal were examined in this dept. As the file had to be seen by Pub.(Ser.), it was sent to that dept. on 30-10-47. The case is now under consideration there. When that dept. returns it, it will be circd. (to H.P.M. also) for a provisional decision. The amendments will have to be drafted thereafter in consultation with Legal and the Commission's remarks on them obtained finally. The matter will be dealt with as quickly as possible.

A

~~-2~~ 9

reminder is being issued to Pub. to-day.

P.F. 8.11.47

8/11/47

8/11/47

10/11/47

Seen in W.Cte file
C.No. 86317A

Edn.and P.H. Dept.(A).

10

M.E.S. AND M.E.S.S. - Special Rules - Special provns. relating to appt. to Muslim institutions - Deleted - ~~xpxxxxx~~ Amendments issued.

Read:- From the DPI, No.4330-C1/47, dated 6-10-47.

cf. 5-6

①

G.O.(MS) No. 2591 Edn., dated 3- 12. 1947

The follg. notifications will be published in the Fort St. George Gazette:-

NOTIFICATIONS.

I.

In exercise of the powers conferred by section 241(2)(b) of the Government of India Act, 1935, His Excellency the Governor of Madras hereby makes the following amendment~~s~~ to the Special Rules for the Madras Educational Service (Section 5 of Part III-A of the Service Rules in Volume II of the Madras Services Manual, 1946).

Amendment.

In the said Special Rules, the proviso to ~~occurring below~~ rule 3(a), and rules 3(b), ~~rule~~ 12 and ~~rule~~ 17 shall be omitted, ~~and~~ rule 3(a) being ~~shall be~~ re-numbered as rule 3.

Para 2, cf. 5 &
Para 1 – N.F. 15

pp 17+20,
Book No. 112

II.

In exercise of the powers conferred by section 241(2)(b) of the Government of India Act, 1935, His Excellency the Governor of Madras hereby makes the following amendments to the Special Rules for the Madras Educational Subordinate Service (Section 3 of Part III-B of the Service Rules in Volume III of the Madras Services Manual, 1946).

See rules for redraft

[ ]. See notes for paragraph p.f. &

pp 18+19
Book 114.

Amendments.

In the said Special Rules -

(1) rules 4(b) and 5(b) shall be omitted, rules 4(a) and 5(a) being renumbered as rules 4 and 5 respectively;

(2) in rule 6, sub-rule (b) shall be omitted and sub-rules (c) to (e) shall be relettered as sub-rules (b) to (d) respectively; and

(3) in rule 10(a), clause (ii) shall be omitted and clauses (iii) and (iv) shall be renumbered as clauses (ii) and (iii) respectively.

P.F. 29.11.47

29/11/47

1/12/47

1/12/47

~~To the S.G.P.~~ (for pubn of notfn. & for issue of correction slips to Ser. Manual vols. II & III)
~~To the S., M.P.S.C.~~
~~To the A.G.~~
~~To the Pub. (Ser.) Dept.~~
~~To the Legal Dept.~~
~~"~~ P.S.'s to Hon.M.'s. (2 copies)
" Sectt. Library (4 copies)
~~To the Bks. clerks of Secy.~~
20 Spcs.
A.S.2
E.O.H.

Despd.
4/12

GOVERNMENT OF MADRAS

Abstract.

MADRAS EDUCATIONAL SERVICE AND MADRAS EDUCATIONAL SUBORDINATE SERVICE - Special Rules - Special provisions relating to appointment to Muslim institutions - Deleted - Amendments issued.
-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-

Education and Public Health Department

G.O.Ms. No. 2591 Education Dated 3rd ~~November~~ Decr. 194

Read:

From the Director of Public Instruction, No. 4330-C.1./47 dated 6-10

ORDER:

The following notifications will be published in the For George Gazette:-

Notifications

I.

In exercise of the powers conferred by section 241(2)(b) of the Government of India Act, 1935, His Excellency the Governor of Madras hereby makes the following amendment to the Special Rules for the Madras Educational Service (Section 6 of Part III-A of the Service Rules in Volume II of the Madras Services Manual, 1946).

AMENDMENT.

In the said Special Rules, the proviso to rule 3(a) and rules 3(b), 12 and 17 shall be omitted, rule 3(a) being renumbered as rule 3.

II

In exercise of the powers conferred by section 241(2)(b) of the Government of India Act, 1935, His Excellency the Governor of Madras hereby makes the following amendments to the Special Rules for the Madras Educational Subordinate Service (Section 3 of Part III-B of Service Rules in Volume III of the Madras Services Manual, 1946).

AMENDMENTS.

In the said Special Rules -

(1) rules 4(b) and 5(b) shall be omitted, rules 4(a) and [illegible] being renumbered as rules 4 and 5 respectively;

(2) in rule 6, sub-rule (b) shall be omitted and sub-[illegible] (c) to (e) shall be relettered as sub-rules (b) to (d) respectively; and

(3) in rule 10(a), clause (ii) shall be omitted and clauses (iii) and (iv) shall be renumbered as clauses (ii) and (iii) respectively.

/BY ORDER OF HIS EXCELLENCY THE GOVERNOR/

M.V. SUBRAMANIAN,
Secretary to Government.

/P.T.O/

12

To the Director of Public Instruction, Madras.

" " Superintendent Government Press (for publication of notification and for issue of correction slips to Service Manual Volumes II and III)

" " Secretary, Madras Public Service Commission, Egmore, Madras.

" " Accountant-General, Madras.

" " Public (Services) Department.

" " Legal Department.

" " Personal Clerks to Hon'ble Ministers (12 copies)

" " Secretariat Library (4 copies)

" " Books Clerks of Secretary and A.S.II (E & P.H. Deptt)

20 spare copies.

--

True copy -- forwarded - By Order

RPS/3.12.

SUPERINTENDENT.

E O 4 (a)

Memo. No. 98436 A-1
13-12-47

(11) B

M.E.S. & M.E.S.S. – Special rules – Provns. relating ~~to~~ appt. to Muslim institutions – Deletion of / Amendments.

For "G.O. No. 2591-Edn., d/- 3rd Nov. 1947", on the subject cited, read "G.O. No. 2591-Edn., d/- 3rd Decr. 1947".

13/12/47

To the D.P.I. /
" S.G.P. /
" S., M.P.S.C.
" A.G.
" Pub. (Sr.)
" Legal.

P.G. 13.12.47
13/12/47

Despd
16/12

A ~~88~~ 14 (12)

C.F. 32 (a).

Education: Department
From (Name) Dr.S.R.U.Savoor,
M.A., D.Sc.
Designation D.P.I.
Station Madras.

ASST. SECRETARY TO GOVERNMENT
19 DEC 1947
EDUCATION AND PUBLIC HEALTH DEPT.

Received Registered
To
The Asst. Secretary to Govt,
Edn. and P.H.Dept

C.ms. 95048 A/47

Enclosures:

No. dated 194 .

99761
gne

Sir,

Ref: G.O.Ms.No. 2591 Edn., dated 3-11-47
re.Deletion of special provisions
relating to appointment of Muslims.

The date of the above G.O. is entered as 3rd N November 1947. I presume the correct date of the G.O. is 3rd December 1947. Please say whether my presumption is correct and if so kindly issue necessary correction.

not put up

for DIRECTOR OF PUBLIC INSTRUCTION.

Correction has been already issued. No action. May be lodged.

23.12

24/12/47

28/12/47

17/12

N7

Edn. and P.H. Dept.(A).

(13)

Appointment of Muslims in Muslim institutions.

The Governor's Secretariat asked for information about the ~~strength~~ numbers of Muslim students and non-Muslim students in the Govt. Muslim College (men), Madras, and the circumstances and reasons that led to the introduction ~~originally~~ of the existing rule 3(b) of the Special Rules for the M.E.S., relating to appointments by transfer to posts in institutions intended mainly for Muslims.

cf. 2

2. The no. of Muslim students in the College refd. to is 413 and that of non-Muslim students is 183.

(h)

h/52

3. Rules regulating recruitment, conditions of service, etc., of officers in the Madras Educational Service were issued for the first time in 1929, in G.O.1152-Pub.(Ser.), dated 5-11-29. The question whether the communal rotation rule should be applied to the Service in general was then considered ~~then~~ and decided in the affirmative. In connection therewith, the then Hon. Member of the Executive Council minuted that provision should however be made that the Muhammadan College at Madras should be staffed by Muhammadans as far as possible - which he believed was being done ~~then~~ - and the then Minister (the Hon. Mr. P.Subbaroyan) agreed with the Hon. Member and minuted that the college should be staffed by Muslims as a rule. Accordingly, a rule was framed under the heading "Transfers and Postings" to the effect that no member of the service should be posted to the college unless he was a Muhammadan but that if no suitable Muhammadan member of the service was available a person not belonging to the Muhammadan community might be posted.

Rule 14(c) & Proviso at (h)/3

+ G.O. cd. not be traced & no time to ask MRO — but cf. X at p.9 of (2) & Y at (G)/23

+ Evidently, later the rules were further amended by inserting a proviso to the communal rotation (x) rule, making the above principle applicable to selections for appt. - in addition to mere postings - to the posts in the Muhammadan College.

(x) Rule 3(a) - h/1

G.O. since obtained & placed at (k) below.
No. 1507-Pub. (Ser.)
21.11.30

No similar rules were framed in respect of the posts in the Educational Subordinate Service, then.

G.O. 155 P.(S.)
14.2.33

G/1(a)-7

4. In 1933, arising out of the discharge of some Muslim School Assts. as part of the greater measure of retrenchment, some members of the Muhammadan Edl. Asscn. of S.India, Mr.Basheer Ahmed Sayeed and certain other Muslim gentlemen waited in deputation on the D.P.I. and represented to him, inter alia, that all schools for Muslims should be staffed by

G/10-11

Muhammadans and that non-Muslims teaching in schools for Muslims should be replaced by Muslims wherever qualified Muslims were available. The Dir. pointed out to them that so far as Govt. Training Schools for Muslims were concerned, it was the policy of the dept. to appoint only Muslims, in order that the Muslim culture might be advanced and because, usually, only Muhammadans knew Urdu which was the medium of instruction in those schools. ~~and~~ He also told them that there had been no rule that Muslims alone should be appointed to Secondary Schools for Muslims, ~~for certain~~ one of the reasons which he mentioned for the ~~non-existence~~ absence of such a rule ~~one of them~~ being that a sufficient no. of qualified Muslims had not been available. The deputation later also waited on the then Minister for Education (Sir S.Kumaraswami Reddiar) who recorded the minutes at p.36 of "G". In those minutes, he did not consider that the reason that enough Muslims were not available for staffing the schools in question could ~~not~~ stand in the way of making a rule as existed in respect of the M.E.S. posts in the Muhammadan College, providing for the appt. of non-Muslims wherever Muslims were not available. Accordingly, X on p.1 ante was inserted in the Subordinate Service Rules ~~also.~~ in respect of all institutions intended for Muslims.

G/10

G/10-11

G/36

(G)

5. The post of Supdt. of the Govt. Hobart Secondary and Training School for Muhammadan Women in the M.E.S. was also subsequently brought within the scope of the special provisions.

G.O. 863 (S) 20.10.33

(2)

6. Thus far, leaving aside transfers and postings, the M.E.S. rules put a bar only on first appointments by direct recruitment of non-Muslims to Muslim institutions - but not on first appointments by transfer from the Subordinate Service to the posts. In 1936, for want of a Muslim candidate in service, the post of Supdt. of the Hobart School for Mdn. Women was advertised for direct recruitment. Against that, Miss Zacharias, who had ~~then~~ been reverted from the M.E.S. to the M.E.S.S. for want of a vacancy in the former, made a representation to ~~represented to~~ Govt. somewhat ~~in~~ the following effect:- ~~manner:~~ She, being already an approved probationer in the M.E.S. awaiting confirmation, should be provided for first and until her claim was satisfied there arose no necessity to fill the Supdt.'s post refd. to by direct recruitment. The notes and minutes recorded at pp. 11 to 19 of (F), ~~in that~~ w.r.t. Miss Zacharias' request, may be perused. ~~The lacuna left in the rules thus came to notice and~~ As a result of the orders at p.17 of (F), the present rule 12 of the Special Rules came to be made ~~was inserted then~~ and along with it a further provision that any appointment by transfer to a post attached to a ~~in the~~ Muslim institution should, if a candidate of the Muslim community was available, be made only from that community. ~~The notes and minutes at pp.16-19 of "F" may be seen.~~

cf. F/9-10 G.O. 549 P.(S) 18.3.36

F/1-2

(F)

3

May be sent to the Govr.'s Secty.

(14)

P.G. 29.7.47

29/7/47 S

4/7/47

Govr's Secy.

F. 1528 C 31.8.47.

P.S.G.

Returned with thanks.

31/7/47

E & P.H. Dept.

4

PTO

Muslim Institutions – Appointments

5

Extracts from file cnd. 45516A

It has been suggested that in the Muslim College especially very junior officers have been promoted as lecturers. (15) Whenever the D.P.I. recommends a man to be appointed as lecturer, he may put in his qualifications as well as the years of service that he has undergone. If the lecturers are considered to be very junior, even though they may be allowed to handle higher classes, may be continued in the Subordinate Service so that unnecessary heart-burning need not be caused. Information may also be given as to normally how many years it takes for officers in the Subordinate Service to get a chance for promotion in the M.E.S. in other colleges.

T.S.A.
8.7.47.

Circulation may be interested - in view of the minute of H.M.(Edn.)
M.V.S.
9.7.47

The qualifications of Mr. P.V.Abdurahiman, the Asst.Lecturer proposed in this case, are B.A.(Honours) I class and B.T, He is now undergoing further studies in U.K. (deputed by Govt.) and is likely to get some additional qualification. His age is 26 and he has put in four years of service in the Dept.

In the Subordinate Service, collegiate men, on the average, get promoted to the gazetted rank(posts of professors and lecturers) at the age of 47 * after serving for nearly 21 * years. But this should not be taken as any guide for deciding promotions, the time for which varies according to the subjects-units. To illustrate, in subjects like English, where there are a number of posts, transferee-vacancies arise between short intervals, whereas, in units like Sanskrit and Philosophy, which have a very limited number of posts, many Asst.Lecturers may have to retire without getting any chance to officiate in the Provincial Service at all.

*relates to promotions made bet.1935 and 1945.

A

Taking the Muslim College, there is some basis for the 'suggestion' refd. to in H.M.'s minute ~~on previous page~~. But, the promotions there are being made with refce. only to the Special Rules for the Service, and non-Muslims cannot have any grievance over the matter. According to Special Rule 3(b), any appointment to be made to the service by transfer in a post attached to the Muslim College ** shall, if a qualified and suitable candidate of the Muslim community is available, be made only from that communty. Mr.Abdurahiman is qualified for appt. as Mathematics Lecturer. He is now prima facie considered suitable - by the D.P.I. The Commission has finally ~~be~~ to decide his suitability with refce. to the rule mentioned and make its recommendation to Govt. It is proposed in the draft below to address the Commission for this purpose. This is the procedure adopted in previous cases - Please see the notes to G.O.No.1086-Edn., dated 1.6.1946. not put up

M.V.S.
17.7.47

The grievance referred to evidently has a basis. The Muslims are appointed to the Muslim institutions because they are Muslims. They are recruited in the General services at the rate of 2 in 12, ie. about 15%. Their population is only about 6.7%. I think this sort of thing does work hardship upon the non-Muslim communities. I do not think it is necessary for us to prefer only Muslims to Muslim colleges. It is a very vicious rule. It makes Mussalman colleges water-tight compartments and denationalises them to a certain extent. I do not think this should be allowed in future. If there is such a rule as that, that may be put up for reconsideration.

T.S.A.
18.7.47.

HE has discussed this matter with H.M.(Edn.). The file may be circulated again to H.M.(Edn.) to enable him to pass orders on the case of Mr.P.V.Abdurahiman Sahib.

J.B.B
31.7.47

May be submitted to H.M.(Edn.) for orders

M.V.S.
2.8.47.

As far as Mr.Abdurahiman is concerned, the proposal may be approved but with regard to the general question, the matter may be taken up and pursued and proposals for revision in the light of my previous note may be put up. X

T.S.A.
7.8.47.

~~H.M.Edn.'s minutes at the foot of p.3 ante.~~

The draft letter below may be issued and the file circulated to R.E. after issue.

Issue
P.S.V.
8.8.47

H.M.has separately raised the question of amending the rules applicable to appts. in Muslim institutions. A note explaining how the rules came to be framed was subd., linked with this file; it has been retained by H.M. The matter may be pursued in that connection. Extracts from this file will be taken for use there.

pp1-2 ante
P.S.V.
8.8.47.

P.S.V.
8.8.47.

P.T.O.

Secretary, E.& P.H. B1

I understand there is a rule that Muslim schools must be as far as possible manned by Muslim teachers and professors. I think this is a very unhealthy rule and must go. I think we may say that Muslim teachers may be employed in the schools upto a limit of 50 per cent. The other 50 per cent must be non-Muslims. If there is any rule as said above, it may be put up for reconsideration

ISA
20.7.47

H.M. Education.

E & PH (A) Dept.

~~Please see the minutes above. The remarks of the DPI may be invited UO (A copy of the minutes may be sent to him)~~

24 JUL 1947
6081
EDUCATION AND PUBLIC HEALTH DEPARTMENT

24/7/47.

24/7/47

BK 113

The provisions refd. to by H.M. are rules 3, 12 and 17 of the M.E.S. Special Rules and rules 4(b), 5(b), and 6(b) of the M.E.S.S. Special Rules. The

BK 114

.'s which introduced them for the first time have been called for. ~~In the meantime, the D.P.I.'s remarks may be invited. A~~ aft Memo. ~~is subd~~. This may lie over until 1-8-47

B from M.R.O.

28/7/47 S

Attention is solicited to the note in ~~top file (L.F.I)~~ L.F. II pp 1-2 ante. It was prepared for the Govr.'s Secty., after getting from M.R.O. the G.O.'s which introduced the rules in question.

This file may be circd. ~~to H.M. Edn.~~ with ~~top file~~ L.F. II

2-8-47 2/8/47

2/8/47 S 4/8/47

H.M. (Govr.)

9 - AUG 1947
AND P.H. DEPT.
GOVERNMENT OF MADRAS

This rule that only Muslims should be recruited as teachers or lecturers in Muslims schools and colleges is not in the interests of the people of this Province, either Muslims or Hindus. It is wrong to say that these schools and colleges exist only for Muslims.

The figures furnished above shows that ~~only~~ nearly 30 per cent of the students are non-Muslims. In the Muslims College for women today a large number of them are non-Muslims. Besides even if there is a large majority of Mussalmans, it is wrong to make compartmental system and agree that Muslims should be taught by Muslim teachers alone. It is this compartmental system that has created ~~this~~ division and we should avoid these troubles in the future. After all, things that are common are much more than things that divide us. Only religion divides us and the Colleges and schools are not the places where religion is being taught. They are mainly places for secular instruction and it is not necessary that we should keep up this pernicious principle that only Muslim teachers should be posted to Muslims Institutions and so I suggest that this rule may go. Recruitment may be made in those Institutions as in others. A draft rule to bring out this change may be submitted.

TSA
9-8-47

It seems necy. first to know what the D.P.I.'s re-actions are to the proposal. For orders whether his remarks may be obtained. If so the draft memo. below is for appl. After his reply is recd., the file will have to be ~~sent to the Pub. (S.R.) Dept.~~ & circd. also to H.P.M. & H.E. — as the proposal affects the distribution of appts. to a particular community. The M.O.S.C. will also have to be, consulted in due course.

B

Need not be, under Legal's ruling, later p. 14 of

10-8-47 11/8/47

11/8/47 S 14/8/47

pp 1-2 of [Issued as memo. no. 60081 A-1 dt 12.8.47]

Two matters are involved just now. One is about the reservation of the teachers' posts in the Muslim schools and Colleges only for Muslims. Whatever might be the original reason for this, the present Government cannot accept this policy that Muslim children must be taught by Muslims and Hindus only by Hindus or Christians only by Christians. A good teacher qualified to teach one community is also good enough to teach any other community. It is this sort of creating separate pockets for separate communities that has resulted in the origin of the two-nation theory as well as Pakistan. These separate tendencies must be put an end to. In fact, the efficiency of Muslim schools has suffered a great deal because of this rule. Even to-day some of the most learned and cultured Muslim parents do not send their children to Muslim Schools and Colleges and come forward to send them to only general ~~non-Muslim~~ institutions, for the reason that the education given in those schools is inefficient because of bad teachers. Inefficient and bad Muslim teachers have to be preferred for good non-Muslim teachers because of this rule, with the result that the efficiency of these institutions has gone down, and so, in the interest of these institutions themselves, this rule must be abolished. All qualified people of whatever community must be liable to be appointed as teachers for these schools and colleges. Steps may be taken to amend the existing rules to bring about this change.

[The next is the introduction of the regional language as a compulsory subject in all schools including Muslim schools. For the present, we deal only with Muslim schools for they are the only schools in which the regional language is not compulsory. These

Extract given to B, Sect.

10 OCT 1947

Extract given to B1 Section

ASSISTANT SECRETARY TO GOVERNMENT
3563.
1 NOV 1947
CHIEF SECRETARIAT

children, who study in the schools, have to live and eke out their livelihood in the same area as with others and it will be impossible for them to continue their living unless they know the regional language well. Especially with the proposal of the linguistic provinces, where all administration will be done in the regional languages, this question becomes very much more important and so, proposals may be submitted to amend the rules that in every Muslim school, wherever the medium is non-regional language, the regional language should also be provided for as a compulsory subject with at least 5 periods a week ~~[illegible]~~ in all classes]

TSA
15-10-47

C.No. 80430 A.

From the D.P.I. No. 4330 Cl/47 dated 6-10-1947.

....

The D.P.I. agrees that the special provision in the Service Rules- proviso to rule 3 and rules 12 and 17 of the rules for the M.E.S. and rules 4(b), 5(b), 10(a) (ii) and (iii) of the M.E.S.S. requiring appointment and posting of only Muslim candidates to institutions mainly intended for Muslim may be abrogated. The genesis of these rules is explained in the note on pp. 1-2 ante. Please see also H.M's latest minute on the subject on p 12 ante. The file may be sent to Public (Ser) for remarks before circulation.

pp 17 + 20, Book 113

pp 18, 19 + 20
BK 114

A

16/10/47
30/10/47

Pub: (Ser.)

H.P.M. & H.E.
Law & Sec.

E.P.H. wo. no.
60081 A/47-3
31. 10. 47

Page 17 of file no 113

Page 20 of file no 113

Public (Ser) Depti

The E.P.H. Deptt's notes and the minutes of H.M. (Edn) from page 5 ante may be perused. No special remarks seem called for on the proposal in this depth. With reference to A above it is presumed that rule 3(b) of the Special Rules for the M.E.S ~~with~~ or will also be abrogated. Rule 10 (a) (iii) ~~[illegible]~~ of the Special Rules for the Madras

14

Educational Subordinate Service Rules provides a concession in regard to qualifications of candidates of the Muslim community for appointment to the service and does not relate to appointment or posting of Muslims to Muslim institutions.

E&PH may consider whether it is the intention to abrogate this rule also. The M.P.S.C. should be consulted under section 266 (3)(b) of the Govt of India Act and H.P.M should also see the case. With these remarks the file may be returned to the E&PH Dept.

8/11/47

How does this matter fall under Sec 266 (3)(b) of the Govt Act, 1935?

7.11.47

Page 5 of Bk no 112

Resubmitted. The proposal involves a deviation from the existing method of application of the communal rule - eg. please see rule 3 of the M.E.S. Rules and therefore it is a change in the principle followed in making appointments to the civil posts.

8/11/47

Page 17 of Bk no 113

Page 5 of Bk no 112

The amendment proposed to rule 3 referred to above relates to allocation of posts between communities which is excluded from the Commission's purview - see Sec 266(4) of the Govt Act. 1935. I do not think the Commission need be consulted on it. Legal will please confirm this. The file may be returned to E&PH thro' Legal

8/11/47

Bk 1

Bk 112

8/11

Legal / E&PH

Pub (Ser. A) wo
3563/47-1
10.11.47.

S.O. 12228C

LEGAL DEPARTMENT.

I agree with Public that the present amendments fall within the scope of section 266(4) of the Government of India Act, 1935, and that it is not necessary to consult the M.P.S.C. with regard to them.

K.M. 10/11/47

ASSISTANT SECRETARY
10 NOV 1947
LEGAL DEPARTMENT

E&PH Dept

Legal U.O. No. 12228C/47-1
10.11.47.

15

(20) Edn and P.H. Dept

The presumption at all in the Public dept note at page 13 ante namely that rule 3 (b) of the Special Rules for the M.E.S will be abrogated is correct.

As regards N on page 14 ante rule 10(a)(iii) of the Special Rules for the M.E.S.S confers a concession ~~to~~ Muslims and scheduled ~~classes~~ caste candidates in respect of qualifications in certain circumstances. Apparently H.M's intention was that only such rules as lay down that Muslim educational institutions should be manned as far as possible by Muslims should be abrogated and not ~~to take away~~ that any concessions which Muslims now enjoy on the ground of their backwardness in Education should be taken away. On this view it is unnecessary to ~~do away with~~ delete this rule. H.M's orders may be taken on this point. Attention is in this connection invited to rule 6 (b) of the M.E.S.S granting some age concession to Mappilla teachers.

p 18, Bk No 114

The file may be circulated to H.M. (Edn) and the Hon'ble Premier for orders.

15/11/47

15/11/47

15/11/47

H.M. (Edn) ✓

For H.P. H.E. 17.11.47

2673

The intention is only to delete provisions which require appointment or posting of only Muslim candidates to Muslim institution.

TSA
17-11-47

I am in complete agreement with the views of H.M. Edn. and with the action proposed. I think the present rule is indefensible, and the crying need for this country today is to abolish as far as possible such differences as exist, rather than to emphasize or perpetuate them.

2. At the same time I think careful thought should be given to the method of making known this decision. Our Muslim friends are nervous and sensitive just now and the mere bald announcement might be interpreted as an attack on the rights of the minority. But a preparatory explanation to responsible Muslims might smooth matters considerably. If it would help in any way I have no objection to my views being quoted.

20 Nov. '47

An.

21 NOV 1947

May be re-circd. to H.M. (Edn.) & H.P.M. for perusal of H.E.'s minutes & for instructions w.r.t. para 2 above.

P.S. 21.11.47 21/11/47.

21/11/47 S

21/11/47 H.M. (Edn.)

TSA 25.11.47.

H.P.M. G.P.R 26/11/47

26 NOV 1947

Perhaps, one or two leaders of the Nationalist Muslims, the Secretary of the S. India Muslim Educational Assn. and the Leader of the Muslim League Party (Opposition) in the Assembly may be informed by H.M., in the course of personal talks which he may have with them, of the Govt.'s view in the matter and of H.E.'s personal agreement ~~agreemt~~ with it. That the Govt. hope that the leaders would no doubt share the view, may also be expressed, and that the Govt.'s intention is not in any way to take away the concessions already enjoyed by Muslims in respect of qualfns. for appt. in the Edn. Dept., may also be made clear, to them.

The file may be re-subd. to H.M. (Edn.).

P.S. 27.11.47 27/11/47.

28/11/47 S

28/11/47 H.M. (Edn.)

Surely, the above does not form part of the Government order. It may be left to me to manage it and to choose the time and occasion to do so. The orders may be issued.

TSA 29-11-47

29 NOV 1947

A draft order embodying the necy. amendments is subd. Legal may see for scrutiny. (~~before issue~~)

P.S. 29.11.47 29/11/47.

1/12/47 S

1/12/47 Legal.

E.O.4 U.O. No. 60081-A.4 1.12.47

S 13084 C

ASSISTANT SECRETARY 3.50 1-DEC 1947 LEGAL DEPARTMENT

Legal Department.

Draft Notification I. The alterations indicated in red ink on the draft notification may be made.

Draft Notification II. The draft amendment may be recast as follows:-

"**Amendments.**

In the said Special Rules -

(1) rules 4(b) and 5(b) shall be omitted, rules 4(a) and 5(a) being renumbered as rules 4 and 5 respectively;

(2) in rule 6, sub-rule (b) shall be omitted and sub-rules (c) to (e) shall be relettered as sub-rules (b) to (d) respectively; and

(3) in rule 10(a), clause (ii) shall be omitted and

8-9

clauses (iii) and (iv) shall be renumbered as clauses (ii) and (iii) respectively."

2/12/47

Legal u.o. 13084/47-1
2/12/47

E & p. H (A)

The recast of the amendments to the M.E.S.S. Rules, suggested by Legal has been carried out in the draft. The draft may now be issued.

2/12/47

2/12/47 S

3/12/47

95048

ASST. SECRETARY TO GOVERNMENT
2 - DEC 1947
EDUCATION AND PUBLIC HEALTH DEPT.