S 4—22-8-43.

Education and Public Health **(1947) Department.**

Ms. **SERIES**

G.O. NO. 491 Education. → [illegible]

Dated 13-3-1947.

[Despatch Abstract.]

Breeks Memorial School, Ootacamund-Revised Scheme for administration-Notification-Published.

Back Pa

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Ms	1585	Law (Edn.)	5.8.35	Ms.	988	Edn.	21.7.43
Ms.	1903	Law (Edn.)	20.9.35	Ms	1673	"	8.11.44
Ms	238	Edn	8.2.40	Ms	1340	"	5.X.43
Ms	1696	"	2.9.40	Ms.	1029	"	12.7.4
Ms	1360	"	26.9.42				
Ms	1410	"	5.10.42				

Further Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.
Ms.	1554	Edn.	16.7.47.			
Memo.	72870	Edn	9.x.47			
G.O.	1893	Edn	30.7.48.			
G.O. R.	190	Edn.	19.11.1948.			
Ms.	3182	Edn.	6-12-1951.			
Ms.	1612	Edn	16.5.67			
	1345	Edu	5.9.69			
	279	Edu	29.2.71			

A

From,
I.M.Fraser Esq., I.C.S.,
Collector of the Nilgiris,
Ootacamund.

To
The Secretary to Government,
Education and Public Health Dept.,
Madras.

Rc.A6.No.5428/45, dated 13-9-45.

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EDUCATION - European Education Breeks Memorial School--Appointment of Mr.Willy in place of Mr.Bury.

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Ref:-G.O.No.1585 Education dated 5-8-35.
G.O.No.Ms.1903 Law Education dated 20-9-35.
G.O.No.1696 Education dated 2-9-40.

--

I enclose a copy of the resolution passed at the meeting of the Committee of the management of the Breeks Memorial School, Ootacamund, held on 29-8-45. Sanction may kindly be accorded to the arrangement by which the committee offered the management of the school, to Mr.E.A.Willy, the present Principal subject to the conditions set out in the scheme for the management of the institution.

Encl.

Ma.14/9.

For Collector.

Clause 8. (2) "Any permanent vacancy in the post of Principal shall be filled up by the Committee, which shall also take all such steps as may ~~be ne~~ be necessary to carry on the work of the school until a permanent Principal is appointed.

Proposed by Mr.E.A.Willy.
Where it occurs (viz., clauses 1(1), (2), 5, 7, 12,
The words "Local Government" to be replaced by the words
"Provincial Government".
(This is suggested for the sake of clarity.)

Note by Mr.E.A.Willy.

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⑦

of the resolution passed at the meeting of the Committee of the gement of the Breeks Memorial School, Ootacamund, held on 29-8-45.

Sub:-Breeks School Committee.

(1) At our meeting yesterday the following resolution was adopted.
" In accordance with the approved scheme of Management dated 5-6-35, section 8(2), whereas a permanent vacancy in the post of Principal has occurred with the resignation of Mr.E.C.Bury, the Committee appoints Mr.E.A.Willy as Principal of Breek's Memorial School with effect from September 1st 1945.
Proposed by Mr.R.H.Rolfe, seconded by Rev.Dr.A.C.J.Elwin and carried unanimously

⑧

I should be obliged if you would, as Chairman, kindly communicate this matter to the Government. (Ref.G.O.Ms.No.1585, Education of 5-6-35)

(2) No resolution was passed as regards the existing scheme, and it was agreed that it ought to be revised, with some guidance from you. A

I should be obliged if you can fix a date on which I may come and discuss the question. September 6 to 11 would not be suitable to me.

(Sd.) E.A.Willy.

(True copy)

4

Education & P.H.Deprtment
(A) Section.

5

Memorandum No. 41268A/45-2 Edn.dated 16/10/45.

C.No.41268.

Sub:- Education - European - Breeks Memorial School - Appointment of Mr.E.A.Willy as Principal.
Ref:- From the Collector, the Nilgiris Rc.No.5426/45 dated 13-9-45.

...

P.1 CF.

The Collector, the Nilgiris, is informed that according to the scheme for the management of the Breeks Memorial School, Ootacamund, the ~~Government~~ approval of Govt. is not necessary for appointing a new Principal. He is also informed that there is nothing in the resolution dated 29-8-45 of the Committee of Management of the school to show that it offered the management of the school to the new principal, Mr.E.A.Willy. If, however, the Committee desires to do so the scheme has first to be amended, as clause 7 of the scheme authorises the Committee to offer, with the sanction of the Government, the management of the school only to Mr.Bury; it has no power to vest such management in Mr.Bury's successor.

D.1477. (J)

The Collector is, therefore, requested to suggest suitable amendments to the scheme, if necessary, and also to obtain an application from the Committee for amending the scheme.

OSM 11/10/45

11/10/45

To
The Collector,
the Nilgiris.

Despd
K.S.T.
18-10-45

Ex. Ram 28/11/45

Same as p.5

(4)

Copy of Memorandum.

Government of Madras.
Education and Public Health Department.

MEMORANDUM No.41268A/45-2 Edn., dated 16th October 1945.

Sub:- Education - European - Breeks Memorial School - Appointment of Mr.E.A. Willy as Principal.

Ref:- From the Collector, The Nilgiris, Rc.No.5428/45, dated 13-9-1945.

The Collector, the Nilgiris, is informed that according to the scheme for the management of the Breeks Memorial School, Ootacamund, the approval of Government is not necessary for appointing a new Principal. He is also informed that there is nothing in the resolution dated 29-8-1945 of the Committee of Management of the school to show that it offered the management of the school to the new principal, Mr. E. A. Willy. If, however, the Committee desires to do so, the scheme has first to be amended, as clause 7 of the scheme authorises the Committee to offer, with the sanction of the Government, the management of the school only to Mr. Bury; it has no power to vest such management in Mr. Bury's successor.

The Collector is, therefore, requested to suggest suitable amendments to the scheme, if necessary, and also to obtain an application from the Committe for amending the scheme.

M.V.Subramanian,
Secretary to Government

To the Collector of the Nilgiris. ----

(True Copy)

S. Sembu

TDG.

Superintendent.

8

Government of Madras.

Public (Rules) Department.

U. O. Note No.7642/40-1 dated 2nd April 1941.

Sub: Public Services - Provincial Services - Temporary emergency appointments - Circulation to His Excellency the Governor - Instructions-Issue.

***

Temporary emergency appointments are usually made not in accordance with the service rules for regular appointments. His Excellency's special responsibility under section 52(1)(e) of the Government of India Act, 1935, is therefore attracted by the possibility of injury being done to others and Secretariat Instruction 6(21) and (22) apply. The Departments of the Secretariat are informed that all cases, whether they are initial cases, of temporary emergency appointments or extensions of such appointments, should be circulated to His Excellency thm in future.

D. N. Strathie,
Chief Secretary to Government.

To the Departments of the Secretariat (xxx all sections)

A Revenue Department. ⑥ 9

From
I.M.Fraser Esq., I.C.S.,
Collector of the Nilgiris,
Ootacamund.

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

Rc.A3.No.5428/45 dated 15-12-45.

Sir,

Education-European Breeks Memorial School-Management-Draft Scheme-Submitted.

57989

Ref:-Government Memo.No.4126A/45-2 dated 16-1[illegible]-45.

ASST. SECRETARY TO GOVERNMENT
20 DEC 1945
EDUCATION AND PUBLIC HEALTH DEPT.

A meeting of the Committee of Management was held [illegible] December 1945 to consider the revised draft scheme for the Management of the School. The committee unanimously passed the revised draft scheme a copy of which is enclosed together with a copy of the letter dated 12th December 1945 from the Honorary Secretary to the Committee of Management. I request that the revised scheme may be approved.

Enc.

dls/17/12. 17/12

For Collector.

Copy of the letter from the Principal, Breeks Memorial School, Ootacamund to the Collector of the Nilgiris, dated 12-12-45.

Ref:-Govt.Memo.No.41268-A/45-2-Education dated 16th October 1945 communicated in Your Rc.A3.No.5428/45 d/29th October 1945.

Sub:-Breeks Memorial School-Management.

I beg to send to you two copies of the amended scheme of Management for Breeks Memorial School as agreed to unanimously by the Committee of Management at its meeting on 5-12-45. I request you kindly to forward one copy to Government in the prescribed form (sub-section (2) of section 5 of the Charitable Endowments Act, 1890)

Thanking you.

/ true copy /

For Collector

TS/RC-12

Director of Public Instruction
5-JAN 1946
RC No 2 5E/46
MADRAS

Education and P.H. Dept

Endt. No 41268 A/45 dated 2/1/46

Referred to the Director of Public Instruction for remarks at an early date

I. B. Menon
Asst. Secy to Govt.
31.12.45

To
The Director of Public Instruction
(with copy of memo in pps. 6 C3)

SCHEME FOR THE MANAGEMENT OF THE BREEKS MEMORIAL SCHOOL, OOTACAMUND.

1. The endowments appertaining to the school, particulars of which are set out in the annexure, shall be administered by a Committee consisting of

   (i) The Collector of the Nilgiris, ex -officio,
   (ii) The Principal of the school, ex-officio,
   (iii) Five other persons whom the Provincial Government may from time to time appoint as members.

2. The members of the Committee, other than ex-officio members, shall hold office for a term of three years; ~~and~~ however members shall be eligible for re-appointment. Any casual vacancy that may arise may be filled by the Committee, subject to the ~~sanction~~ of the Provincial Government.

   (4) The Collector of the Nilgiris shall be the Chairman of the Committee

3. (a) The Committee shall be trustees of all lands, buildings, etc., belonging to the school, and shall be responsible for seeing that they are kept in good repair and are used solely for the purpose of the school.

   (b) The Committee shall exercise general and financial supervision over the working of the school.

   (c) The executive management of the school shall be vested by the Committee in the Principal.

4. The Committee shall meet at least once in every school term, when a report on the working of the school shall be presented by the Principal; four shall form a quorum.

5. The annual budget shall be prepared by the Principal and be presented by him to the Committee for approval. No expenditure not included in the budget so approved may be incurred without the prior approval of the Committee.

   H G Proviso to rule 5, p 147 of I

6. The annual financial statement, audited by a certified auditor, together with the audit report, shall be presented by the Principal to the Committee and shall be forwarded by the end of April to the Edl Provincial Government. Dept

7. (i) Any permanent vacancy in the post of Principal shall be filled up by the Committee, which shall also take such steps as may be necessary to carry on the work of the school until a permanent Principal is appointed.

   (ii) Any temporary vacancy in the post of Principal shall be filled up by the Principal if the vacancy is for a period not exceeding twelve months.

8. The conditions of recognition of the Madras Educational Department shall be complied with, and in all matters of secular instruction the advice of the inspecting officers of that Department shall be followed.

9. The school shall be reserved for children of both sexes who are brought up in the Christian faith and is primarily intended ~~to serve~~ the needs of Europeans and Anglo-Indians.

   for the children of both sexes brought up in the Christian faith but other children may also be admitted

10. Any child attending the school shall, on the written application of its parents or guardian, be excused from attendance at any religious instruction given in the school.

11. Any boarding establishments that may be maintained for pupils of the school shall be treated as entirely independent of the school. but the accounts of such establishments

12. In the event of the Provincial Government being at any time desirous of modifying this scheme or of substituting another scheme in its stead, the members of the Committee shall, on being required so to do by the Provincial Government, make the application prescribed by sub-

shall be subject to an annual audit by a

4

36

sub-section (2) of section 5 of the Charitable Endowments Act, 1890

ANNEXURE.

All that piece of land comprising the S. Nos. specified below with buildings thereon :-

	S. No.	Extent.	
		A.	Cents.
Ootacamund Town	C. 325/1	0	34 6/16
	C. 326/1	0	4 8/16
	C. 334	3	36 10/16
	C. 332/2	4	42 14/16
	C. 325/2A	0	13 1/8
	C. 306/B	0	50

NOTE - Land adjacent to the school buildings :- C.325/1, C.326/1, C.325/2A and 306/B.

Land comprising the school playing field :- C.334 and C.332/2.

* School and the boarding home shall be forwarded to the Provl. Govt. through the D.P.I., Madras

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(00) 13

C.F. 98.

Edn & P.H. DEPARTMENT.

REMINDER. Education Branch.

DIRECTOR OF PUBLIC INSTRUCTION
6-FEB 1946
MADRAS

TO THE Director of Public Instruction.

I ~~have the honour to invite~~ ~~am directed to invite~~ ~~invite~~ attention to Endorsement

No. 41268A/45-3, dated 2.1.46 and to ~~to request that the reply to it may be expedited~~

request that this reminder may be returned at once with information as to—

(1) the stage at which the matter now is, and

(2) the date by which a reply may be expected. ~~and~~

~~(3) the circumstances which have caused the delay.~~

Office Secretariat

Signature.

Station Madras. Asst. Secy. to Govt.

Designation.

Dated 4/2/46. 4/2/46.

SUBJECT.

Education - European - Breeks Memorial School - appointment of Mr. K.A. Welly as Principal.

P.T.O.

ASST. SECRETARY TO GOVERNMENT, EDUCATION AND PUBLIC HEALTH DEPT.
14 FEB 1946

REPLY.

To The Secretary to Govt,
Edu. and P. H. Dept.

Resubmitted.

2) The question is under the consideration of the Director and a reply will be submitted as soon as possible.

13.2.46

for Director of Public Instruction

12-2-46

Edn. & P. H. dept
C. No. 41268 A

9237

The next reminder may go on 4-3-46.

16/2/46. 16.2.46 18/2/46

O.F. 98.

Edn. & P. H. DEPARTMENT.

REMINDER.

Education Branch.

DIRECTOR OF PUBLIC INSTRUCTION
8-MAR 19
MADRAS

To The Director of Public Instruction

I ~~have the honour to invite~~ ~~am directed to invite~~ ~~invite~~ attention to No. 41268 A/45 dated 2.1.46 and to ~~to request that the reply to it may be expedited~~ request that this reminder may be returned at once with information as to—

(1) the stage at which the matter now is, and

(2) the date by which a reply may be expected, ~~and~~

~~(3) the circumstances which have caused the delay.~~

Office Secretariat
Station Madras
Dated 4.3.46

Signature.
Asst. Secry to Govt.
Designation.

4/3/46

SUBJECT.

Education – European – Brecks Memorial School – appointment of Mr. E. A. Willy as Principal

P.T.O.

C.F.

REPLY.

To The

17

C.F. 98.

Edn and P.H DEPARTMENT.

REMINDER. *Education* Branch.

To The *Director of Public Instruction*

DIRECTOR OF PUBLIC INSTRUCTION
16 MAR 1946

I ~~have the honour to invite~~ am directed to invite ~~invite~~ attention to *Endt.*

No. *4126BA/45-3*, dated *2. 1. 46.* and

~~to request that the reply to it may be expedited~~

to request that this reminder may be returned at once with information as to—

(1) the stage at which the matter now is, *and*

(2) the date by which a reply may be expected, ~~and~~

~~(3) the circumstances which have caused the delay.~~

Office *Edn Dept*

Station *Fort St. George*

Dated *12. 3. 46.*

Signature. *I. B. [illegible]*

Designation. *Asst Secy to Govt*

[illegible] 12/3/46.

SUBJECT.

Education - European.
Breeks Memorial School
appointment of Mr. A. Willy
as Principal

P.T.O.

17 18 C1

1565

C.F.

REPLY.

To The Secretary to Govt.
Edu. and P.H. Dept

Resubmitted.

2) A reply in the matter is under issue.

19.3.46

for Director of Public Instruction

ADS
19-3-46

Edn H (C.)

The Director's reply may be awaited.
10.4.46

CS
22.3.46
22/3/46.

BM
26/3/46

C1 17

EDUCATION DEPARTMENT

FROM

DR. S. R. U. SAVOOR, M.A., D.Sc., I.E.S.,
DIRECTOR OF PUBLIC INSTRUCTION, MADRAS

TO

THE SECRETARY TO THE GOVERNMENT OF MADRAS
EDUCATION AND PUBLIC HEALTH DEPARTMENT,
FORT ST. GEORGE, MADRAS.

R.C.No. 25-E/46 dated 19th March 1946.

ASST. SECRETARY TO GOVERNMENT
23 MAR 1946
EDUCATION AND PUBLIC HEALTH

SCHOOLS--European--Breeks Memorial School, Ootacamund--Revised scheme for the management of the school.

16284

In resubmitting herewith the papers referred to me for remarks with Government Endorsement No.41268-A/45 dated 2.1.1946, I have the honour to offer the following remarks on the revised scheme submitted by the Honorary Secretary to the Committee of management of the school.

Item 1:- The number of members of the Committee previously was 8, but it has now been reduced to 7. The suggestions of the management of the Committee may be allowed to stand, as it is evidently meant to get a majority of votes in cases of ties on important subjects of discussion. The Collector of the District may continue to be the Ex-Officio President of the Committee.

Item 2:- While under the existing rule, casual vacancy of a member of the committee may be filled by the local Government, the proposed rule authorises the committee itself to fill up such a vacancy subject to the sanction of the Provincial Government. This may be accepted.

Item 3 (a):- No change.

Item 3 (b):- Whereas clause 4 of the existing scheme specifically lays down that the Committee shall not have financial responsibility, the proposed rule empowers the committee to exercise financial supervision. There seems to be no objection to accepting the proposal.

Item (c):- This is a new rule. It may be retained.

Items 4 - 8:- No change

Item 9:- Precludes Non-christians. This is against the Departmental rules. The Inspectress of European Schools suggests that the school

P.T.O.

22

2ND DRAFT.

Memorandum No. 41268 C-1/45-3 Edn.d/30.4.46

- -

EUROPEAN Education - Breeks Memorial School, Ootacamund - Management - Revised Scheme.

From the Collr. of the Nigiris, RC.A.3.No.5423/45 dated 15-12-45.

p 9 CF

...

The Collector of the Nilgiris is informed that the revised scheme for the administration of the Breeks' Memorial School Endowment submitted with his letter cited is under the consideration of the Govt. He is requested to report whether the scheme ~~will have to~~ should be given retrospective effect from 1-9-45 so as to regularise the action of the Committee of Management in having offered the management of the school to Mr.E.A.Willy, the present Principal of the school with effect from that date.

do

Pl. see resolu on p. 3 CF

X

29/4/46

30/4/46

30/4/46

30/4/46

To the Collector of the Nilgiris.

23

From,
I.M.Fraser Esq.,I.C.S.,
Collector of the Nilgiris,
Ootacamund.

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

RC.A.3.No.5423/45, dated 8-5-46.

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9 MAY 1946

EUROPEAN EDUCATION--Breeks' Memorial School, Ootacamund--Management--Revised scheme.

--

p 22 ante.

Ref:-Government Memo.No.41268CI/45-3, Education dated 30-4-46.

--

24941

The revised scheme may be given retrospective effect from 1st September 1945 the date on which the committee of management offered the Management of the School to Mr.E.A.Willy, the present Principal of the School.

For Collector.
The Nilgiris.

Copy to the Principal, Breeks Memorial School, Ootacamund.

19/6/49

Edn and P.H. Dept

C1.

Memo 41268 C1/46 Edn – 7 dated 5/9/46

European and Anglo Indian Education
Breeks Memorial School, Ootacamund
Management –

p9cf.

Ref letter from the Collector of the Nilgiris Re A.3 No: 5428/45 d/15.12.45

–

p11cf

According to the revised scheme for the management of the Breeks Memorial School, Ootacamund, forwarded with the letter cited above, the school is primarily intended for European and Anglo Indian children of both sexes but other children brought up in the Christian faith may also be admitted. The Govt consider that it should be an essential requirement in every school getting aid from Govt. that there shall not be a ban on Indian children irrespective of the community to which they belong.

26

The Collector is requested to consult the Committee of the school whether they are prepared now to take in ~~non-Christian Indian~~ pupils professing other religions also ~~also~~ and if so to submit ~~a~~ a draft of ~~the requisite amendment~~ – to the scheme

3/9/46

4/9/46

To
The Collector of the Nilgiris
Copy to the D.P.I.

27

ASST. SECRETARY TO GOVERNMENT
10 SEP 1946
EDUCATION AND PUBLIC HEALTH DEPT.

From
A.D.Crombie Esq.,CIE.,I.C.S.,
Collector of the Nilgiris,
Ootacamund.

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

Rc.A3.No.5428/46, dated 5-9-46. – p9 cf.

--

Sir,

EUROPEAN EDUCATION--Breeks Memorial School, Ootacamund--Management--Revised scheme.

52583

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Ref:-This Office letter Rc.A3.No.5428/45, dated 15-12-45. – p9 cf

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I request that any orders passed on the reference cited above may be kindly communicated to me.

Edn. & P. H. Dept.

FOR COLLECTOR.

ma.5/9

The Collr was last addressed on 6/9/46. Pl see page 25 of (Cirfd). His reply may be awaited till 1/10/46

13/9/46

14/9/46

C1 ⑯ 29

From
A.D.Crombie Esq.,C.I.E.,I.C.S.,
Collector of the Nilgiris,
Ootacamund.

To
The Secretary to Government,
Educations and Public Health
Department, Madras.

Rc.A3.No.5428/46, dated 2-10-46.

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ASST. SECRETARY TO GOVERNMENT
5 - OCT 1946
EDUCATION AND PUBLIC HEALTH DEPT.

Sir,

EDUCATION--European--Breeks Memorial School--Management--
Revised draft scheme.

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Ref:- Government Memo No.41268-C1/46, Edn.7, dated 5-9-46. - pp 25-26 ante

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58863

I consulted the Committee of Management of ~~xxxx~~ the Breeks' school. The Committee has no objection to the admission of suitable pupils professing other religious irrespective of the community to which they belong. A copy of the letter dated 25-9-46 from the Hon.Secretary to the Committee is enclosed.

I agree with the proposal as revised by the Committee. The proposal affects only clause 9 of the draft rules submitted in this Office Rc.A3.No.5428/45, dated 5-12-45. I am enclosing a revised draft scheme embodying the amendment suggested by the Committee of Management of the Breeks school. I request that the revised scheme may be approved.

p 9 ante

2-10

Encl:-one.

FOR COLLECTOR.
Nilgiris.

(17)

Copy of letter letter dated 25-9-46 from the Hony.Secretary to the Committee of Management of the Breeks Memorial School, Ootacamund to the Collector of the Nilgiris and Chairman, Committee of Management of the Breeks Memorial School, Ootacamund.

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Sub: Breeks Memorial School, Ootacamund--Management--Revised Scheme.

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Ref:-Copy of the Government Memorandum No.41268 C1/46, Education-7dated 5-9-46, communicated in your Rc.A3.No.5428-45, dated 11th September 1946. Not need

pp 25-26 ante

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In regard to the Revised Scheme of Management submitted to Government through the Chairman of the Committee of Management on 12th December 1945, the Committee at its meeting held on 19-9-46 unanimously resolved that the clause 9 be deleted and replaced as follows:-

"The school is primarily intended to serve the needs of European, Anglo-Indian and other children of both sexes who are brought up in the Christian faith. The Committee, however, shall permit the admission of a proportion of other suitable pupils, subject to the sanction of the Department of Education and the availability of accommodation."

A

Madras Educational Department

I request you kindly to forward this draft ~~xx xx~~ of amendment to Government.

Sd/ E.A.Willy.
Hony.Secretary to the Committee
of Management of the Breeks Memorial School, Ootacamund.

(True copy)

6/2.10

2/10

FOR COLLECTOR.

32

32

SCHEME FOR THE MANAGEMENT OF THE BREEKS MEMORIAL SCHOOL, OOTACAMUND.

1. The endowments appertaining to the school, particular~~ly~~s of which are sent out in the annexure, shall be administered by a Committee consisting of

   (i) The Collector of the Nilgiris, ex-officio,
   (ii) The Principal of the school, ex-officio,
   (iii) Five other persons whom the Provincial Government may from time to time appoint as members.

2. The members of the Committee, other than ex-officio members, shall hold office for a term of three years; and members shall be eligible for re-appointment. Any casual vacancy that may arise may be filled by the Committee, subject to the sanction of the Provincial Government.

3. (a) The Committee shall be trustees of all lands, buildings, etc., belonging to the school, and shall be responsible for seeing that they are kept in good repair and are used solely for the purpose of the school.

   (b) The Committee shall exercise general and financial supervision over the working of the school.

   (c) The executive management of the school shall be vested by the Committee in the Principal.

4. The Committee shall meet at least once in every school term, when a report on the working of the school shall be presented by the Principal; four shall form a quorum.

5. The annual budget shall be prepared by the Principal and be presented by him to the Committee for approval. No expenditure not included in the budget so approved may be incurred without the prior approval of the Committee.

6. The annual financial statement, audited by a certified auditor, together with the audit report, shall be presented by the Principal to the Committee and shall be forwarded by the end of April to the Provincial Government.

7. (i) Any permanent vacancy in the post of Principal shall be filled up by the Committee, which shall also take such steps as may be necessary to carry on the work of the school until a permanent Principal is appointed.

   (ii) Any temporary vacancy in the post of Principal shall be filled up by the Principal if the vacancy is for a period not exceeding twelve months.

8. The conditions of recognition of the Madras Educational Department shall be complied with, and in all matters of secular instruction the advice of the inspecting officers of that Department shall be followed.

9. The school is primarily intended to serve the needs of European, Anglo-Indian and other children of both sexes who are brought up in the Christian faith. The Committee, however, shall permit the admission of a proportion of other suitable pupils, subject to the sanction of the Department of Education and the availability of accommodation.

10. Any child attending the school shall, on the written application of its parents or guardian, be excused from attendance at any religious instruction given in the school.

11. Any boarding establishments that may be maintained for pupils of the school shall be treated as entirely independent of the school.

12. In the event of the Provincial Government being at any time, desirous of modifying this scheme or of substituting another scheme in its stead, the members of the Committee shall, on being required to do by

34

=2=

by the Provincial Government, make the application prescribed by sub-section (2) of section 5 of the Charitable Endowments Act, 1890.

ANNEXURE.

All that piece of land comprising the S.Nos. specified below with buildings thereon:-

	S.No.	Extent. A.	Extent. Cents.	
Ootacamund Town	C. 325/1	0	34	6/16
	C. 326/1	0	4	~~6/16~~ 8/16
	C.334	3	36	10/16
	C. 332/2	4	42	14/16
	C. 325/2A	0	13	1/8
	C.306/B	0	50	

- -

NOTE - Land adjacent to the school buildings:- C.325/1, C.326/1, C.325/2A and 306/B.

Land comprising the school playing field:- C.334 and C.332/2.

47/41/41
6/11

(19)

35

E & P.H
C1

Memo. No. 41268 C1/46-8 Edn. dt. 1. 11. 46.

European Education – Breeks' Memorial School, Ootacamund – Management – Draft Scheme.

p. 29 CF Ref:- From the Collector of the Nilgiris, Rc. A3. No. 5428/46 dt. 2. x. 46.

—

In ~~the~~ his letter cited, the Collr. of the Nilgiris has reported that the Committee of Management of the Breeks' Memorial School Ootacamund has no objection to the admission of suitable pupils professing ~~the~~ religions other than Christianity, irrespective of the community to which they belong. ~~it has been suggested that~~ ~~[illegible] the draft scheme as proposed~~

The Govt. ~~however~~ consider that the amendment suggested by the Committee ~~is not happily worded~~ and ~~[illegible]~~ ~~that~~ may be re-drafted as follows:

36

14/11 SN.

"The School is primarily intended to serve the needs of European, Anglo-Indian and other children of both sexes who are brought up in the Christian faith. The School will however be open to other children of whatever faith, subject to any proportions that may be fixed by the Dept. of Edn."

The Collector of the Nilgiris is requested to consult the Committee of the School whether they ~~to accept the draft clause proposed above.~~ have any any objection to the clause as recast.

X

A on p 10 NF

31/10/46

30/10/46

1/11/46

To

The Collector of the Nilgiris.

[illegible]

Urgent.

From
A.D.Crombie Esq.,C.I.E.,I.C.S.,
Collector of the Nilgiris,
Ootacamund.

To
The Secretary to Government,
Education and Public Health Department
MADRAS.

AS II (2) C1 37

ASST. SECRETARY TO GOVERNMENT
22 NOV 1946
EDUCATION AND PUBLIC HEALTH DEPT.

Rc.A3.No.5428/45, dated 20-11-1946.

--

Sir,

EDUCATION--European Education--Breeks Memorial School--[illegible]--Management - Draft scheme--Modification--Approval of.

--

Ref:-Government Education and Public Health Department, Memo No. 41268-C1/46-8, Edn., dated 1-11-46.

--

71646

pp. 35-36 ante

The Committee of the Breeks Memorial School, Ootacamund, who were consulted, unanimously agree to accept the clause as recast by Government.

21/11/46

For Collector,
The Nilgiris.

a.21/11. 21.11

38

34 | 18 | 3 2 cp.

Edu & P.H. Dept. (C1)

(2)

Breeks Memorial School, Ootacamund – Revised Scheme for administration – Notification. Published.

—

pp 141-142 Ⓙ G.O. No. 1585 Edu dated 5.8.35.

pp 1-3, 9, 23 & 37 cf From the Collector of the Nilgiris R.C. A.3. 5438.45 D. 13.9.45
15.12.45 & 6.5.46, ~~2.10.46~~
& 20.11.46

pp 19-20 cf From the D.P.I. Rc. No 25-E/46. D. 19.3.46.

—

Order No. 491 Edu D. 13.3.47
Mis.

The following notification will be published in the Fort. St George Gazette:

Notification.

In the ~~Matter~~ matter of the Charitable Endowments Act, 1890, and in the ~~Matter~~ matter of the Breeks' Memorial School, Ootacamund.

p 9 cf Whereas application has been made to the Govt of Madras under ~~clause (a) of Sub-section (1) of~~ section 6 (1)(a) of the Charitable Endowments Act, 1890 (Central Act VI of 1890) by the Committee of Management, Breeks' Memorial School, Ootacamund, acting in the administration of the Trust Fund known as "The Breeks' Memorial School Endowment". for substituting ~~another~~ a new Scheme ~~for the Scheme settled~~ for the administration of the said Endowment in lieu of the Scheme published with Education Dept. Notification No 186, dated the 5th August 1935, at pp 441-442 of Part I.B. of the F.S.G. Gazette, dated the 13th August 1935; it is hereby notified that H.E. the Governor of Madras has, in exercise of the powers conferred by Sub-Sections (2) and (3), ~~of~~ section 5, of the said Act, substituted the Scheme set forth in the Schedule ~~hereto annexed~~ below for the administration of the said Endowment in lieu of the ~~existing~~ Scheme and ~~that~~ appointed the 1st day of ~~September~~ 1945 as the date on which the Scheme so substituted shall be deemed to have come into operation ~~on and from the 1st Sept. 1945~~.

Schedule
(H.E. the Scheme on pp 3-5 infra)

p 6 of the Dir. prop.

pp 141-142 Ⓙ

p 9 of Ⓒ

Apd [illegible] 15/3

p 5 of the Dir. not prop.

To
The Hony Secy to the Committee of Management B.M. School Ootacamund.
The D.P.I. ✓
The Fin Dept. ✓ ✓
The Treasurer of B.E. ✓
The Collector of the Nilgiris. ✓
The S.G.P. for the publication of the notification in the Gazette.

[illegible] 20.1.47

[illegible] 21/1/47

(published with [illegible]

3 8/c

Revised draft. Legal Department.

SCHEME FOR THE MANAGEMENT OF THE BREEKS MEMORIAL SCHOOL, OOTACAMUND.

-----

cl 1 on p 1 g (M)

1. The endowments appertaining to the School, particulars of which are set out in the Annexure, shall be administered by a Committee consisting of-

A
(i) The Collector of the Nilgiris, ex officio,
(ii) The Principal of the School, ex officio,
(iii) Five other persons whom the Provincial Government may, from time to time, appoint as members.

2. (1) Members of the Committee, not being ex-officio members, shall hold office for a term of three years from the date of their appointment, but shall be eligible for reappointment.

(2) Any casual vacancy which may arise before the expiry of the said term of three years may be filled by the Committee, subject to the approval of the Provincial Government, but any person appointed to fill such vacancy shall hold office only for the residue of his predecessor's term.

3. The Collector of the Nilgiris shall be the Chairman of the Committee.

4. Four members shall be the quorum for the transaction of business at meetings of the Committee.

cl 2 on p 1 g (M)

5. (1) The Committee shall be trustees of all property belonging to the School, including lands and buildings, and shall be responsible for seeing that all such property is kept in good repair and used solely for the purpose of the School.

(2) The Committee shall exercise general supervision over the working of the School, including its finances.

(3) Subject to such supervision, the executive management of the School shall vest in the Principal.

cl 6 on p 2 g (M)

6. (1) The Committee shall meet at least once in every school term, when a report on the working of the School shall be presented by the Principal.

cl 5 on pp 1-2 g (M)

(2) The annual budget shall be prepared by the Principal and be presented by him to the Committee for approval. No expenditure not included in the budget as so approved shall be incurred without the prior approval of the Committee.

7 (1) The accounts of the School shall be audited annually by a certified auditor, and be presented, together with the audit report, by the Principal to the Committee and be forwarded by the Committee to the Director of Public Instruction before the end of April. cl 6 orp 2 g(M)

The Director of Public Instruction, shall forward a copy of the audit report to the Provincial Government.

(2) Any boarding establishment or establishments which may be maintained for pupils attending the School shall be treated in every way as entirely independent of the School. cl 10 orp 2 g(M)

8. (1) Any permanent vacancy in the post of Principal shall be filled up by the Committee, and the Committee shall also arrange for the work of the School being carried on, until a permanent Principal is appointed. cl 7(2) "

(2) Any temporary vacancy in the post of Principal for a period not exceeding twelve months shall be filled up by the Principal. If the vacancy is for a longer period, it shall be filled up by the Committee. cl 7(1) "

9. The conditions of recognition contained in the Madras Educational Department shall be complied with, and in all matters of secular instruction the advice of the inspecting officers of that Department shall be followed. cl 8 orp 2 g(M) ?

For redraft

10. The School is

School is primarily intended to serve the needs of children
brought up in the Christian faith, whether they be
glo-Indians or others; but children of other faiths
dmitted as pupils up to such proportion as may be fixed
ime by the Director of Public Instruction or any officer
ed by him in this behalf."

from attendance at any religious instruction given in the School.

12. If the Provincial Government at any time desire to modify this scheme or to substitute another scheme in its stead, the members of the Committee shall, on being required so to do by the Provincial Government, make the application prescribed by ~~the Provincial~~ sub-section (2) of section 5 of the Charitable Endowments Act, 1890. cl 11 orp 2 g(M)

---

(23)

ANNEXURE.

All that piece of land comprising the S.Nos. specified below with buildings thereon:-

	S.No.	Extent.	
		A.	Cents.
Ootacamund Town			
	C.325/1	0 34	6/16
	C.326/1	0 4	8/16
	C.334	3 36	10/16
	C.332/2	4 42	14/16
	C.325/2.A	0 13	1/8
	C.306/B	0 50	

NOTE:- Land adjacent to the School buildings: - C.325/1, C.326/1, C.325/2A and C. 306/B.

Land comprising the School playing field:- C.334 and C.332/2.

K. Rajagopalan.
19/7/46. Dy. Secy.

24

45

CONFIDENTIAL. / IMMEDIATE

A.S. Ahluwalia, I.A.S.,
Collector of the Nilgiris

D.O.Rc.D2.No.14682/69.

Ootacamund,
Dated: 3--5--1969.

31163

Pl examine & put up urgently

7.5.69

AS(D)

ASSISTANT SECRETARY TO GOVERNMENT
8-MAY 1969
EDUCATION DEPARTMENT

My dear Krishnaswamy,

Sub: EDUCATION--Charitable endowments Act of 1890--Management of Breeks Memorial School, Ootacamund--Regarding.

Ref: G.O.Ms.No.491, Education, dated 13-3-1947
(Copy enclosed)

I invite kind attention to the reference cited, particularly to para 10 of the schedule in the Government Order which states that "the school is ~~pxx~~ primarily intended to serve the needs of the children of both sexes brought up in the Christian faith whether they be Europeans, Anglo-Indians or others; but children of other faiths may also be admitted as pupils upto such proportions as may be fixed from time to time by the Director of Public Instruction or any Officer authorised by him in this behalf."

2. The Breeks Memorial School is administrated by a committee with the Collector of the Nilgiris as Chairman. Recently, I had occasion to notice ~~that~~ the provisions contained in the G.O. cited. It is an anachronism that even in 1969 an institution with a representative of the Government as Chairman whould cater primarily to a section of the Community on the basis of religion in violation of the concept of secularism enshrined in the Constitution itself. Nor is this a fact on ground any more since more than 75 per cent of the students are non-christians!

3. The matter has assumed certain urgency since some people belonging to this community are claiming that only a Christian must be appointed as the head of the institution which post is falling vacant shortly and for which candidates have been called for an interview on the 8th of May. As far as I can see ~~that~~ the clause of the constitution of the School does not make it obligatory on the part of the Management

p.t.o.

Committee to appoint only a Christian. There is no bar, from the legal point of view to the appointment of any person on merits. In any case, this is the view, I feel, I must take since I cannot be a party to the promotion of parochialism. However, to avoid misunderstandings and needless complications, I request that this provision, i.e., Para 10 of the schedule in the G.O. cited may be deleted immediately. I do not know if procedural formalities would permit it, but if possible this may be done before 8th of May, i.e., the date on which interviews of candidates are scheduled to be held.

Yours sincerely,

3/5

To

Thiru S. Krishnaswamy, I.A.S.,
Secretary to Government,
Education Department,
Fort St. George,
Madras-9.

Revised scheme for administration of Breeks' Memorial School, Ootacamund.

(G.O.Ms.No.491, Education, 13th March, 1947).

IN THE MATTER OF THE CHARITABLE ENDOWMENTS ACT, 1890, AND IN THE MATTER OF THE BREEKS' MEMORIAL SCHOOL, OOTACAMUND.

...

No.60- Whereas application has been made to the Government of
Madras under section 6(i)(a) of the Charitable Endowments Act
1890 (Central Act VI of 1890), by the Committee of Management,
Breeks' Memorial School, Ootacamund, acting in the administra
of the Trust Fund known as "The Breeks' Memorial School
Endowment" for substituting a new scheme for the administrati
of the said Endowment in lieu of the scheme published with
Education Department Notification No.186, dated the 5th Aug
1935, at pages 441-442 of Part I-B of the Fort St.George Ga
dated the 13th August, 1935, it is hereby notified that His
Excellency the Governor of Madras has, in exercise of the
powers conferred by section 5, sub-sections (2) and (3) of
said Act, substituted the scheme set forth in the Schedule
for the administration of the said Endowment in lieu of the
Scheme published with the notification aforesaid and appoin
the 1st day of September 1945 as the date on which the sche
so substituted shall be deemed to have come into operation.

SCHEDULE.

Scheme for the management of the Breeks' Memorial School, Ootacamund.

1.The endowments appertaining to the school, particul
of which are set out in the annexure, shall be administere
a Committee consisting of-

(i) The Collector of the Nilgiris, ex.officio,
(ii) The Principal of the School, ex.officio,
(iii) Five other persons whom the Provincial Governmen
may, from time to time, appoint as members.

2.(1)Members of the Committee, not being ex-officio m
shall hold office for a term of three years from the date
their appointment, but shall be eligible for re-appointme

(2)Any casual vacancy which may arise before the ex
of the said term of three years may be filled by the Commi
subject to the approval of the Provincial Government, but
person appointed to fill such vacancy shall hold office o
for the residue of his predecessor's term.

3.The Collector of the Nilgiris shall be the Chairman
the Committee.

4.Four members shall be the quorum for the transaction
of business at meetings of the Committee.

p.t.o

5(1) The Committee shall be trustees of all property belonging to the school, including lands and buildings, and shall be responsible for seeing that all such property is kept in good repair and used solely for the purpose of the school.

(2) The Committee shall exercise general supervision over the working of the school, including its finances.

(3) Subject to such supervision, the executive management of the school shall vest in the Principal.

6(1) The Committee shall meet at least once in every school term, when a report on the working of the school shall be presented by the Principal.

(2) The annual budget shall be prepared by the Principal and be presented by him to the Committee for approval. No expenditure not included in the budget as so approved shall be incurred without the prior approval of the Committee.

7(1) The accounts of the school shall be audited annually by a certified auditor, and be presented, together with audit report, by the Principal to the Committee and be forwarded by the Committee to the Director of Public Instruction before the end of April.

The Director of Public Instruction shall forward a copy of the audit report to the Provincial Government.

(2) Any boarding establishment or establishments which may be maintained for pupils attending the school shall be treated in every way as entirely independent of the school.

8(1) Any permanent vacancy in the post of Principal shall be filled up by the Committee, and the Committee shall also arrange for the work of the school being carried on, until a permanent Principal is appointed.

(2) Any temporary vacancy in the post of Principal for a period not exceeding twelve months shall be filled up by the Principal. If the vacancy is for a longer period, it shall be filled up by the Committee.

9. The conditions of recognition contained in the Madras Educational Department shall be complied with, and in all matters of secular instruction the advice of the inspecting officers of that department shall be followed.

10. The school is primarily intended to serve the needs of children of both sexes brought up in the Christian faith, whether they be Europeans, Anglo-Indians or others; but children of other faiths may also be admitted as pupils [upto such proportion as may be fixed from time to time by the Director of Public Instruction or any officer authorized by him in this behalf.]

...contd.3..

---

11. Any child attending the school shall, on the written application of either parent or of the guardian, be excused from attendance at any religious instruction given in the school.

12. If the Provincial Government at any time desire to modify this scheme or to substitute another scheme in its stead, the members of the Committee shall, on being required so to do by the Provincial Government, make the application prescribed by sub-section (2) of section 5 of the Charitable Endowments Act, 1890.

ANNEXURE.

All that piece of land comprising the survey numbers specified below with buildings thereon:-

Ootacamund Town:

Survey number		Extent Acs.
C. 325-1	..	0.34-6/16
C. 326-1	..	0.048-/16
C. 334	..	3.36-10/16
C.332-2	..	4.42-14/16
C.325-2A	..	0.13-1/8
C.306 B	..	0.50

NOTE: Land adjacent to the school buildings-C.325-1, C.326-1, C.325-2A and C.306 B.

Land comprising the school playing field-C.334 and 332-2.

/true copy/

②⑦

EDN. (I.3) DEPT
....

D.O.No: 31143/I3/69-6 Dated: 18.7.69.

Issue & then take orders to send file to law

JOP1-2y

Dear Dr. Paul,

Sub: Education--Charitable Endowment Act 1890--
Breeks Memorial School--Amendment to ~~constit~~ Scheme
Regarding.

Ref: From the Collr. of Nilgiris Lr Rc.D2.
14682/69 dated 3.5.69.

I am to enclose a copy of the d.o. referr to above and I request you to ~~to kindly~~ let me have your rem very urgently.

Y.s.

To
Dr. N.D.Paul,
DSE, Ms.6.(w.e.).

CENTRAL DESPATCH BRANCH
Despatched by Post / Regd. Post / Messenger / Spl. Messenger
Date and ... of Desp
8769

Copy JOP1-2y

EDUCATION DEPARTMENT

From

Thiru S.V.Chittibabu, M.A.,B.T.,
Director of School Education,
Madras.6.

To

The Secretary to Government,
Education Department,
Madras.9.

ASSISTANT SECRETARY TO GOVERNMENT
27 MAR 1970
MADRAS
EDUCATION DEPARTMENT
21220

Rc.No.147665 E1/69 dated 16.3.1970

Sir,

Sub: Anglo Indian Education - Breeks Memorial High School, Ootacamund- Amendment to the Scheme of Administration framed under the ~~Christ~~ Charitable Endowment Act.1890- regarding.

p7 ante

Ref: D.O.No.31143/I.3/69-6, Education,dated 18.7.69 of the Deputy Secretary to Government, Education Department.

...

The Breeks Memorial High School, Ootacamund is an Anglo-Indian School recognised under the provisions of "Code of Regulations for Anglo Indian Schools". For the administration of the school, a scheme was approved by Government under the provisions of the Charitable Endowment Act.1890. The scheme was approved last in G.O.Ms.No.491, Education, dated 13.3.1947. According to this scheme, the school is managed by a committee consisting of 1) The Collector of the Nilgiris (2) The Principal of the school and (3) Five other persons appointed by Government from time to time. The present five members were appointed in G.O. Ms.No.188, Education, dated 9.2.1967 for a period of 5 years from the date of G.O.

p39 c.f. (M)

Put up in another case

Clause 10 of the above scheme runs as follows:

"The school is primarily intended to serve the needs of children of both sexes brought up in the Christian faith whether whether they be Europeans, Anglo-Indian or others; but children of other faiths may also be admitted as pupils upto such proportion as may be fixed from time to time by the Director of School Education or any officer authorised by him in this behalf".

p42 c.f. of (M)

The Collector of the Nilgiris has requested Government to amend the scheme by deleting the above clause (i.e) Clause 10. In this connection, I invite the attention of Government to Article 29(Portection of Interests of Minorities) and Article 30 (Rights of Minirorities to establish and administer educational institutions) of the consititution of India.

Clause 10 of the Scheme also envisages that pupils of other faiths (other than christianity) may also be admitted in the Breek Memorial High School. According to Article 131 (c) of the C.R.A.S., Anglo-Indian School can admit non Anglo-Indian pupils upto 50% of the total number of pupils. Further clause 10 of the scheme does not bar the appointment of a person other than a Christian as the Head of Breeks Memorial High School, Ooty as stated by the Collector. Even now persons other than Christian can be appointed as head of the school if the appointing authority so decides.

p 23 of the book

p.t.o.

10

..2..

For the reasons stated above and in view of the constitutional protections and rights guaranteed to the Anglo-Indian minority community, I consider that no modification is called for to the scheme approved in G.O.Ms.No.491, Education, dated 13.3.47.

(M)

Yours faithfully,

20.3.70

For Director of School Education.

uc.18.3.

20.3.70

Edn.Dept

D.O.No.31143/D3/69- 19 Edn. dt/- 1970
( )

SUB: Education - Charitable Endowments Act, 1890 - Breeks Memorial High School, Ootacamund.

REF: Your D.O.Lr.No.D2/14682/69, dt.3.5.69.
From the D.S.E. No.147665/E1/69, dt.16.3.1970.

pp. 1-2 cf
pp. 9-10 cf

With reference to your D.O. letter cited, the Govt. have examined the question whether a Christian alone should be appointed as a Head of the Institution in the Breeks Memorial School, Ooty. In the scheme fra for the administration of the Institution in G.O.Ms.No. Edn. dt.13.3.47, there is no provision that a person belonging to a particular religion should be appointed the ~~a~~ Head of the Institution. According to Article 30(1) the Constitution of India, all minorities, whether base on religion or not, shall have the ~~be~~ right to establish an administer Educational Institutions of their choice. A the right to administer all Educational Institutions i given to the minorities, the management of the Breeks Memorial High School has powers to restrict the appointment to ~~appoint~~ Christians alone. However, it is open to the management to appoi person belonging to other faith~~s~~, if it so desires.

pp. 39-43 cf (M)

A on p.5 n.f.

2. Regarding admission of children in the Breek Memorial High School, ~~I am to state that~~ Article 29 of Constitution of India provides that any section of the citizens residing in the territory of India or any part thereof having a distinct language, group or culture of its own, shall have the right to conserve the same. The D.S.E. may not, therefore, be competent to fix the proportion of the students belonging to castes other tha

B on p.5 n.f.

p.t.o

~~the~~ Christians for the purpose of admission.

3. However, I may point out that Clause 10 of the scheme provides that the school is primarily intended to serve the needs of children of both sexes, brought up in the Christian faith, whether they be Erupeans, Anglo-Indians, or others and that the children of other faith may also be admitted as pupils upto such proportion as may be fixed from time to time by the D.S.E. As the scheme itself provides for admission of children of other faiths also, which is also in conformity with Article 29 of the Constitution of India, there is no need for deletion of Clause 10 of ~~a~~ the scheme framed in G.O.Ms.No.491, Education, dt.13.3.47.

4. ~~Regarding the rights of the citizens of India to claim admission, I am to point~~ I may also point out that according to Article 29 of the Constitution of India, no citizen shall be denied admission into any Educational Institution maintained by the State or receiving aid out of the State funds, on grounds only of religion, race, caste, language or any of them. ~~If Breeks Memorial High School, Ootacamund is aided by the Government, then~~ It is open to ~~those~~ the persons, ~~who are~~ refused admission into the school, to enforce ~~thexx~~ their rights to be admitted with reference to the provisions of Article 29(2) of the Constitution of India.

5. In view of the position explained above, the Govt. are advised that there is no need for amendment or deletion of clause 10 of the scheme framed for the administration of the Breeks Memorial High School, Ootacamund.

Y.s.

16.6.70

To
A.S.Ahluwalia, IAS
Collr. of the
Nilgiris, Ooty.
The D.S.E. Mds-6.

copy to S.F.

-p.42 g (M)

This clause was enacted at the time when the provision of the Constitution of India did not come into force

(M)

D on p.5 N.F.

3/9

A claim is being taken to omit the words "upto such proportion as may be fixed from time to time by the Director of Public Instruction or any officer authorised by him in this behalf" occurring in clause 10 of the scheme

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EDUCATION (I.3) DEPTT.

D.O.No. 31143/I.3/69-70 - - - - dt. 31.8.70
1970
( )

Issue 8 31.8.

Sub: Education - Charitable Endowments Act, 1890 - Breeks Memorial High School, Ootacamund.

Ref: Your D.O. letter No.D2/14682/69, dt. 3.5.69.
From the D.S.E. No. 147665/E1/69, dt. 16.3.1970.

With reference to your D.O. letter cited, the Gov have examined the question whether a Christian alone should be appointed as a Head of the Institution in the Breeks Memorial School, Ooty. In the scheme framed for the administration of the Institution in G.O.Ms.No Education, dated 13.3.1947, there is no provision that a person belonging to a particular religion should be appointed as the Head of the Institution. According Article 30(1) of the Constitution of India, all minor whether based on religion or not, shall have the righ establish and administer Educational Institution of t choice. As the right to administer all Educational Institutions is given to the minorities, the managemen of the Breeks Memorial High School has powers to restrict the appointment to Christians alone. Howeve ~~tk~~ it is open to the management to appoint a person belonging to other faiths, if it so desires.

2. Regarding admission of children in the Breek Memorial High School, Article 29(1) of the Constitu of India provides that any section of the citizens residing in the territory of India or any part there having a distinct language, group or culture of its shall have the right to conserve the same. The D.S. may not, therefore, be competent to fix the proportio

pto....

44

of the students belonging to castes other than Christians for the purpose of admission.

3. However, I may point out that Clause 10 of the scheme provides that the school is primarily intended to serve the nedds of children of both sexes, brought up in the Christian faith, whether they may bd Europeans, Anglo-Indians, or others and that the children of other faiths may also be admitted as pupils upto such proportion as may be fixed from time to time by the D.S.E. This clause was enacted at the time when the provision of the Constitution of India did not come into force.

4. I may also point out that according to ~~Axg~~ Article 29(2) of the Constitution of India, no citizen shall be denied admission into any Educational Institution maintained by the State or receiving ~~all~~ aid out of the State funds, on grounds only of religion, race, caste, language or any of them. It is open to persons, who have been refused admission into the school, to enforce their rights to be~~fo~~ dmitted with reference to the provisions of Article 29(2) f the Constitution.

5. In the light of the position explained above, ~~action being taken~~ I am to request you to take further action to omit the words "upto such proportion as ay be fixed from time to time by the Director of Public Instruction or any other officer authorised by him in this behalf" (at the end of para 10) occurring in clause 10 of the Scheme. approved scheme of management, by following the prescribed procedure indicated Sections 5 and 6 of the Charitable Endowments Act, 1890.

Y.S.

Y.S.,

(Sd) O.R.

19470

To
1. Thiru A.S.Ahluwalia,
I.A.S.,
Collector of the
Nilgiris, Ooty.
2. The D.S.E., Mds.6.
copy to S.F.
SC 1.

copy
clean copy for file.

---

clean copy 59 ~~4~~5

Copy of D.O.No.31143/I3/69-69-70, dated 31st August, 1970.

SUB: Education - Charitable Endowments Act 1890 - Breeks Memorial High School, Ootacamund.

REF: Your D.O.Letter No.D2/14682/69, dt.3.5.69.
From the D.S.E. No.147665/E1/69, dt.16.3.1970.

With reference to your D.O.letter cited, the Government have examined the question whether a Christian alone should be appointed as a Head of the Institution in the Breeks Memorial School Ooty. In the scheme framed for the administration of the institution in G.O.Ms.No.491, Education,dt.13.3.47, there is no provision that a person belonging to a particular religion should be appointed as the Head of the Institution. According to Article 30(1) of the Constitution of India, all minorities whether based on religion or not, shall have the right to establish and administer Educational Institution of their choice. As the right to administer all Educational Institutions is given to the minorities, the management of the Breeks Memorial High School has powers to restrict the appointment to Christians alone. However, it is open to the management to appoint a person belonging to other faiths, if it so desires.

2. Regarding admission of children in the Breeks Memorial High School, Article 29(1) of the Constitution of India provides that any section of the citizens residing in the territory of India or any part thereof having a district language, group or culture of its own, shall have the right to conserve the same. The D.S.E. may not, ~~ka~~ therefore, be competent to fix the proportion of the students belonging to castes other than Christians for the purpose of admission.

3. However, I may point out that clause 10 of the scheme provides that the school is primarily intended to serve the needs of children of both sexes, brought up in the Christian faith, whether they may be Europeans, Anglo-Indians, or others and that the children of other faiths, may also be admitted as pupils upto such proportion as may be fixed from time to time by the D.S.E. This ~~xx~~ clause ~~xx~~ was enacted at the time when the provision of the Constitution of India did not come into force.

4. I~~t~~ may also point out that according to Article 29(2) of the Constitution of India, no citizen shall be denied admission into any Educational Institution maintained by the State or receiving aid out of the State funds, on grounds only of religion, race, caste, languag or any of them. It is open to persons, who have been refused admiss into the school, to enforce their rights to be admitted with referen to the provisions of Article 29(2) of the Constitution.

In the light of the position explained above, I am to request you to take further action to omit the words "upto such proportion as may befixed from time to time by the Director of Public Instruction or an other officer authorised by him in this behalf" occurring at the end f para 10 of the approved scheme of management by following the prescribed procedure indicated in Sections 5 and 6 of the Charitable Endowments Act, 1890.

/True Copy/

SUPERINTENDENT.

Notes

~~4~~

Education & P.H.(A) Department.

C.No.41268.A/45.

From the Collector of the Nilgiris, No.Rc.5428/45 dated
13th September 1945.

...

European Education - Breeks Memorial School, Ootacamund -
Management.

...

(J)

Please see the note on pp.68-69 of G.O.No.1585.Edn., dated 5-8-1935, for a short note on the salient features of the Breeks Memorial School, Ootacamund. After lengthy discussion a scheme for the management of the school was drawn up and approved in the G.O. The scheme is on page 147 of the G.O. According to the scheme the endowments appertaining to the school shall be administered by a Committee, which shall have a right of general supervision over the working of the school but shall not have any financial responsibility. The scheme also provided that the management of the school should be offered to Mr.Bury, the then Principal, with the approval of Government for a period of five years with option of renewal and that he should be responsible for the finances of the school. The reason for this arrangement is explained in paragraph 4 of the note on pages 69-70.

para 4, J/147

para 7, ibid

J/147

2. Paragraph 8 (2) of the scheme provides that any permanent vacancy in the post of Principal shall be filled by the Committee. It does not say that the approval of Government is necessary for appointing a new Principal in the place of Mr.Bury. The scheme also does not specifically provide for offering the management of the school to the new Principal on the same terms as those on which it was offered to Mr. Bury.

3. From the copy of the resolution of the Committee on page 3 c.f. it is seen that Mr.Bury has resigned and the Committee has appointed Mr.E.A.Willy as Principal. In

orwarding the resolution the Collector, who is a member (and pparently chairman) of the Committee requests that the Committee's roposal to offer the management to Mr.Willy may be approved. ut there is nothing in the resolution to show that the Committee as offered the management to Mr.Willy.

4. According to the proviso to para 7 the management ceased to vest in Mr.Bury when his resignation was accepted and t should be considered that it vests in the Committee now. It s not clear whether the Committee can offer the management to r.Willy unless the scheme is amended. In fact from "A" on page c.f. it would seem that the Committee agreed that the scheme hould be revised. Before the Collector is asked for information s to whether the Committee actually offered the management to r.Willy, Legal may be consulted about "B" above.

J/147

B

BM
28/9/45 S

1/10/45 Legal.

Edn. & P.H. No. 41268/45-1
1/10/45.

05882

Legal Department.

ASSISTANT SECRETARY I
2 OCT 1945
LEGAL DEPARTMENT.

Clause 7 of the scheme authorises the committee to offer, with the sanction of the local government, the management of the school only to Mr.Bury. It has no power to vest such management in any principal who succeeds Mr.Bury. The scheme requires to be amended if such management is to be offered to Mr.Willy.

3.10.45 E & P.H.

Legal No. 05882-1
3-10-45

12/x

Edn. & P.H. dept.

The draft memo below is for approval.(A)

8/10
8.x.45

BM
11/10/45 S/A2

11/10/45 A2

16 OCT 1945

4 OCT 1945

44266

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pp. 5-6 c.f. (Issued as Memorandum No.41268.A.45.2.Edn. dated 16-10-45 to the Collector the Nilgiris).

C.57989. From the Collector, the Nilgiris, RC.5428.45. dated 15-12-45.

...

The revised draft scheme sent by the Collector may be sent to the D.P.I. for remarks in the first instance. The draft endorsement on p.8 c.f. is for approval.

I.B.M.
2-1-46.

p. 10 c.f. (Issued as Endt.No.41265.A.45 dated 2-1-1946).

pp. 19-20 c.F. C.16234. From the D.P.I. RC.No.25-E/46 dated 19-3-46.

...

The D.P.I. has offered his remarks on the revised scheme sent by the management of the Breeks Memorial School, Ootacamund. The changes suggested in the revised scheme are noted below:-

P.147 (J)
P 19 C.F.

CLAUSE (1) of the revised scheme: The existing scheme provides for eight members on the Committee. In the circumstance explained by the Director the suggestion to restrict the number of members to 7 may be accepted.

P147 (J)
P 11 C.F.
P 19 C.F.

CLAUSE (2) of the revised scheme: Under the existing scheme casual vacancy of a member of the Committee may be filled by the Govt. Under the revised scheme, such a vacancy can be filled by the Committee itself subject to the sanction of Govt. The Director remarks that the change may be accepted. His recommendation may be accepted.

Cl. 4 on P.147 (J)
P. 11 C.F.
P. 19 C.F.

CLAUSE 3(b) of the revised scheme: Under the existing scheme, the Committee shall have a right of general supervision over the working of the school but shall not have any financial responsibility. The modified scheme empowers the Committee to exercise financial supervision also. The Director considers that there seems to be no objection to accepting the proposal. The proposal may be accepted.

P.147 (J)

CLAUSE 3(c) ~~(9)~~ of the Revised Scheme: This clause is in the place of the existing para 7. As recommended by the Director, it may be allowed.

3, P.147 (J)

CLAUSE 9 of the Revised scheme: Under the existing scheme, the school shall be reserved for children of both sexes of Europeans and Anglo-Indians but it shall be open to all such children equally irrespective of their class or condition in life or their place of residence. Under the revised scheme the school shall be reserved for children of both sexes who are brought up in the Christian faith and is primarily intended to serve the needs of Europeans and Anglo-Indians. The Director considers that non-christians should not be excluded as it is against departmental rules and suggests that as the school is a public school, it should receive Indian children irrespective of their religion.

P 11 CF

It is not clear what rules the Director is referring to. Recognition of and aid to European Schools is governed by the Code of Regulations for European and Anglo-Indian schools. The Code does not contain any provision to the effect that the schools shall be open to pupils of all communities. According to para 131(c) of the Code no grants shall be given to a school in which the number of non-Europeans exceeds one-third of the total number of pupils in the school. Under this para Indians can be admitted but it is not compulsory that they should be admitted. Please see also in this connection para 13(e) of the Proceedings of the Education Sub-Committee of the Post-War Reconstruction Committee.

BK 32

pp 27-28 of BK 32

The question of admission of Indian children to the Breeks Memorial School was raised in 1942. The committee was consulted on the suggestion to amend the scheme for the management of the school so as to allow the admission of suitable Indian children to the school. The Committee was opposed to changing the constitution of the school and it was decided that the question need not be ~~further~~ pursued - vide the notes on pp.2-7 n.f. of G.O. 1360 Edn. dated 26-9-42.

G.O. 1360 Edn. / 26/9/42 (T)

pp 7-8 (T)

pp 11-12 CF (T)

OD
18/4.

The Committee is agreeable to admitting Indian Christians. This is an improvement on the previous decision of the Committee. The concurrence of the Committee will have to be obtained if provision is to be made in the scheme ~~for~~ admission of Indians irrespective of their religion. For orders.

OSM
18/4/46 S

18/4/46

24. A1. HE

The point raised by DPI need not be taken up; the change as it now stands revised by the Committee may be accepted.

34

The important point is whether non-Christians should be admitted. I am quite sure that the Committee of Breeks school would never accept this. This point of the D.P.I's need not be taken up. Otherwise the D.P.I's remarks on the revised scheme may be accepted.

18/4/46

I agree.

22/4/46

24/4/46

SECRETARIAT, GOVERNMENT OF MADRAS
25 APR 1946

Bo. F.C. 18.

MADRAS GOVERNOR'S SECRETARIAT
F. 322/46C.
28 APR 1946

p 21 CF

A draft order is submitted. ~~It~~ It is not clear whether the revised scheme will have to be ~~may be sent to legal u.o. for scrutiny.~~ given retrospective effect from 1.9.45 in view of the resolu on page B c.f. The Collector of the Nilgiris may be asked about this. A draft memo is put up. After the issue of the memo the file may be sent to Legal for scrutiny of the draft order.

27.4.46

27/4/46

OSM
30/4/46 S

30/4/46
Legal
(after issuing memo).

L & P.H. u.o.
41 L&B C-1/45-4
30.4.46.

(X) Issued.

S 2942

ASSISTANT SECRETARY
1 - MAY 1946
LEGAL DEPARTMENT.

LEGAL DEPARTMENT

The following points arise in connection with the draft scheme at flag (a):-

2. Clause 2. The date on which the term of three years should commence is not stated. Presumably it should commence from the date of appointment of the members by the Government. If so, it should be specifically so stated.

Yes - please see clause 1(2) on page 147 of (J) - this has been incorporated in the revised draft at (M)

3. Clause 5. The proviso to this clause, and the second sentence of ~~this~~ the clause, are not consistent with each other. Both under the proviso and under the second sentence, no expenditure not included in the budget as approved can be sanctioned ~~[illegible]~~

Proviso deleted by amendment on page 13 of G.O. No. 288 Edn. 8.2.40 (e)

In the Revised draft at (M) Proviso deleted

50

~~without the~~ approval of the Committee. The necessity for the proviso is thus not clear. In restricting its scope to cases of urgency and providing for a report to the Government, the proviso imposes conditions not contemplated by the second sentence, and is thus inconsistent with it. The proviso or the second sentence should therefore be omitted.

4. Clause 6 and clause 11. overlap so far as the audit report of the School is concerned.

These clauses were amended in GO No. 988 Edn Ⓒ 21.7.43

The intention presumably is that the annual financial statement should be forwarded to the Educational Department by the Committee together with the audit report, but that only the audit report should come up to the Government.

Revised draft at Ⓜ makes the position clear.

By whom and within what time the audit reports of boarding establishments should be sent to the Director of Public Instruction is not stated. It is not also stated whether these audit reports should be submitted to the Committee for information. Presumably the intention is that the manager of each boarding establishment should submit the audit report to the Committee and that the latter should send it up to Government through the Director of Public Instruction, within the time limit prescribed for the audit report of ~~the School,~~ viz. before the end of April.

The revised draft does not provide for the submission of the audit report of the boarding establishment.

5. Clause 7 does not provide for the authority who should fill a temporary vacancy in the post of Principal which is for a period exceeding 12 months. Presumably, such appointments should be made by the Committee. This should be expressly provided for.

Revised draft at Ⓜ provides for this. Please see also clause 8(1) on page 147 of Ⓒ

4 - MAY 1946

6. A redraft of the scheme will be suggested after the above points have been dealt with by the Education and Public Health Department.

K.V.R. 3/5/46

24076
6/5/46

Legal no 2942-1
3/5/46

E.&P.H.

35

7/5/87

Edn and P. H. Dept
C1

GO No: 238 Edn p13 Ⓒ
8.2.40

GO No. 988 Edn p19 Ⓒ
21.7.43

A draft of the scheme with all the amendments already made and the new amendments proposed, incorporated in it is put up at Ⓜ. This draft covers all the points raised by Legal in the note on pages 5-6 ante.

p 23 of

A The Collector of the Nilgiris has since reported that the revised scheme may be given retrospective effect from 1.9.45. The draft order on page 21 of has been amended suitably.

The file may now be sent to Legal no:

8/6/46

Pro. 6. S.

8/6/46

Legal

E&P.H. u.o.
41268 C1/45-5
10.6.46

ASSISTANT SECRETARY
11 JUN 1946
LEGAL DEPARTMENT.

Legal Department.

1. Clause 1(2):- It is presumed that the intention is that a person appointed to fill a casual vacancy should hold office only for the residue of the unexpired portion of ~~the~~ his predecessor's term.

2. Clause 4:- The second sentence of this clause lays down that the executive management of the School shall be vested by the Committee in the Principal. It is presumably not necessary for the Committee to pass an order formally vesting the management in the Principal.

3. Clause 66:- In this clause, it is stated that the accounts of the school should be audited annually by an auditor and the audit report forwarded to the Government through the Director of Public Instruction. The intention presumably is that the accounts of the school should be audited by a certified auditor and that the audit report should be presented by the Principal to the Committee and that the latter should submit the audit report to the Government through the Director of Public Instruction. This may be made clear.

Again, this clause refers to "accounts" and "financial statement" ~~financial statement~~ is ~~ant~~ meant "budget", it m pointed out that a budget is insuscepti

8

C1

audited. The reference to financial statement in this clause has been provisionally omitted."

4. Clause 9:- This clause suggests that a joint application by both the parents is necessary for exempting a child from attendance at religious instruction. This presumably is not the intention. Application by either of the parents seems to be sufficient.

5. A redraft of the scheme is placed below. It is presumed that no difficulty will arise in practice from giving retrospective effect to the scheme, as proposed.

K.N. 19/7/46.

E. & P.H. Dept.

Edn and P.H. Dept

C1

ASST. SECRETARY TO GOVERNMENT
3977
22 JUL 1946
EDUCATION AND PUBLIC HEALTH DEPT.

Legal No 4066-1
21-7-46

p 7 ante

Para 1 of the Legal Dept note.

The presumption is correct. As a general rule persons appointed to fill casual vacancies hold office only for the residue of the unexpired portion of his predecessor's term.

Para 2 of the Legal note.

The presumption is correct.

— do —

Para 3 of the Legal note.

The amendments suggested may be accepted.

R. Secy.

— do —

Para 4 of the Legal note.

The amendment suggested may be accepted.

R. Secy.

above

The scheme as re-drafted may also be accepted.

R. Secy.

(V)

The draft order (x) may ~~issue~~ now issue

(x) p 21 cf.

Notes from ~~p~~ page 3 ante may be read.

30/7/46.

31/7/46

R. Secy.

H.M. (Edn)

(V)

36

9

8

I see on page 4 of these papers that under the rules, ~~in the school~~, in the school no Indian children are eligible for admission. It is an essential requirement in every school in this country that there shall not be a ban on Indian children in any school ~~conducted in this country~~ ~~or~~ aided by the Government, and as such this ~~condition~~ ban on Indian children must go. The School Committee's opinion may be invited on the subject and the necessary draft amendments to the rules may be submitted.

TSA
17-8-46

SECRETARY, EDN. AND P. H. DEPT.
19 AUG 1946
GOVERNMENT OF MADRAS

Attention is invited to the note on p 4 ante and the orders in circulation on p 5 ante. The file may be circulated to H.P.M. and HE with ref. to H.M. (Edn)'s minute.

20/8/46

R. Secy.

23/8/46

H.P.M.

H.E.

MADRAS GOVERNOR'S SECRETARIAT
F 1114 C
31 AUG 1946

The Breeks Memorial Committee may be asked whether they are prepared now to take in non-Christian Indian pupils also.

T.P. 24/8/46

SECRETARY, EDN. AND P. H. DEPT.
27 AUG 1946
GOVERNMENT OF MADRAS

HE

2 Sep. 46

SECRETARY, EDN. AND P. H. DEPT.
2 SEP 1946
GOVERNMENT OF MADRAS

A draft Memo is put up.

3/9/46.

4/9/46

p 25-4

[Issued as Memo No: 41284/46 Edn. D, 5-9-46]

C.No: 5886 3C1. From the Collector of the Nilgiris No: 5428/46 d/ 2-10-46

p 29 cf

Please see the minutes of H. M. (Edn) on the previous page, the Memo to the Collector of the Nilgiris on pages 25-26 cf and his reply on page 29 cf. The Committee of management of the Breeks' School has no objection to the admission of suitable pupils professing other religions irrespective of the community to which they belong. The only clause in the scheme ~~clause 10 of the scheme~~ which requires amendment is clause 10. This may be re-cast as at A on page 31 cf. It does not seem necessary to consult the D. P. I. For orders whether the draft scheme with the amendment to clause 10 now proposed will be approved.

p 27 (V)

19/10/46

19/10/46

H.M. (Edn.)

H.P.M.

H.E.

27/10/46

p 33 cf

Clause 9 is not happily worded. The admission of Indian Children should not again be subject to the permission of the committee. It may be redrafted as follows

'The School is primarily intended . . . . . . of Christian faith'. The School will however other children of whatever faith, subject to any proportion that may be fixed by the Department of education'.

A

The consent of the committee may be noted on this amendment before circulating to H.P.M. & H.E.

TSA

27-10-46

28 OCT 1946

A draft memo to the Collr. of the Nilgiris is submitted for approval.

[illegible] 10/46

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(37)

85

p. 35-36 cf [ISS ned as Memo. No. 41268-C1/46-8 Edn. Dt. 1.11.46]

p. 37 cf [C. 71646/46. From the Collr. of the Nilgiris. No. A3. No. 5428/45 dt. 20. 11. 46]

The Collector of the Nilgiris has reported that the Committee of the B. M. School, Ootacamund unanimously agree to accept the clause as recast at A on p. 10 ante. Clause 10 of (V) may therefore be recast as at X on p. 36 c.f. The file may now be re-circulated to H.M. (Edn.), H.P.M. and H.E.

p. 37 cf

Also see X on p 36 cf

X added to draft order

26-11-46.

27/11/46

1/12/46 S

4/12/46

H.M. (Edn.)

TSA 8.12.46

H.P.M.

4/1/47

H.E.

17 JAN 1947

A draft order is submitted. Legal, may see before circul.

27/1/47.

28/1/47 S

Legal.

Edn. U.O. 41268-C1/46

5/2/47

F. 1052

6-JAN 1947

ASSISTANT SECRETARY
6 FEB 1947
LEGAL DEPARTMENT.

LEGAL DEPARTMENT.

The reference in clause 10 to the Education Department is a little vague. Perhaps a reference to the Director of Public Instruction or any officer authorized by him is meant. If this is correct, clause 10 may be recast as follows:--

"10. The school is primarily intended to serve the needs of children of both sexes brought up in the Christian faith whether they be Europeans, Anglo-

56

4/266-A
28/2/47

12.

Indians or others; but children of other faiths may also be admitted as pupils up to such proportion as may be fixed from time to time by the Director of Public Instruction or any officer authorized by him in this behalf."

2. The alterations indicated in red ink on the draft notification in respect of the preamble may also be made.

KN. 20/2/47

Ugw 1270-1
20.2.47

E&PH Dept

The draft order as amended by Cl Legal may now issue.

24/2/47.

24/2/47.

26/2/47 S

[illegible]

12/3/47

ASST. SECRETARY TO GOVERNMENT
EDUCATION AND PUBLIC HEALTH DEPT.

A4663

SECRETARY, EDN. AND P.H. DEPT.
12 MAR 1947
GOVERNMENT OF MADRAS

Revised draft

Education & P.H. Dept.

15

13

(38)

~~In the matter of the Charitable Endowments Act, 1890, and in the matter of the Breeks' Memorial school, Ootacamund.~~

~~Whereas application has been made to the Government of Madras under clause (a) of sub-section (1) section 6, of the Charitable Endowments Act, 1890 (VI of 1890), by the Committee of Management, Breeks' Memorial School, Ootacamund, acting in the administration of the Trust Fund known as " The Breeks' Memorial School Endowment", for substituting another scheme for the scheme settled for the administration of the said Endowment published with Educational Department Notification No. 113 at page 644 of Part 1-B of the Fort St. George Gazettee dated the 21st November 1911, it is hereby notified that the Governor in Council has, in exercise of the powers conferred by sub-section (2) of section 5 of the said act, substituted the scheme set forth in the schedule hereto annexed for the existing scheme and that the scheme so substituted shall come into operation on 1st September 1935.~~

SCHEDULE

Scheme for the management of the Breeks' Memorial School, Ootacamund.

1. (1) The endowments appertaining to the school, particulars of which are set out in the annexure, shall be administered by a committee consisting of ——

(i) the Collector of the Nilgiris, ex-officio.
(ii) the Principal of the school, ex-officio
~~(iii) Rev. H. Guilford.~~
~~(iv) Rev. H. A. D. Moorhouse,~~
~~(v) Mr. E. G. Smith, Principal, St. George Home, Ketti,~~
~~(vi) Lieut-Col. F. H. Witts, D.S.O., M.C., Wellington.~~
~~(vii)~~
(iii) Five other persons whom the Provincial Government may from time to time appoint as members.

p 19 cf + p 3 nf

(2) The members of the Committee, other than the ex-officio members shall hold office for a term of three years commencing, on the date of their appointment; Members shall, however, be eligible for re-appointment. Any casual vacancy arising in the office of a member of the Committee may be filled by the Committee itself subject to the approval of the Provincial Govt. The Collector of the Nilgiris shall be the Chairman of the Committee.

clause (2) on page 147 of (J), p 19 cf + p 3 nf

2. The Committee shall be trustees of all lands, buildings, etc., belonging to the school, and shall be responsible for seeing that they are kept in good repair and are used solely for the purposes of the school.

clause 2 on p 147 of (J)

3. The school is primarily intended for children of both sexes of Europeans and Anglo-Indians but other children brought up in the Christain faith may also be admitted.

clause 3 on p 147 of (J), + p 4 nf + 11 cf

4. The Committee shall exercise general and financial supervision over the working of the school. The executive management of the school shall ~~should~~ be vested by the Committee ~~over~~ in the Principal.

clause 4 on page 147 of (J) + p 3 nf + 11 cf.

5. The annual budget shall be prepared by the Principal and presented by him to the Committee ~~for~~

p 13 of file no. 236 Edn. (e) 8.2.40

for approval. No expenditure not included in the budget so approved may be incurred ~~may be incurred~~ without the prior approval of the Committee.

6. The Committee shall meet at least once in each term, when a report on the working of the school shall be presented by the Principal. The annual financial statement audited by a certified auditor shall be presented by the Principal to the Committee and shall be forwarded in April of each year to the Educational Department. The accounts of the school shall be subject to an annual audit by a certified auditor and the audit report shall be forwarded to the Provincial Government ~~through~~ through the Director of Public Instruction, Madras.

p 19 of GO no: 988 Edn ©
21.7.43

7. (1) Any temporary vacancy in the post of Principal shall be filled up by the Principal if the vacancy is for a period not exceeding twelve months and by the committee if the vacancy is for a ~~a period exceeding twelve months.~~ longer period

clause 8 on page 147 of Ⓙ

(2) ~~(ii)~~ Any permanent vacancy in the post of Principal shall be filled up by the Committee which shall also take such steps as may be necessary to carry on the work of the school until a permanent Principal is appointed.

— do —

8. The management shall comply with the conditions of recognition of the Madras Educational Department and in all matters of secular instruction the advice of the inspecting officers of that department shall be followed.

clause 9 on page 147 of Ⓙ

9. Any child attending the school shall, on the written application of its parents or guardian, be excused from attendance at any religious instruction given in the school.

clause 10 on page 147 of Ⓙ

10. Any boarding establishment or establishments that may be maintained for children attending the school shall be treated in every way as entirely independent of the school

p 19 of GO no: 988 Edn ©
21.7.43

11. In the event of the Provincial Govt. being at any time desirous of modifying this scheme or of substituting another scheme in its stead, the members of the Committee shall, on being required so to do by the Provincial Government, make the application prescribed by sub-section (2) of section 5 of the Charitable Endowments Act, 1890.

clause 12 on page 147 of Ⓙ

ANNEXURE.

All that piece of land comprising the survey numbers specified below with buildings thereon:

p 12 of

Ootacamund town, S.No.	Extent Acre.
" 325-1 C	0.34-6/16
" 326-1 C	0.04-8/16
" 334- C	3.36-10/16
" 332-2C	4.42-14/16
" 325-2A	0.13-1/8.
" 306/B	0.50.

Note Land adjacent to the School buildings } C 325/1, C 326/1, C 325-2A and 306 B

Land comprising the School playing field } C/334 and C 332/2

6/6/46

8/6/46

SCHEME FOR THE MANAGEMENT OF THE BREEKS MEMORIAL SCHOOL, OOTACAMUND.

...

1. The endowments appertaining to the school, particulars of which are set out in the annexure, shall be administered by a Committee consisting of

(i) The Collector of the Nilgiris, ex-officio,
(ii) The Principal of the school, ex-officio.
(iii) Five other persons whom the Provincial Government may from time to time appoint as members.

2. The members of the Committee, other than ex-officio members, shall hold office for a term of three years; from the date of their appointment Members shall however be eligible for reappointment. Any casual vacancy that may arise may be filled by the Committee, subject to the approval of the Provincial Government. The Collector of the Nilgiris shall be the Chairman of the Committee.

3. (a) The Committee shall be trustees of all lands, buildings, etc., belonging to the school, and shall be responsible for seeing that they are kept in good repair and are used solely for the purpose of the school.

(b) The Committee shall exercise general and financial supervision over the working of the school.

(c) The executive management of the school shall be vested by the Committee in the Principal.

4. The Committee shall meet at least once in every school term, when a report on the working of the school shall be presented by the Principal; four shall form a quorum.

5. The annual budget shall be prepared by the Principal and be presented by him to the Committee for approval. No expenditure not included in the budget so approved may be incurred without the prior approval of the Committee.

Delete

[Provided that, in cases of urgency, any expenditure not included in the budget as so approved may be incurred with the prior approval of the Committee, but every such case shall, without delay, reported by the Committee ~~in~~ to the Local Government through the Educational Department.]

Delete

6. The annual financial statement, audited by a certified auditor, [together with the audit report,] shall be presented by the Principal to the Committee and shall be forwarded ~~by the~~ in the end of April of each year to the Educational ~~Government~~ Department The accounts of the school shall be subject to an annual audit by a certified auditor and the audit report shall be forwarded to the Provincial Govt through the Director of Public Instruction, Madras

7(i) Any permanent vacancy in the post of Principal shall be filled up by the Committee, which shall also take such steps as may be necessary to carry on the work of the school until a permanent Principal is appointed.

(ii) Any temporary vacancy in the post of Principal shall be filled up by the Principal if the vacancy is for a period not exceeding twelve months; and by the Committee if the vacancy is a for a period exceeding twelve months.

8. The conditions of recognition of the Madras Educational Department shall be complied with, and in all matters of secular instruction the advice of the inspecting officers of that Department shall be followed.

9. The school is primarily intended for the children ~~of both~~ of both sexes of Europeans and Anglo-Indians but other children brought up in the Christian faith may also be admitted.

10. Any child attending the school shall, on the written application of its parents or guardian, be excused from attendance at any religious instruction given in the school.

11. Any boarding establishment or establishments that may be maintained for children pupils attending the school shall be treated in every way as entirely independent of the school [but the accounts of such establishment or establishments shall be subject to an annual audit by a certified auditor and the audit report of both the school and the boarding home shall be forwarded to the Provincial Govt. through the Director of Public Instruction, Madras.]

delete portion in brackets —

12. In the event of the Provincial Government being at any time desirous of modifying this scheme or of substituting another scheme in its stead, the members of the Committee shall, on being required so to do by the Provincial Government, make the application prescribed by sub-section (2) of section 5 of the Charitable Endowments Act, 1890.

ANNEXURE.

All that piece of land comprising the S.Nos. specified below with buildings thereon:-

	S.No.	Extent. A.	Extent. Cents.	
Ootacamund Town				
	C.325/1	0	34	6/16
	C.326/1	0	4	8/16
	C.334	3	36	10/16
	C.332/2	4	42	14/16
	C.325/2.A	0	13	1/8
	C.306/B	0	50	

NOTE: Land adjacent to the school buildings:-C.325/1 C.326/1, C.325/2A and 306/B.
Land comprising the school playing field: [illegible] 334 and C.332/2.

...oOo...

R.C.NO.6250-E/46.

Education Department.
dated 8-5-1947.

19

ASST. SECRETARY TO GOVERNMENT
10 MAY 1947
EDUCATION AND PUBLIC HEALTH DEPT.

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.

Sir,

Sub:- Schools- European - Breeks Memorial School, Ooty - Revised Scheme for administration.

Ref:- G.O.Ms.No.491, Edn., dated 13-3-1947.

39794

In submitting herewith a copy of letter C.No.14/47, dated 20-3-1947 from the Honorary Secretary to the Committee of Management, Breeks Memorial School, Ooty, I have the honour to state as follows:--

2 The words "or others" in clause 10 of the G.O. refer to Indian Christians. Since no restriction is implied in regard to the admission of Indian Christians, the management of the school cannot refuse admission of any Indian Christian on account of the number of such pupils. Under Article 131(c) of the C.R.E.S. the number of non-Europeans in a European school should not exceed one-third of the total number of pupils. Indian Christians come under the classification of non-Europeans under the provisions of the Code.

3 In order to enable the school to continue as a recognised European and Anglo-Indian School under the Code of Regulations for European and Anglo-Indian Schools, the management may be informed that Article 131(c) of the Code will apply to their school also and that the admission of Indian Christians and children of other faiths should not exceed the percentage prescribed viz. one-third of the total number of pupils.

for Director of Public Instruction.

KP.8/5.

Sd/
8/5

Copy of the letter from the Honorary Secretary referred to above.

Ref:- Government of Madras - Education and Public Health Department - G.O.Ms.No.491, Edn., dated 13th March 1947.

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p42 & (J)

I write to draw your attentinn to Clause 10 of the above G.O. it is therein required that the Director of Public Instruction or any officer authorised by him shall fix the proportion of pupils in relationship to community.

I request that you would submit to the Director of Public Instruction, that the proportion be laid down on the following lines:--

"The management may admit any pupils of non-European descent on condition that the proportion of 33 1/3 % is not exceeded."

If a greater figure is set, we automatically lose our claim to Grant-in-Aid under the Code of Regulations for European Schools. If the figure mentioned is taken, we may expect an increase in number up to 50% of our present strength.

As a matter of interest, I may take this opportunity of mentioning that this year there has been an increase in the number of European pupils at this school.

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for Director of Public Instruction.

KP.8/5

Sd/
8/5

17/6

E&P. H
C1

Memo. No. 39794 C1/47-1 Edn. Dt. 17.6.47

Schools – European – Breeks Memorial School, Ootacamund – Admission of Non-Europeans – Instructions – Issued.

–

G.O. 491 Edn. Dt. 13. 3. 47.

Cf From the D. P. I. No. 6250-E/46 Dt. 8.5.47.

–

The D. P. I. is requested to inform the Correspondent, Breeks Memorial School, Ootacamund that Article 131 (c) of the Code of Regulations for European and Anglo-Indian Schools will apply to ~~their~~ the Breeks Memorial School also and that out of the 33 1/3 % limited for the admission of students other than Europeans and Anglo-Indians, 10% should be reserved for Indian Christians, while the ~~rest~~ remaining 23 1/3 % shd. be reserved for

pp. 27-28 of Bk. No. 32

Non-christian Indians.

df 14.6.47.

m 14/6/47

df 14/6/47.

To
/ The D.P.I.
1 S/c.

Despd
17/6

43

23 - 67

Education and P.H.(C.1.) Department.

Sub: Schools - European Breeks Memorial School, Ooty - Admission of pupils.

Ref: From the D.P.I. Rc No. 6250 E/46 dated 8-5-47.

p 1 CF.

G.O.

Prior to the introduction of the revised scheme, for the management of the Breeks Memorial School, Ootacamund, the school was reserved for children of both sexes of Europeans and Anglo-Indians only. Admission was denied to Indian Children. In the revised scheme clause 10 reads as follows: "The school is primarily intended to serve the needs of children of both sexes brought up in the Christian faith, whether they be European, Anglo-Indian or others; but children of other faiths may also be admitted as pupils upto such proportion as may be ~~fiiixed~~ fixed from time to time by the D.P.I. or any other officer authorised by him in this behalf."

p 42 / j

d/(1)

p 1 CF.

2. The Honorary Secretary of the Committee of the management of the Breeks Memorial School has drawn attention to the above claus and requests that the proportion referred to therein may be fixed o the following lines. "The management may admit any pupil of non-European descent on condition that the proportion that 33 1/3% is not exceeded".

A on p 1 cf

p 1 CF.

p 1 CF.

The above is suggested on the plea that they would los their claim to Grant-in-aid under the code of regulations for European schools. The D.P.I. says that the words "others" in claus 10 referred to above, refers to Indian Christians. He suggests that since no restriction is implied in regard to the admission of Indian Christians, the management of the school cannot refuse admission t any ~~XXXX~~ Christian. On account of the number of such pupils ~~and the~~ under Article 131-C of the C.R.E.S. ~~C. for Ele. schools~~ the number of non-Europeans in European school should not exceed 1/3 of the total number of pupils. In order to enable the school to continue as a recognised European and Anglo-Indian school under the C.R.E.A.I.S, the D.P.I. suggests that the management might be informed that Art. 131-c of the code will apply to their school also and that the admission of Indian Christians and children of other faiths should not exceed the percentage prescribed, namely 1/3 of the total number of pupils. The prese suggestion of the D.P.I. does not seem to get over the difficulty of obtaining admission for students of non-Christian faith into the scho though the management has agreed to admit such pupils. If th admission of non-Indians is agreed to and if Indian

para 2 on p 14

Code of Regulations for E'pean schools.

Code of Regulations for European & Anglo Indian Schools

para 3 on p 14

classified as non-European, the management could escape by admitting ~~33 1/3%~~ upto 33 1/3 % of the strength of the school ~~f the~~ Indian Christians alone. The intention of the Government that the ercentage of non-Christian pupils should be fixed by the D.P.I., or an fficer appointed by him was in respect of the admission of Non-Christian pupils. It might be put to the management that out of he 33 1/3% of ~~xxxxxxxxxxx~~ admissions reserved for non-Europeans, atleast, half ~~of them~~ might be reserved for non-Christian pupils. If this proceedure s accepted, it would enable not only non-European ~~and~~ Christians but also on-European ~~and~~ non-Christians ~~also~~ to be admitted into the school which s definitely the intention of the Government. For orders.

9 apr

5/47

2/6/47

3/6/47

06
4/6

Of this 33 1/3 %. 10 %. may be reserved for X cans & the rest 23 1/3 %. to non Xian Indians

TSA
9-6-47

GOVERNMENT OF MADRAS
10 JUN 1947
EDUCATION AND PUBLIC HEALTH DEPT.

A draft memo. is submitted.
fter issue the papers may be
dded to G.O. No. 491 Edn. Dt. 12.3.47.

.6.47.

16/6/47

17.10.55

8/2/59

EDN. (I.3) DEPT.

....

Sub: Education--Charitable Endowmentxxx Act 1890--
Breeks Memorial School--Amendment to ~~constitution~~ Scheme of adm
Reg.

Ref: From the Collr. of Nilgiris Lr.dt. Rc.D2.14682/69
dt. 3.5.69.

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1 In his letter referred to above, the Collector of the Nilgiris has brought to the notice of Govt. ~~that the constitution~~ that as per Rule 10 of the ~~Steam~~ Scheme for Administration of Breeks Memorial School, Ootacamund, it is primarily intended to serve the needs of children of both sexes brought up in the Christian faith whether th be ~~Xxxx~~ Europeans, Anglo-Indians or others; but, childre of other faiths may also be admitted as pupils, upto such proportion as may be fixed from time to time by the Direct of Public Instruction or any officer authorized by him in this behalf.

He has pointed out that this clause runs counte to the concept of secularism enshrined in the Constitution.

2 He has also pointed out that ~~An~~ the Head-master has to be recruited and appointed to the school shortly and ~~a~~ certain section of the Public is ~~set to~~ claim that only a christia must be appointed as the Head of the Institution. The Collector has pointed out that there is no bar from the legal point of ~~you~~ view to the appointment of any person on meri to the post. He has, however, suggested that ~~the~~ to avoid complications, para 10 of the schedule referred to above may be deleted.

3 The remarks of the DSE may be called for in the first instance. ~~xxxxxxxxx~~ Draft D.O. is submitted f approval.

Pto.

EI

Meanwhile the advice of Law department may also be ~~invited~~ solicited on the points raised by the Collector~~s~~ of the Nilgiris. After issue of the d.o., the file may be sent to Law ~~w.r.t.~~.

~~para~~

Law

3/7/69

Edn w.o. No. 31143/I3/69-4 dt. 8/7/69

ASSISTANT SECRETARY 18962 11 JUL 1969 LAW DEPARTMENT

LAW DEPARTMENT

The D.O. letter has not been issued. Education may issue it and then remit the file to this Department.

2/11/7/69

Edn

Edn (I3) Deptt.

Edn

Law w.o. 18962/69-1 11.7.69

[Issued as D.O. No. 31143/I3/69-6 dated 18.7.69] - p. 7 c.f.

The file may now be returned to Law Deptt. for ~~further action~~ remarks.

Why did you issue the D.O. letter without orders of the officers?

21/7/69

25.7.69.

23/7/69

ASSISTANT SECRETARY TO GOVERNMENT 14 JUL 1969 MADRAS-9 EDUCATION DEPARTMENT

With reference to the query of the Asst. Secy. submitted that the d.o was issued due to oversight without the orders of the officers. However the file may now be sent to Law Deptt for remarks

29/7/69

Law

28/7/69

40449

ASSISTANT SECRETARY 21221 31 JUL 1969

Education w.o. 31143/I3/69-1 30.7.69

E

Edn (45) 27

LAW DEPARTMENT

Education department may put up the original of G.O.Ms.No.491, Education, dated 13-3-1947 in which the scheme in respect of the Breeks' Memorial School was formed for examining the issue in this case.

9/11/8/69

ASSISTANT SECRETARY TO GOVERNMENT 2 AUG 1969 EDUCATION DEPARTMENT

52101

Edn

Law w.o. 21221/69-1 1.8.69

Edn (I3) Dept.

The notes of Law above may be perused. From the notes of P.W.D on pp 9-10 R.F. it may be seen that the original of G.O. (Ms) No. 491 Edn dt 13-3-47 is put up in a file of that Dept. bearing C. No. 19100/G1/69. P.W.D may be requested to release the G.O. for this file in view of the urgency and pass on the file to Law Dept. along with the G.O.

Placed below

X

P7 of R.F

X 8/8/69.

8/8/69

11/8/69

PW Law

Edn w.o. 31143/I3/69-8. 12/8/69

ASSISTANT SECRETARY TO GOVERNMENT 12 AUG 1969 PUBLIC WORKS DEPARTMENT

PW (G1)

The notes of Edn Deptt at PP 1-3 ante may be perused. W.r. to X at P3 above, the original of G.O. Ms. No. 491 Edu dt 13.3.47

9

however open to the school management itself to admit any number of non-Christians. It is also open to the individuals who are refused admission into the school to enforce their right to be admitted into the institution with reference to Article 29(2).

Any amendment to clause 10 of the Scheme can be made only after following the procedure indicated in sections 5 and 6 of the Charitable Endowments Act, 1890.

ASSISTANT SECRETARY TO GOVERNMENT
13 NOV 1969
EDUCATION
77450

Law U.O. 23685/69.
12/11/69.

9
10.11.69.

Edn.

Edn (I3) Dept.

The notes of Law on pp 4 to 6 above may be perused. The D.S.E. has not yet sent his reply to the D.O on p 7 c.f. He may be reminded. A draft D.O is submitted below for approval.

19/11/69

20/11/69

21.11.69

22/11/69

p 19 R f

22 11.69

(Issued as D.O No. 31143/I3/69-13 Edn dt 22-11-69)

(from the D.S.E Rc No. 147665 E1/69 dt 16-3-70)

p 9 c f

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31 7

p 9 c.f

The Breeks Memorial High School, Ootacamund is an Anglo Indian School. Under the provisions of the Charitable Endowments Act 1890, a Scheme for the administration of the School ~~has been~~ was framed ~~approved~~ in G.O(Ms) No. 691 Edn dt 13-3-47.

p 39 c f/f (M)

according to the Scheme the School is managed by a Committee consisting of:—

(i) The Collector of Nilgiris
(ii) The Principal of the School
(iii) Five ~~others~~ persons the Govt. may appoint from time to time.

'A' on p 41 c f/f (M)

2. Clause 10 of the above Scheme is as follows:—

"The School is primarily intended to serve the needs of children of both sexes brought up to the Christian faith whether they be Europeans, Anglo Indians, or others, but children of other faiths may also be admitted as pupils up to such proportion as may be fixed from time to time by the ~~DSE or~~ DSE or any officer authorised by him in this behalf."

p 42 c f/f (M)

3. The Collector of Nilgiris has stated that the above clause runs counter to the concept of secularism enshrined in the Constitution and that it is an anachronism since 75% of the students now studying in the School are non-christian

p 1 c f

He has also stated that some people are claiming that only a Christian can be appointed as Head of the institution. The Collector has, therefore proposed that clause 10 of the Scheme may be deleted. p1 c.f. p2 c.f.

4. The Law Depr. has stated that according to Article 29 of the Constitution it is not open to the D.S.E to fix the proportion of students belonging to castes other than christians that may be admitted into the school and that it is open to the school management to admit any number of non christians. individuals refused admission may enforce their right to be admitted with reference to Article 29(2) of the Constitution. As regards the appointment of a Head of the institution Law Depr. has stated that there is nothing in the Scheme requiring that a christian alone should be appointed as Headmaster. Law is of the view that in the absence of any provision any person belonging to any faith may be appointed as Headmaster. Law has however pointed out that according to Article 30(1) of the Indian Constitution all minorities whether based on religion or not shall have the right to establish and administer educational institutions of their choice. Law has also stated that the question whether pp5-6 ante pp4-5 ante

a christian alone or a person belonging to other faiths should be appointed or not is one for decision by the body administering the institution. p5 ante

5. The D.S.E. has pointed out Article 29 of the Constitution relating to protection of interests of minorities and Article 30 of the Constitution relating to Rights of Minorities to establish and ~~adm~~ administer educational institutions. He has stated that according to Article 131(c) of the Code of Regulations for Anglo Indian Schools non-Anglo Indian pupils upto 50% of the total number of pupils can be admitted. He has also stated that clause 10 of the Scheme for the administration of the School does not bar the appointment of a person other than a christian as Head of the School. In view of the above facts and in view of the constitutional protection and rights guaranteed to Anglo Indian minority community, the D.S.E. considers that no modification to the Scheme approved in G.O.(Ms) No. 491 Edn dt 13-3-47 is called for. p9 c.f. p23 of the book

Yes
31.3.70

p39 c.f. (M)

6. For orders whether the views of the D.S.E. which are more or less similar to the p10 c.f.

0

31143/9/69

views of Law may be accepted and the Collector of Nilgiris informed accordingly. (If this is agreed to there is no need to amend the scheme of administration for the School now in existence.)

/3/70

28/3/70

~~Law may see for remarks after orders are passed~~

The position may be explained to the Collr.

1/4/70

DS / S

Law

31.3.70

1/4/70

Secy

Yes. Submit draft

A draft D.O. is submitted for approval.

10.4.70

13/4/70

ASSISTANT SECRETARY
10769
21 APR 1970
LAW DEPARTMENT, TAMIL NADU

Edn No
31143/I3/69-17
20/4/70

Law Dept was kindly see draft. I am not sure that para 4 of the draft is quite correct.

20.4.70

Law

Law Department.

Clause 10 of the scheme for the management of the Breeks' Memorial School, Ootacamund was settled by this Department at pp.11-12 n.f. of (M), at a time when the provisions of the Constitution did not come into force. This Department has pointed out in its note at pp.4-6 ante, that it will not be open to the Director of School Education to fi the proportion of students(as envisaged in clause 10) to be admitted into the school. In this view, this Department feels that in clause 10 of the scheme the words "upto such proportion as may be fixed from time to time by the Director of Public Instruction or any officer authorised by him in this behalf" will have to be omitted. The alterations indicated in pencil on the draft D.O. in this regard are for consideration by Education.

17.6.70.

Education

Edn (I3) Dept

Law u.o. 10769/70-1
17/6/70

19 JUN 1970
EDUCATION DEPARTMENT

4012

The notes of Law appearing above may be perused. This dept. may agree with the views of that dept. The amendment in pencil suggested to the draft D.O. below may be accepted and the draft d.o. may issue as amended. Action will be taken to amend the scheme of Endowment after issue of the draft d.o. below

19/6/70

20/6/70

W.r.to notes Has a clean copy of the draft to put up to the [illegible]

A clean copy of the draft as modified by Law is added.

20/6/70

D.S. (II)

23/6/70

30/6/70

DS(RR)

S.

Spoke to Secretary.

2. With reference to paragraph 5 of the draft below seen by Law, Secy. felt that it would not be quite proper to say merely that action is being taken to omit certain words in the approved scheme. He felt that it is appropriate to specifically ask the Collector to take further action in the matter. This para may, accordingly, be altered as follows:-

T

"5. In the light of what is stated in the foregoing paragraphs, the Collector of the Nilgiris is requested to take further action to omit the words "upto such proportion as may be fixed from time to time by the Director of Public Instruction or any other officer authorised by him in this behalf" occuring at the end of para 10 of the approved scheme of management by following the prescribed procedure indicated in sections 5 and 6 of the Charitable Endowments Act, 1890.""

Law C. No. 18449. 3-7-70

3. Law may kinldy see again before issue.

2.7.70

Law

~~Edn~~
Edn(E3) Dept
U.O.No: 31163/E3/69-18
2/7/70

K

31163

LAW DEPARTMENT.

Seen in Law.

The slight alterations indicated on the draft D.O. letter may be made. There is no objection for altering ~~part~~ paragraph 5 of the draft D.O. as indicated by ~~the~~ Education at page 12 ante.

22.8.70

Edn.

Edn

61270 Spl

ASSISTANT SECRETARY TO GOVERNMENT
24 AUG 1970
MADRAS-9
EDUCATION DEPARTMENT

Edn (KQ) Deptt.

The notes of law Deptt. above may be perused. The draft D.O. ~~with slight alterations indicated on on the draft D.O. ltr. may now issue.~~ below has been amended w.r.to 'T' at p.12 ante. It may now issue.

26.8.70. After issue, the papers may be added to (M).

26.8.70

27.8.70

~~DS~~ S.R.

D.S.(S.R.)
Secy.

28.8.70

Law No 18449/70
22-8-70

Secy (wi

2.9.70

Edu (A2) Deptt

Issued as D.O. 31143/I3/69.20 dt 31.8.70

TO. A.S

Submitted. No further action is called for. It is for orders whether the papers may now be lodged as D.O. 31143/I3/69.20 dt 31.8.70

18.9.70