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Scott II-27—58,004—4-11-46.

E. & P. H. (1947) Department.

SERIES.

G.O. NO. 758 Education,

758

Dated 16th April, 1947.

Closed
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Orders on p 29 f

[Despatch Abstract.]

Grants - Aided Educational institutions under Govinda Naicker's and Chengalvaraya Naicker's Chartr Charities - Exemption from the operation of rule 1 of the Grant-in-Aid Code and similar provision in the Rules framed under the Elementary Education Act.

- x -

Back Papers.

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

Further Papers.

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

Bf

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C.F. 30.

EDUCATION DEPARTMENT.

Received ....19 . *Registered*..............................19 .

ASST. SECRETARY TO GOVERNMENT
8 - JUN 1946
EDUCATION AND PUBLIC HEALTH DEPT.

30711

Subject.

Grants in aid - Institutions under the Pachaiyappas and other Charities.

- - - - - - - - - - - - - - - - - - - -

ENCLOSURES.
No. ....
Spare copies....................

RC. No. 1348-D/45.

Station Madras., *Dated the* 3rd June 1946.

From (Name) G.L. Lobo Esq., B.A., (Hons.) Cantab,

(Designation) Deputy Director of Public Instruction (in-charge).

To The Secretary to the Government of Madras,

EDUCATION AND PUBLIC HEALTH Department.

Sir,

pp 3-7 infra

I have the honour to submit herewith letter No. D.1929/45-46 dated 30-11-45 from the Secretary to the Trusties of Pachaiyappas Charities, Madras applying for exemption from the operation of Article 1 of the Grant-in-Aid Code and from the relative rule in the Elementary Education rules requiring the Institution to be thrown open to all classes and communities in respect of the following institutions whose terms of foundation restrict the admission to Hindu students alone.

Pachaiyappas Estates.
Pachaiyappas College, Chetput.
-do- High School, Madras.
-do- High and Branch Schools, Conjeevaram.
-do- High School, Chidambaram.
-do- Elementary School, -do-

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page 2.......

41

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Govinda Naicker's Estates.

Govinda Naicker's Secondary School, Madras.

Chengalvaraya Naicker's Estate.

Chengalvaraya Naicker's Hindu Orphanage.
Elementary School, Conjeevaram.
Covery Elementary School, Conjeevaram.

In their Memo. No. 46215-B/45-2 Edn., dated 20-11-45, Government passed orders that grants for teaching, building, and equipment may continue to be paid to the educational institutions under the Pachaiyappas Charities according to the existing practice even though they do not satisfy Rule 1 of the Grant-in-aid Code. Exemption now prayed for has therefore to be granted only to the institutions maintained by the Sister Charities namely the Govinda Naiker's Charities and the Chengalvaraya Naicker's Charities.

G/3-4-6

i. Govinda Naicker's Charities Institutes are governed by a Will in which ~~xxx~~ as in the case of Institutes under Pachaiyappas Foundation, it is explicitly stated that the trust is for the benefit of the Hindus and so the concession already agreed to by Government in respect of the latter might be extended to the former also.

From a perusal of the will of the late P.T.Chengalvarayya
Nacker (Vide pages 32-36 of the Will) it does not appear that
the institutions to be established were to be reserved for
Hindus only. The Secretary to the Trustees of Pachaiyappas
Charities who was requested to report why in ~~xx~~ view of this
the Changalvarayya Naicker's institutions should be treated
in the same way as the Pachaiyappas institutions, claims
in his letter No. 3666/45-46, dated 10-5-46 that the whole
foundation should be regarded as one set upon a Fundamental
basis of help to Hindus. He adds that whenever possible as
in the case of general Institutions maintained under the
foundation non-Hindus are admitted and that it is only in
an Orphanage like the ChengalvarayyaNaicker's Orphanage is
exclusively maintained for Hindus, owing to practical difficulties involved in the admission of Non-Hindus. Denominational orphanages are not in practice ~~x~~ ruled out by the
department.

p 18 below

Since orders exempting institutions maintained by the
Pachaiyappas Charities from Rule 1 of the Grant-in-aid Code
have already been passed in Government Memo. No.46215-B/45-2
Edn., dated 20-11-45 a similar exemption may also be granted
to all institutions maintained out of the Govinda Naicker's
and Chengalvarayya Naickers Estates.

G 3-4-6

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

5/6.

for Director of Public Instruction.

RR.5/6.

D 1929
45-46

M 3

Pachaiyappa's Trustees' Office,
Madras, dated 30th November 1945.

DIRECTOR OF PUBLIC INSTRUCTION
4-DEC 1945
MADRAS

From

The Secretary to the Trustees of
Pachaiyappa's Charities, Madras.

To

The Secretary to Government
Education and Public Health Departments,
Madras.

Through

The Director of Public Instruction,
Madras.

Sir,

I have the honour by direction of the Trust Board to make this application for exemption from the operation of Article 1 of the Grant-in-aid Code and from the relative rule in the Elementray Education rules requiring the Institution to be thrown open to all classes and communities in respect of the following institutions, whose terms of foundation restrict the admission to Hindu students alone.

Pachaiyappa's Estate:

Pachaiyappa's College, Chetput
Pachaiyappa's High School, Madras
Pachaiyappa's High and Branch Secondary Schools, Conjeevaram (founded in 1846)
Pachaiyappa's High School, Chidambaram (founded in 1850)
Pachaiyappa's Elementary School, Chidambaram (founded in 1925)

Govindu Naicker's Estate:

Govindu Naicker's Secondary School, Madras (founded in 1865).

A brief summary of the starting of the Pachaiyappa's Educational Institutions will not be out of place here. The Pachaiyappa's Central School which

P.T.O.

latterly developed into the present Pachaiyappa's College was established in 1842 and free Elementary education was given to all Hindus. Subsequently the rest of the Educational Institutions referred to above were established at Chidambaram and Conjeevaram.

The Pachaiyappa's Central Institution was founded simultaneously with two other Institutions which grew afterwards into the Presidency College and the Madras Xian College, which are contemporaries to the Pachaiyappa's College. Thus, the Pachaiyappa's Institution was the first indigenous enterprise in the promotion of education in this Presidency, especially at a time when there was hardly any such agency in the field.

The Pachaiyappa's College celebrated its Centenary in 1942 and the Pachaiyappa's High School, Conjeevaram which was founded in 1846, is celebrating its Centenary in January next year.

The Administration of the Pachaiyappa's Institutions is governed by the Will of Pachaiyappa supplemented by the Decrees of the Supreme Court and the order of the Board of Revenue and by the Scheme of the High Court of Judicature dated 12-2-1909. The relevant portion from the order of the Board of Revenue dealing with the Educational Institutions is set out hereunder:--

> "That out of any surplus fund beyond the sum herein before directed to be set apart and appropriated the said Committee (meaning the predecessors to the present Trust Board) should from time to time according to circumstances and their best advice and discretion receive and appropriate any sum or sums for the establishment or support of like institutions for the education and instruction of Hindus to those hereinbefore provided to be established or for the increasing or better maintaining any or either of those herein provided to be established, regard being first had to the full and complete maintenance, as far as may be, of all and every the charities establishments and foundations already provided to be established and maintained".

P. T. O.

It is therefore not competent for the Trustees to admit non-Hindus into the Pachaiyappa's Educational Institutions under the restricted terms of foundation.

Even the Will of Govindu Naicker under which the Govindu Naicker's Secondary School is founded restricts the Instruction to be given only to Hindus. The relevant portion is extracted below:--

> "Whereas the said Arnary Govindu Naicker is desirous out of his means to promote the interests and well being of his fellow subjects of the Hindu Community by useful benefactions. And whereas the said Arnary Govindu Naicker considers that by no other disposal of a portion of his means can he so well contribute to that end as by establishing a permanent fund for the better education of children and youths of that community".

As Trustees and Executors to the Wills of the Donors, the Board of Management of the Institutions have to carry on the bequests faithfully, and it would not be in the fitness of things for the Trustees themselves to move in the matter.

In recent years, the question has taken a serious turn against the Institutions. Merely on the ground of non-accessibility of the school to all classes and communities, the application for equipment grant on behalf of the Pachaiyappa's High School, Chidambaram which has a standing of about 94 years was refused. On similar grounds, the Deputy Inspector of Schools at Chidambaram sent a notice why recognition of the Pachaiyappa's Elementary School should not be withdrawn and the grant withheld. In spite of explanation of the whole position, the Deputy Inspector of Schools states in his letter dated 5-10-1945 that "pending final orders from the District Educational Officer, South Arcot regarding the non-admission of Non-Hindus the payment of the 2nd instalment of teaching grant is withheld".

P.T.O.

The Management regrets to note that applications for equipment grant on behalf of the Pachaiyappa's College Madras, D. R. S. School, Conjeevaram and Govindu Naicker's Secondary School, Madras were deferred. The grounds on which these applications were deferred are not known. Presumbly these have reference to the identical question of non-Hindus.

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By a communication dated 4-9-1945, the Deputy Inspector of Schools, Conjeevaram range enquires whether Xians and Mohomedans are denied admission into the C. N. Orphanage and Oovery School. It is quitely likely that the grants on behalf of these Institutions also may be withheld.

The admission of Non-Hindus into the C. N. Orphanage will present a lot of practical difficulties in respect of supply of food, clothing etc., to the Orphans. This obvious reason the Trustees wish to place before the Government for their earnest consideration.

In his letter PL 12 (10) 45 dated 9-11-1945 the District Educational Officer states that the admission of Non-Hindus is a condition for aid and the management should apply for and obtain exemption from the condition before teaching grant can be sanctioned to the Pachaiyappa's High School, Madras. A copy of the communication is forwarded herewith for perusal.

In view of the aforesaid considerations and of the fact that the Institutions have a record of long and useful service to the public at large and that they have been in the enjoyment of Government grants of every kind ever since the inception of Grant-in-aid Code, and further of the fact that the Board of Management of the

P. T. O.

Institutions are a public Trust, I have the honour to request that the Government be pleased to exempt all the Institutions under the Trust Board from the operation of the rule referred to above. The list of Institutions managed by the Trust Board is given below, with the estates supporting them:--

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Pachaiyappa's College, Madras.	Pachaiyappa's Estate
Pach: High School, Madras	-do-
Pach: High School, Conjeevaram	-do-
Pacha High School, Chidambaram	-do-
Pach: Branch Secondary School, Conjeevaram	-do-
Pach: Ely. School, Chidambaram	-do-
Govindu Naicker's Secondary School, Madras	Govindu Naicker's Estate
Chengalvaraya Naicker's Hindu Orphanage Ely.School, Conjeevaram	Chengalvaraya Naicker's Estate.
Oovery Ele. School, Conjeevaram Range	-do-

In this connection, I am to state that it is brought to the notice of the Management that there are several instances of grant being given to Institutions which are exclusively confined to certain communities only such as Roman Catholic Institutions. If such be the case, the Management requests the Government to view our case in such a liberal fashion and grant necessary exemption applied for above.

I have the honour to be,

Sir,

Your most obedient servant,

Ramachandran

SECRETARY.

G K/
30-XI.

V.G.
30/xi

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Copy of letter Ref.D.No.3666/45-46 dated 10th May 1946 from the Secretary to the Trustees of Pachaiyappa's Charities,Madras to the Director of Public Instruction, Madras.

Ref:-Your Proceedings R.C.No.1348-D/45 dated 26.3.46 regarding exemption of the Pachaiyappa's Institutions from the admission of Non-Hindus.

It is not correct to say that there are no limitations made in the Will of P.T.Lee Chengalvaraya ~~Naicker~~ Naicker in so far as admission into the institutions supported by his benefaction are concerned. The whole foundation is set upon a fundamental basis of help to Hindus. So wherever possible, such as the C.N.T.Institute, non-Hindus have been admitted, while other Institution,such as the C.N.Orphanage, has to be exclusively for Hindus owing to practical difficulties involved in the admission of Non-Hindus. If the C.N.Orphanage school is a day school, the combination of Hindu and Non-Hindu children would not present difficulties,but in a Boarding Home,such a combination is unworkable. In an orphanage with a Religious background, efficacy of prayer has to be taught to them, and when mass prayer is done,non Hindu children would find themselves in a predicament. Even the problem of supplying food to children of varying creeds is not free from difficulties. Perfect harmony can never be expected to exist in an Orphanage or a Boarding Home where tender children have to be carefully nursed.

It is therefore requested that in so far as the C.N.Orphanage is concerned, the question of Non-Hindus need not be pressed,as such admission would be more haramful to the orphanage.

/True copy/.

5/6

For Director of Public Instruction.

5/6.

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30/14/8

E&PH(31)

Very urgent

(P C to be sent)

DPd

B/16/8

A/10/8/46

PCf

T.M. d.

From,

The Assistant Secretary E&PH Dept

To ✓

The Deputy DPI.

Ref. Director's letter Rc no 1348 D/45 d 3.6.46 re. Grants-in Aid – Institutions under the Pachaiyappas & other charities

Please say whether these are the only institutions in respect of which Rule 1 of the Grant in Aid Code has been overlooked so far and if not, to furnish a list of institutions which have been exempted from the operation of the rule with reasons for the grant of exemption in each case.

Issued 13/8

USU 9/8/46

BM 10/8/46

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ASST. SECRETARY TO GOVERNMENT
28 AUG 1946
EDUCATION AND PUBLIC HEALTH DEPT.

Post Copy of Telephonic Message dated 18-8-1946.

From the Deputy Director of Public Instruction, Madras.

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

48469

Ref: Your Telephonic Message dated 13-8-1946 regarding grant in aid to institutions under Pachaiyappa's Charities etc. p9 ante

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These are the only institutions in respect of which rule 1 of the Grant-in-aid Code has been relaxed so far.

Deputy Director of Public Instruction.

k.h.22-8.

Fort St. George,
9th November 1946.

Dear Mr. Ramachandran,

A proposal has been received that grants to institutions connected with the Pachaiyappa's Charities should be refused because of the reason that those institutions are not opened to non-Hindus. I would like to have a talk with the Trustees about their difficulties, if any, in making them open to all communities. I shall be glad to have a talk with them before the Government comes to a final conclusion in the matter. I shall be glad to meet you and the other members of the Trust Board on the 18th inst. at 4 p.m. at the Secretariat.

Yours sincerely,

o/c.

Sri T. V. Ramachandran,
Secretary, to the Trustees of
Pachaiyappa's Charities, Madras.

(12) 13 ~~15~~

PACHAIYAPPA'S TRUSTEES' OFFICE,
Madras -- 11th December 1946.

D. 1945/46-47
D/13-12-46

From

Sri Rao Bahadur A. Duraiswamy Mudaliar, B.A.,
President, Pachaiyappa's Trust Board,
Madras.

To

The Hon'ble Mr.T.S.Avanasilingam Chettiar, B.A.,B.L.,
Minister for Education,
Fort St., George, Madras.

Sir,

I have the honour, as President of the Pachaiyappa's Trust Board, to convey to you its appreciation for the courtesy shown to it to discuss the proposal that is before you to discontinue the grant to Educational Institutions under the Management of the Pachaiyappa's Trust Board on the ground of non-admission of non-Hindus. While we are thankful to you for this, we must request you to permit us to place our points of view frankly and straightforwardly.

You are well aware of the scheme relating to the Institutions - religious and educational, so far as Pachaiyappa's bequest is concerned. It is superfluous to add that the scheme of management as formulated and sanctioned by the High Court of Judicature was in consequence of the decrees of the Supreme Court and also by the order of the Board of Revenue. The decrees of the Supreme Court themselves are based on the pivotal idea of the late Pachaiyappa's bequesting his wealth for the benefit of the Hindus. Therefore it was that it was set out in the order of the Board of Revenue "that the Trustees should receive and appropriate any sum or sums for the education and instruction of Hindus etc., XXX ". It is therefore clear that in so far as the law is binding

P. T. O

such orders should not be ignored or set aside or sought to be set aside by the very persons in whose hands the Estate is vested.

In so far as Educational Institutions, Orphanage and Hostels attached to them and maintained out of funds of other Donors such as Govindu Naicker, Chengalvaraya Naicker, Devalla Ramaswamiah, Ponnambalam Pillai, each Trust is specifi and definite about the religion of the beneficiaries. Therefore again unless we are prepared to do violence to the intentions of the deceased donors, it would not be proper discharge of duties for the Trustees to become responsible for any change in the intentions of the donors. As Trustees collectively and individually we are not averse to making changes of so-called reformatory nature to benefit other than Hindus. They have consulted their Legal Advisers if it would be proper for them to go beyond the directions of the Donors. The Legal Advisers advised them that it would not be competent for the Trustees to introduce changes which are directly contrary to the intentions of the Donors.

We wish to point out that in spite of the existence of rule 1 of the Grant-in-aid Code it has never been interpreted in the manner it is sought to be interpreted now. Educational grants were being given year after year for the last 60 years. It appears to us, that rule was never enforced and rightly not so strictly attempted to be given effect than at present. The Trustees have reason to believe that the same kind of treatment has been and is being accorded to denominational institutions of other religious such as some atleast Roman Catholics and Islam. To the best of their belief there are certain Roman Catholic Institutions which do not admit non-Catholics which are receiving and continue to receive

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grants from the Government. Likewise there are Islamic Institutions maintained from out of Wakf funds of the mosques which do not admit Hindus at any rate whatever their attitude towards Christians. To suddenly think of stopping the Educational grants to Hindu Educational Institutions and more particularly to Pachaiyappa's Institutions seems to be the result of the unhealthy agitation of some jealous non-Hindus. Though by this proposal the ostensible intention of the Government is to make all Government aided Institutions open to all communities and creed, the actual effect of that proposal is to discourage the charitably-minded persons of respective religious to promote the cause of education under the belief that they are serving their religion as well. This proposal if given effect to would have an adverse effect on the private charitable benefactions for the cause of education and hereafter at least many persons would not be forthcoming to leave their properties for the purpose charity according to their own faiths and beliefs, if they once realise that it would be possible for the Government of the day to interfere with their beliefs and gifts. We are afraid that the Government have already realised the great part which the bequests of Hindus play in the spread of elementary and Secondary and Higher education in this Presidency. There is a tendancy in the minds of the Department and even of the Government that the Government are really making gifts to the management of Endowed Institutions by way of grants calculated on a very illiberal basis, while the fact of the matter is that the Management of aided Institutions is helping the Government in their fundamental obligation to the public to educate them. Quite apart from it, instead of the Government taking the managements of such institutions into confidence and arrive at a common policy in consultation with them

P.T.O.

and with the advice and support of the Legal Advisers both of the Government and the Managements, to threaten the Managements of the suspension of grants and also recognition makes the Managements feel that they are not treated properly for the services they are rendering in the cause of education.

We have reason to believe that the Pachaiyappa's Institutions were singled out for being served with such a warning not because of any want of sympathy by the present Government but apparently as a result of mischievous propaganda. In the present atmosphere of tension between the Hindus and Muslims in the country from which however this province is fortunately free, it is not desirable to open a question of this importance for discussion or for re-consideration. It is likely that at present time, reason on both sides would be ignored and prestige and prejudice would be roused.

Should, however, the Government think that the present is the proper time for taking up this disputable question, the Government should declare its policy in respect of such Institutions by public announcement and thereafter after inviting public opinion put into effect their decision. It will be wholly unfair to take a punitive action of suspending grants without taking preventive action of conferring with the management of such Hindu Educational Institutions and come to a decision. As indicated above, several of the Educational Instituions under our charge are inter-linked with Orphanages and Hostels and it will be an unworkable proposition to treat the Orphanages and Hostels as separate units from the educational Institutions or make these Orpahanages and Hostels open to all religionists, which we venture to think is not at present the accredited policy of the Government. After all many of these problems may be adjusted on the basis of reciprocity and we have yet to see any movement on the part of other religionists to treat the Hindus even on a par with the Christians.

In these circumstances, the Trustees regret that even their own individual views on these matters cannot be allowed to prevail before the expressed wishes and directions of the Testators and the Trustees consider that the present times are not propitious for the Government to force the Management to come to any decision nor for the Government to take it up and come to its own conclusion. They therefore hope that Government may postpone any decision and take it up for consideration, if it should think necessary, at a future date when prejudices and passions will disappear and reason and justice are likely to prevail.

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

A. Duraiswami
PRESIDENT,
Pachaiyappa's Trust Board.

G K/
11-12.'46.

23 SECRETARY, EDN. AND P. H. DEPT. 16 DEC 1946 GOVERNMENT OF MADRAS

ASST. SECRETARY TO GOVERNMENT 17 DEC 1946 EDUCATION AND PUBLIC HEALTH DEPT.

(17) ~~13~~ 18.

Fort St. George,
16th December 1946.

Recd [illegible]

Dear Sir,

77717

Let me thank you for your letter of the 11th inst. I see that you have made certain statements claiming that there are certain Roman Catholic institutions and Islamic Institutions maintained out of Wakf funds which do not admit Hindus in their institutions. This is certainly a matter for enquiry and the Government are issuing instructions to make enquiries in the matter.

About one statement which you have made, the Government must make things clear. You have said on page 3 of your representation that to suddenly think of stopping the educational grants to Hindu educational institutions and more particularly to Pachaiyappa's Institutions seems to be the result of the unhealthy agitation of some jealous non-Hindus. Let me ~~that~~ tell you that nothing is farther from the truth and the note that was issued to you was not based upon any agitation of any jealous non-Hindu~~s~~.

In view of the representations made by you, the matter is, for the present, postponed for further enquiry. o/c

TSA
16-12-46

Yours sincerely,

(1) Sri Rao Bahadur A. Duraiswamy Mudaliar, B.A.,
President, Pachaiyappa's Trust Board, Madras.

(2) Copy to Secy. E. & P.H. ✓

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77721

To the Secretary, E.&.P.H.

Please see sent herewith the representation of the President, Pachaiyappa's Trust Board, with reference to the matter which was put to them. As already noted in the file, this matter may be adjourned for the present. In the end of page 2 and at the beginning of page 3 they made a certain statement which require enquiry. "To the best of their (Trustee's) belief there are certain Roman Catholic Institutions which do not admit non-Catholics, but ~~which~~ continue to receive grants from the Government." Likewise, there are Islamic Institutions, maintained out of Wakf funds of the mosques, which do not admit Hindus at any rate whatever their attitude towards the Christians." Enquiries may be made on these points and the result of the enquiry put up.

ISA 16-12-46
H.M.Edn.

ASST. SECRETARY TO GOVERNMENT
17 DEC 1946
EDUCATION AND PUBLIC HEALTH DEPT.

SECRETARY, EDN. AND P.H. DEPT.
16 DEC 1946
GOVERNMENT OF MADRAS

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PP1-2 cf

Portion marked A on pp 16-17 cf

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Education and Public Health Department (G.3.)

Grants-in-aid--Institutions under the Pachaiyappas and other Charities.

C.No. 30711/46. From the D.P.I. No.1348-D/45 dated 3-6-46.

Memorandum No. 30711-G3/46-1 Edn. dated 10-1-1947.

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In a representation submitted to the Hon'ble the Minister for Education on the above subject, the President, Pachaiyappa's Trust Board has made the following statement:- "To the best of their (Trustees') belief, there are certain Roman Catholic institutions which do not admit non-Catholics, which are receiving and continue to receive grants from the Government. ~~and~~ Likewise, there are Islamic Institutions maintained from out of Wakf funds of the mosques, which do not admit Hindus at any

P.T.O.

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rate, whatever their attitude towards the Christians". The D.P.I. is requested to ~~make enquiries and~~ report inquiry to Government ~~whether~~ how far the statement is correct and, if so, what the institutions referred to are.

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6/1/47 6.1.47 8.1.47

To

The D.P.I.

11/1

11. 2. 47

D2081/46-47

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B3.

RAO BAHADUR
A. DURAISWAMI MUDALIAR, B.A.
PRESIDENT
PACHAIYAPPA'S TRUST BOARD

'BRINDAVANAM'.
LAUDER'S GATE ROAD
VEPERY, P.O. MADRAS.

24th DECEMBER 1946.

SECRETARY, EDN. AND P.H. DEPT.
6 - JAN 1947
GOVERNMENT OF MADRAS

ASST. SECRETARY TO GOVERNMENT
6 - JAN 1947
EDUCATION AND PUBLIC HEALTH DEPT.

Dear Sir,

I acknowledge with thanks the receipt of your letter dated 16-12-1946. Your assurance that the present move for the admission of Non-Hindus into Pachaiyappa's Institutions is not the result of any agitation by any non-Hindu is received with great satisfaction by me and my colleagues.

I must also thank you sincerely for postponing the matter.

Yours sincerely,
A. Duraiswami

765.

To
The Hon'ble
Mr.T.S.Avanashilingam Chettiar, B.A., B.L.,
Minister for Education,
Government of Madras, Madras.

To the Secretary E. & P.H. This may be filed.

TSA
4. 12. 46
H.M. Education.

office of the

22/18/

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E+P.H(G3)

Grants-in-aid - Institutions under the Pachaiyappas and other charities.

14/

Memo. No 30711 G3/46-2 Edn dt 12-2-47.

pp21-22g

The attention of the DPI is invited to Govt Memo. No. 30711-G3/46-1 Edn dt 10-1-47 on the subject cited and he is requested to state when his reply ~~hereto~~ thereto may be expected.

10.2.47

To
the DPI.

US
10/2/47

SS
10.2.47

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RC.No.30-D/47.

(2) 25

Office of the
Director of Public Instruction,
Madras. Dated 5--2--1947.

ASSISTANT SECRETARY TO GOVERNMENT
11 FEB 1947
EDUCATION AND PUBLIC HEALTH DEPARTMENT

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: Grant-in-aid - Instituions under Pachiyappas and other charities.
REF: Memorandum No.30711-G3/46-1 dated 10--6--1947.
1P(21-22 ante ----

12016

I have the honour to state that no Roman Catholic Elementary school I have the honour to state that no Roman Catholic Elementary school refused admission to non-catholics. On the
or College in receipt of Government aid refused admission to non-catholics. On the
other hand all the Roman Catholic schools and Colleges that receive aid have declared
that their schools are not barred against any pupil on the ground of caste, cred or
Religion. Similar statements are received fromspecial schools maintained byCatholics
and muslims. The Arabic College, Vellore, is admitting only muslims but no grant is
paid for the institution.

Cases of Indian Orphanages and Boarding Homes not satisfying Article 1 of Grant-in-Aid Code have not so far been reported to the Director, though denominational orphanages are not ruled out.

for DIRECTOR OF PUBLIC INSTRUCTION.

RR.10/2.
$\frac{\text{SR}}{10/2}$

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~~[illegible]~~

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Fort St. George,
7-4-1947.

To
The SEcretary,
Pachayappas Trust Board.

Dear Sir,

You will remember ~~me~~ having met you some time back with reference to admitting Non-Hindus in the Pachayappas College. On that occasion some of the Trustees mentioned that ~~Non~~-Muslim schools maintained by Muslim Charitable Religious Trusts, do not admit~~s~~ Non-Muslims. I promised to make the necessary enquiries through the Director of Public Instruction and I am in a position to state that there are no institutions run by Muslim Religious Charitable Trusts which receive grant from the Govt. which do not admit Non-Muslims.

The Government have recommended that the matter of admitting Muslims in the Pachayappa's College may be deferred

p.t.o.

28/

-2-

for some time but in the meanwhile I shall be glad ~~in~~ if you will kindly go into the matter in view of the above facts referred to and let me have your decision in the matter.

Yours sincerely,
Sd. T. S. A.

Desptd
8/4/47

16/4

47/16/4

(24)

E.& P.H.(G.3)

29

Grants - Aided educational institutions under Govinda Naicker's and Chengalvaraya Naicker's Charities - Exemption from the operation of rule 1 of the Grant-in-Aid Code and similar provision in the rules framed under the Elementary Education Act.

PP1-2 of
PP13-17 of
P25 of

C.No.30711/46 - From the D.P.I. R.C.No.1348-D/45 dated 3.6.46.
From the President, Pachayappa's Trust Board, D.No.1945/46-47 dated 13.12.46.
From the D.P.I.R.C.No.30-D/47 dated 5.2.47.

Order/No. 758 Edn., dated 16-6-1947.

The D.P.I. is informed that as in the case of the institutions maintained by the Pachaiyappa's charities grants for teaching, buildings and equipment may continue to be paid to the educational institutions under the Govinda Naicker's charities according to the existing practice even though they do ~~it does~~ not satisfy rule 1 of the Grant-in-Aid Code. The Govt. see no reason ~~however do not see any reason~~ to grant a similar concession in the case of the institutions maintained out of the Chengalva Naicker's estates, as they stand on a different footing~~, the will of the donor~~.

Not printed

TO

The D.P.I. ✓
3 spare copies.
The Secy. to the Trustees ✓ of Pachaiyappa's Charities Madras

RS
24/3/47

av
24/3/47

24-3-47

25/3/47.

Ed.Dn (B1)

Grants- Aided educational institutions under Govinda Naicker's and Chengalvaraya Naicker's charities. Exemption from the operation of rule 1 of the Grant in Aid Code & similar provision in the rules framed under the Elementary Edn Act

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C.No. 30711/46 - From the DPI. R.no 1348 D/45 d 3-6-46

Book Not put up Under rule 1 of the rules in the Grant-in-Aid Code, grants-in-aid should be withheld from recognised educational institutions (other than Elementary schools) which refuse admission to any pupil merely on the ground of caste or community to which he belongs. Similar provision exists in the rules relating to aid to elementary schools ~~framed under Sec. 42(2) of the Madras Elementary Education Act, 1920~~. The Secretary to the Trustees of Pachaiyappa's charities, Madras, has applied for exemption from the operation of the rules referred to above in respect of the institutions maintained out of the Pachaiyappa's, Govinda Naicker's and Chengalvaraya Naicker's Estates whose terms of foundation restrict admission to Hindu students alone.

Rule 24.(b)

C.F. 2. All the institutions mentioned on pp 1-2 CR have hitherto been admitted to aid. The question whether rule 1 of the rules in the Grant in Aid Code should be enforced in the case of institutions maintained out of the Pachaiyappa's estates was raised by the DPI last year and he was informed in Memo no 46 215-B/45-2 Edn, d 20-11-45, that grants for teaching, building and equipment ~~may~~ might continue to be paid to those institutions according to the existing practice as the question of modifying the terms of the trust ~~had already been~~ was taken up

Pp 34 9

2

with the Trust Board and they were not prepared to take up the initiative in the matter themselves. Vide in this Connection pp 19, & 26-27 of G.O. no 1370 Edn. d/ 2-9-41. No orders are therefore necessary in respect of those institutions. (E)

3 The D.P.I. recommends that similar treatment may be accorded to the institutions maintained out of the Govinda Naickers & Chengalvaraya Naicker's Estates as the whole foundation should be regarded as one set upon a fundamental basis of help to Hindus only. The D.P.I.'s recommendation may be accepted.

4. The remarks of Finance may be invited no.

USR
27.7.46

29/7/46

30.7.46

We may agree with the D.P.I. as regards the Pachaiyappa's charities and the Govinda Naicker charities which have been specifically bequeathed for the benefit of Hindus. With regard to the P.T. Lee. Chengalvaraya Naicker's charities the position is not the same. The will does not restrict the benefits to any particular community, and the charity is not confined to the mere running of a hostel. In these days, I do not see why this particular hostel should be unavailable to take in non-Hindus, when it was considered right for nonbrahmins to mess along with Brahmins in an institution like the Tiruvadi Sanskrit College, and when we have laid down that licences can be refused for a hotel, whether run by whatever caste it is run, if all members of the public are not given access to all the public portions of the premises.

30.7.46

Finance

41753 EB

ASST. SECRETARY TO GOVT.
31 JUL 1946
FINANCE DEPARTMENT

F. & P.H. U.O. No. 30711-B1/46-1 EB
30/7/46

3
Fin (Exp. B)

Finance may agree with the views expressed by E. & P.H. Secretary ~~above~~ on p. 2 above.

USR
3.8.46

4.8.46
5

5.8.46

It will be seen from (E) that the previous Govt desired that the restriction to Hindus in the case of these institutions should be cancelled with the consent of the High Court. The Pachayappa's Trust Board at first indicated that they would be willing to apply to the High Court in the matter but afterwards said they were not willing, & the matter was then dropped & Govt. grants continued to be paid. If these are the only cases where Rule 1 of the Grant-in-Aid Code has been overlooked so far ~~[illegible]~~ & there is no general policy of giving exemptions in any classes of cases, I submit that it does not seem desirable to give the exemption requested ~~asked~~ for these cases only & that it will be better to refuse to give grants in future until the institutions satisfy Rule 1. If this is done, the Trust Board will then no doubt take steps at once to get the High Court's permission to admit non-Hindus.

H.P.M. may see.

5.8.46

E.P.H.

ASST. SECRETARY TO GOVERNMENT
1 AUG 1946
EDUCATION AND PUBLIC HEALTH DEPT.

ASST. SECRETARY TO GOVERNMENT
AUG 1946
EDUCATION AND PUBLIC HEALTH DEPT.

4444

P

41753
6/8

4

Estt (B1)

With reference to the portion marked X in the Finance Deptt's note on p 3 ante, a draft T.M to the D.P.I is submitted below for approval.

KSR
9.8.46

BM
10/8/46

[T.M. to the D.P.I., dated 13.8.46] p 9 cf

From the Director of Public Instruction, T.M D/ 18.8.46. p 10 cf

Please see the Director's reply on page 10 cf. He states that the institutions under Pachaiyappa's charities are the only institutions in respect of which rule 1 of the grant-in-Aid Code has been relaxed so far.

2. In his letter on pp 1-2 cf, the DPI has recommended that the four institutions maintained out of the Govinda Naicker's and Chengalvaraya Naicker's Estates may be exempted from the operation of rule 1 of the Grant-in-Aid Code as has been done in the case of institutions under Pachaiyappa's charities. It was suggested by this Deptt that the concession need not be allowed to the institutions maintained out of Chengalvaraya Naicker's Estates. The Finance Deptt p 2 cf

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27

do not agree to the proposal. They point out that it is not desirable to give the exemption requested for and that it will be better to refuse to give grants in future until the institutions satisfy Rule 1. and that if this is done the Trust Board will take steps atonce to get the High Courts' permission to admit non-Hindus.

It is for consideration whether the suggestion of Finance should be accepted and that even the institutions under the Pachaiyappas' charities which were exempted from the operation of the rule referred to above should be deprived of the Concession allowed.

The file may be circulated to HM (Edn) and H P M.

KSN
24.8.46

BM
25/8/46

I think Legal should see before circulation.

B
26.8.46

Legal.

E.J.P.H.V.O. No.
30711-B1/46-2 Edn
26/8/46

T/32-33

ASSISTANT SECRETARY
27 AUG 1946
LEGAL DEPARTMENT.

Legal Department

So far as P.T. Chengalvaroya Naicker's charities are concerned, the will does not restrict the benefit to any particular community and the Government may well insist on the institutions admitting all communities before grant-in-aid is given. In regard to the Pachaiyappa's and Govindu Naicker's charities, they were specifically endowed for the benefit of Hindus. Even if the trustees are agreeable to apply to the Court, it is more than doubtful if the Court would allow the scope of the charities to be enlarged. The Court's power to permit the application of the trust funds to purposes other than those mentioned in the will is not unlimited.

28/9/46 S.

28/9/46 E & P.H.

Please see the Legal Dept's note above. Finance may be requested to say whether in view of the opinion expressed by Legal they wish to modify their suggestions at page 3 ante

KSK
30.9.46

21/10/46 S

E & P.H (B1)
Finance Legal u.o. 6437-1
28.9.46.

ASST. SECRETARY TO GOVERNMENT
30 SEP 1946
EDUCATION AND PUBLIC HEALTH DEPT.
57366

Fin. (Exp. A)

Please see the previous Fin. note on p. 3 above and the remarks of Legal on pp. 5-6 above.

In the circumstances explained by Legal, it is for orders whether this dept. may agree to the exemption being granted in respect of the institutions run from the Pachayappa's and Govinda Naicker's charities alone. & not in respect of the institutions maintained out of Chengalvaraya Naicker's Estates. HPM ~~may see.~~

DR
9.X.46

E & P.H (B1)
u.o. No. 30711-B/46-2
5/10/46.

ASSISTANT SECRETARY
7 OCT 1946
DEPARTMENT
53933

CSK
9.x.46.

See below.
DW

CSK
9.x.46

I adhere to my previous view. I think exemption should be refused in all these cases at present. If the Trustees of Pachayappa's & Govinda Naicker's charities then apply to the High Court for permission to open their institutions to all communities & it is refused, the matter may then be further considered if necessary.

DW
9.x.46 E.P.H.

p 3 ante

Finance 53977 E&PH
9.x.46.

ASST. SECRETARY TO GOVERNMENT
60337
10 OCT 1946
EDUCATION AND PUBLIC HEALTH DEPT.

30711/B1
30/10

E & P.H.Dept. (B.1).

pp 1-2 CF

p1, B6 No 40

The case relates to the exemption of the institutions maintained out of the Govinda Naicker's and Chengalvaraya Naicker's ~~Extat~~ Estates and the Pachaiyappa's Charities, from the operation of Rule 1 of the Grant-in-Aid Code and similar provision in the rules relating to aid to elementary schools requiring aided educational institutions to be thrown open to all classes and communities as, according to the terms of each foundation, admission is restricted to Hindus only, in these institutions.

G/3-4 CF

2. In October '45 the D.P.I., raised the same question in respect of the institutions maintained out of the Pachaiyappa's charities and he was informed in Memorandum No.46215-B/45-2, Education, dated 20-11-1945, that grants for teaching, building and equipment might continue to be paid to those institutions according to the existing practice even though they did not satisfy rule 1 of the Grant-in-Aid Code. He has now recommended that the concession may be allowed in the case of the institutions maintained out of the Govinda Naicker's and Chengalvaraya Naicker's Estates. This Department has proposed that the concession may be allowed to the institutions maintained out of Govinda Naicker's Charities but not to those maintained out of the Chengalvaraya Naicker's Estate, as they stand on a different footing. Legal has agreed with the view taken by this Department. Finance is not agreeable to the proposal. That Department considers that exemption should be refused in all the cases including the institutions maintained out of the Pachaiyappa's Charities and that if the trustees of the charities apply to the High Court for permission to throw open their institutions to all communities and it is refused, the matter may then be further considered, if necessary.

pp1-2 CF

p 2 ante

pp 5-6 ante

pp3-4 & 6 ante

The file may be circulated to H.M.(Law), H.M.(Edn.) and H.P.M., for orders.

KSK

16/10/46 S

16/10/46

31.10.46

H.M. (Law)

H.M. (Edn.)

H.P.M.

30/10/46

[illegible]

I am writing to the Trustees of the Pachaiyappa's Trust Board, to know their difficulties, if any, in th

30711/B
2/12
p 12 c.f.

copy of the letter is placed in the file. This file may wait till I have a talk with them.

This may be sent here on the 18th morning.

TSA
9. 11. 46

11 NOV 1946

Further the collection may be stopped in view of H.M.'s minute.
14/11/46

Mr. K.Venkataswami Naidu, M.L.C., one of the Trustees of the Pachaiyappas Trust Board met me today. They want some time before they can discuss with me on the subject. I have promised to meet them again on the evening of the 2nd December. This file may be sent to me on the 2nd morning.

TSA
19. 11. 46

19 NOV 1946

E.& P.H.(G3)

File resubmitted with reference to the minute of HM (Edn) above.

30/11/46
30.xi.46
30.11.46
30/11/46

H.M.(Edn)

c. 2/12/46

I met the Trustees of the Pachaiyappa's College Charities to-day. Messrs. K. Venkataswami Naidu, Kumara Raja Sir M. A. Muthiah Chettiar of Chettinad, Duraiswamy Mudaliar, Radhakrishna Pillai, Swami Venkatachalam Chettiar, Janakiram Chettiar and others met me. They told me that under their Trust it is not possible for them to admit non-Hindus and besides that they said that the present time, in view of what happened in East Bengal and Bihar, is not particularly happy~~, and that they are not against taking steps in the~~ [redacted] It is [redacted] true that Noakhali incidents in East Bengal have created a sort of anti-Muslim feeling in many parts of the country. [redacted]

30711/B

30711-B
26/2/47

29

[redacted] I am also told that there are many Muslim schools maintained by Muslim Charitable Religious Trusts which do not admit non-Muslims. The D.P.I. may be asked to make necessary enquiries and let us know whether it is a fact. The matter may stand over for the present.

TSA
4-12-46

DEC 1946

~~E.& P.H.(G.3)~~

Please see letter of the H.M.(Edn.) to the President, Pachayappas Trust Board, Madras, at p.~~13~~ 18 c.f. and his ~~note~~ minutes at p.~~14~~ 19 c.f. A draft memo ~~letter~~ to the D.P.I. is submitted for approval.

24/12/46.
6.1.47
8.1.47
11.1.47

[Issued as Memo. No. 30711-G3/46-1 Edn dt. 10-1-47]

[From the DPI Ref No. 30-B/47 dt. 5/2/47]

pp21-22 c.f.

p 25 c.f.

P26 c.f.

With reference to HM (Edn's) ~~note~~ minute above, it is subd that the DPI reports that there are no Catholic or Muslim institutions receiving help from Govt which do not admit non-Catholic or Non-Muslim students.

21/2/47
21.2.47
22.2.47
5/3/47
H.M.(Edn)

P.T.O.

I have already agreed with the view of the department and of Legal i.e., that the concession may be allowed to the institutions maintained out of Govinda Naicker's charities but not out of Chengalvaroya Naicker's, as they stand on a different footing.

5-3-1947.

B

5 - MAR 1947

The case ~~may~~ now be circulated to H.P.M. (Note for page 7 and a [illegible] read)

17.3.47

S

HPM

22/3/47

24 MAR 1947

E&PH(G3)

Please see the minutes in circulation at B above. ~~The~~ D.P.I. may be informed accordingly. A draft order is subd. for approval. ~~Finance may see before issue~~ The draft explains the present case. May be circulated to H.M. (Edn) again.

24/3/47

24/3/47

24.3.47

S

25/3/47

H.M. (Edn.) TSA 7-4-47

8 - APR 1947

E.& P.H.(G.3)

Please see the D.O. from H.M. Edn. to the Secy, Pachaiyappa's Trust Board on p.p.27—28 c.f. It relates to the question of admission of Muslims into the institutions managed by the Pachayappas Trust Board. ~~It is presumed that the draft order put up for approval~~ ~~and app. by H.M. (Edn.)~~ ~~may issue.~~ In view of the reply anticipated to the D.O. it is for consideration

RS 9/4/47

7/4/47

30

whether the draft order already submitted refusing grant in aid to the institutions maintained out of the Chengalva Naicker's estates on the ground that the institutions do not admit students of all communities should issue now or not.

10.4.47

S

HM has already approved the draft; the intention [illegible]

[illegible]

11/4/47.

B.R.C. [Issued as G.O. No. 758 Edn. dt. 16/4/47.