

Et PH (1949) Department.

Ms SERIES.

G.O. NO. 1657 Education

Dated 20-5-1949

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(12)

[Despatch Abstract.]

Schools- Secondary- Aided - Creation of endowments
Condition not to be imposed on Schools opened
before June 1948- Orders passed

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
G.O.	2381	Edn	5-11-47				
G.O.	2501	Edn	1-10-48				
G.O.	2788	Edn.	8-11-48				
G.O.	326	Edn	8-2-49				
G.O.	982	Edn	9-4-49				

Further Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
G.O.	1758	Edn.	8-6-50				
G.O.	2708	Edn.	28-9-50				

EDUCATION DEPARTMENT.

From

The Director of Public Instruction,
Madras.

To

The Secretary to Government,
Education & Public Health Department,
Fort St. George, Madras.

C. No.476D3/49 dated 14th May 1949. (2)

Sir,

Sub: Schools---Secondary---Aided---Creation of Endowments.

27193 (M) / p14 of

In G.O. No.2501, Education dated 1-10-1948, Government have decided that schools opened prior to 1-4-1940 may be exempted from providing an endowment, that schools opened during the period from 1-4-1940 to 31-3-1948 may be permitted to build up an endowment within a period of 5 years from 1-4-1948 and that no relaxation of the existing conditions need be made in respect of schools opened on or after 1-4-1948.

I am not aware of the reasons which prompted Government to fix 1940 as the date from which the endowment should be insisted on rigidly, though time is given for schools started after this date to build up the endowment. However, this retrospective effect has caused considerable dissatisfaction and some hardship. Three or four schools have already reported that on account of their inability to provide the required endowment they will be closing down in June 1949. The Minister for Education has minuted that while we may insist on the creation of endowments, it is not our purpose to close down schools and that therefore time to build up endowments may be granted. (Vide Government Endorsement 21989-B1/49-1, Edn., dated 23-3-1949) - (vide in this Council his reply to an interpellation on 4th May 1950 1258 Edn 25.4.49 (1))

If it is not the intention of Government to adhere to the date 1940 rigidly, I am inclined to suggest as a compromise and in accordance with the spirit of the Hon'ble the Minister for Education's note mentioned above, that the creation of endowment may be insisted on and from only June 1948, so that managements who open new schools do so well aware of the condition regarding endowment while the complaint in regard to schools opened earlier will be obviated. If Government are willing to accept my suggestion I request that orders may be passed immediately so that the managements of closing schools could be notified early enough.

Thiruvananthapuram

For DIRECTOR OF PUBLIC INSTRUCTION.

14/5

14/5

RVR. /14.5.

C. No. 37193 B/49.

Schools - Secondary - Aided - Creation of endowments
Condition not to be imposed on schools opened before
June 1948 - Orders passed. (3)

Read: G.O. No. 2501 Education, dated 1-10-48.
G.O. No. 2788 Education, dated 8-11-48.

From the D.P.I., No. 476 D.3/49 dated 14-5-49;

ORDER (MS) NO. 1657 EDUCATION, DATED 20.5.49

In 1948, the Govt. decided that aided secondary schools under private managements (Mission and Non-mission) opened prior 1-4-1940 might be exempted from providing an endowment, that schools opened during the period from 1-4-40 to 31-3-48 might be permitted to build up endowment within a period of five years from 1-4-48 and that no relaxation of the existing conditions need be made in respect of schools opened on or after 1-4-48. As the imposition of the condition for building up an endowment with retrospective effect has caused dissatisfaction and hardship, the Director of Public Instruction has suggested that the condition relating to the creation of endowments need not be insisted on in respect of schools opened before June 1948. The Government accept the Director's suggestion.

2. The Director of Public Instruction is requested to communicate the order to the management of all aided secondary schools and to the Inspecting Officers of the Department.

3. The Govt. consider that the question whether endowments should be insisted upon even in the case of schools started after June 1948 should be further examined. The D.P.I. is requested to examine the question and offer his views at an early date.

To The D.P.I. (full order) ^{hon}
The Dir. of Information ^{20/5/49}
& Publicity (para 1 & 2 only).

20.5.49. 120/3

THE SOCIETY OF
THE CATHOLIC EDUCATIONAL COUNCIL OF SOUTH INDIA

NO.

DATE April 28, 1949.

SECRETARIATE
2, ARMENIAN STREET
MADRAS

To : The Hon'ble Sri A.B. Shetty,
Minister for Education,
Fort St. George,
M A D R A S.

Sir,

We feel you are aware of the controversy which took place some months back in consequence of recent developments in the educational policy of the Government of Madras which have created much concern among the Bishops of the Madras Province and others.

The following are the main points to which we are compelled to take exception: Advisory Boards, Endowments and the Requisition Bill.

I. ADVISORY BOARDS.

We are positively opposed to such bodies for the following reasons :-

- (1) In Catholic Schools, there is guaranteed continuity and stability of policy, for they are conducted by Diocesan or Religious Societies' committees which are essentially permanent.
- (2) Experience shows that schools managed by such boards as advocated by the Government are uniformly less efficient and disciplined than those where authority and responsibility are clearly and definitely fixed.
- (3) These Boards will do more harm than good by introducing extraneous influences (including politics) into the administration of schools.
- (4) Party politics or communalism does not enter into administration of our educational institutions which

are open to everyone without distinction of class or creed.

- (5) Although the provision of constituting advisory boards may not go against the letter of the fundamental rights guaranteeing to minorities the right to start, maintain and administer their own educational institutions, it certainly goes against the spirit of that safeguard and it savours of totalitarianism for it indicates a wish of the Government to dictate their policy in the management of private institutions.

II. ENDOWMENTS.

(1) We strongly feel that we must press once again for exemption from endowments for all institutions, the stability of which is guaranteed by stable and legally registered bodies, such as Diocesan and Religious Societies possessing movable and immovable properties and endowed with charitable trusts covering all their fields of work. This naturally holds good for any organised agency, to whatever creed they may belong, such as Hindu and Muslim institutions endowed with trusts.

(2) The Schools established between 1940 and 1948, similar to those existing prior to 1940 were permitted to be opened and were duly recognized by the Government thus practically entering so to say into a bi-lateral contract with the schools concerned. At the time of their establishment no endowments were demanded from them nor were they told that such endowments would be asked for from them in the future. It looks obviously unfair to impose an unilateral condition, enforcing a new order with retrospective effect on institutions already well developed and which have proved

to be stable and sound.

(3) The reason for demanding endowments is to ensure the stability of schools and the regular payment of salaries to teachers. That stability is guaranteed by legally registered bodies as stated in No.(1). These bodies manage and maintain all and every kind of work and activity under their charge from and out of the general funds at their disposal and no special grounds can exist for imposing ad hoc endowments.

(4) We have a conscientious objection, for canonically we are not permitted to legally transfer and allot definitely for particular purposes under particular heads, funds earmarked for general purposes.

(5) More than 60 (sixty) new High Schools have been opened by the various Catholic Dioceses and Religious Societies in the Province of Madras since 1940. In the Diocese of Mangalore alone fourteen such High Schools have been established during this period. Is it fair to ask from one community alone, which in the educational field is certainly deserving of the encouragement of the Educational Department, to create from its general funds more than 60 ad hoc endowments and in one Diocese alone at least fourteen? We realise that an individual private management which has started a school for its own living and which does not appear to be financially sound may be asked in the interests of the school to create such an endowment. But we fail to understand how 60 Catholic institutions and more could be asked at a time to create an ad hoc endowment when their financial soundness has never given cause for any doubt at any time up to now.

(6) Our Schools are minority community schools open

are open to everyone without distinction of

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to and fully taken advantage of by the majority community pupils who are afforded all the educational facilities in the said institutions. Should the minority be penalized or put to inconvenience for the goodwill and selflessness it shows towards the majority?

III. REQUISITIONING BILL.

(1) We strongly oppose the above bill because such a measure will open wide the door for arbitrary interference with private property and cultural rights of minorities, guaranteed by the Constitution.

(2) The Bill removes all incentive to private agencies to make any sacrifice for starting and running educational institutions over the head of which this sword of Damocles will always be hanging.

(3) The Government have extensive powers to control schools and take steps against recalcitrant managements. The power to wield such a dangerous weapon as requisition will cause much uneasiness and will also deprive private schools of a their sense of security and thus it will affect their efficiency.

We have placed before you, Hon'ble Sir, these objective reasons of our grievances and we feel sure that guided by your experience and kindness you will appreciate our view points and grant us a favourable hearing so that the understanding and cooperation which we expect from the Government is assured to us in the future as it has been heretofore for the benefit of the youth of the country.

Yours sincerely,

S. Mathias

ARCHBISHOP OF MADRAS &
PRESIDENT,
THE CATHOLIC EDUCATIONAL COUNCIL,
MADRAS PROVINCE.

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(3) The reason for demanding endowments is to ensure the stability of schools and the regular payment of salaries to teachers. That stability is guaranteed by legally registered bodies as stated in No. (1). These bodies manage and maintain all and every kind of work and activity under their charge from and out of the general funds at their disposal and no special grounds can exist for imposing ad hoc endowments.

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Yours sincerely,

ARCHBISHOP OF MADRAS &
PRESIDENT,
THE CATHOLIC EDUCATIONAL COUNCIL,
MADRAS PROVINCE.



G.S., E. & P.H.

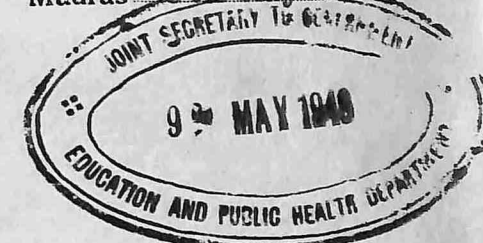
AAG
9/5

H M (Edn)



LOYOLA COLLEGE
CATHEDRAL P.O.

Madras 9th May 1949



Dear Mr. Shetty,

I regret to say that owing to the Prime Minister's ^{absence} engagement
on the 9th it has not been possible for the Arch-Bishop and myself
to meet you together today. As I shall be out of Town from this
evening it will be impossible for the Arch Bishop and myself to come
to the Secretariat tomorrow and therefore ^{I am} obliged to submit separate-
ly a special application concerning the recognition of the Jesuit
training as equivalent to B.A., B.T. for your favourable consideration.
As regards the other points which we wished to discuss with the Hon'ble
Premier and yourself - School Endowments, Requisition Bill, Advisory
Committees etc. - I request that you ^{may} be pleased to act on the Memo-
randum already submitted by His Grace The Arch Bishop to you.

With many thanks for your kindness.

Yours sincerely,

J. D. Souza s.j.

Schools - Secondary - Aided - Creation of endowments -
Exclusion of schools opened during the period from 1-4-40
to 31-3-48

From the D.P.I. C.No 476 D3/49 dated 14-5-49

In G.O. No 2501 Education dated 1-10-48, the Govt decided that schools opened prior to 1-4-40 may be exempted from providing an endowment, that schools opened during the period from 1-4-40 to 31-3-1948 may be permitted to build up an endowment ~~xxxxxxx~~ within a period of five years from 1-4-48 and that no relaxation of the existing conditions need be made in respect of schools opened on or after 1-4-48. This is based upon the minutes of the previous H.M.(Edn) on pp 2-3 n.f. connected with the above G.O. No reasons have been given therein as to why the condition in regard to the creation of endowments should be insisted on in respect of schools opened after 1-4-40 although recognition had already been granted by the D.P.I. to those schools without imposing any such condition. As retrospective effect given to the G.O. has caused considerable dissatisfaction, the D.P.I. suggests that schools ~~xxxxxx~~ opened during the period from 1-4-48 to June 1948 may be excluded from the operation of the G.O. and the condition in regard to the creation of endowment may be insisted on in respect of schools newly opened from the school year 1948-9. If the suggestion is acceptable, he requests that orders may be issued immediately so that managements which have decided to close their schools on account of their inability to satisfy the condition may be notified early. It is for consideration whether the suggestion of the D.P.I. may be accepted.

2. In connection with a cutting from English Catholic Weekly the Deputy Prime Minister of the Govt of India requested that detailed information in this regard might be furnished. The file was circulated to the Honble Premier

for discussion with the D.P.I. and it has not yet been received back.

This may be circulated to H.M.(Edn) and H.Pr. for orders as to whether the suggestion of the D.P.I. may be accepted.

USA
17.5.49

[Handwritten signature]

H.Pr. has referred to this proposal in his letter to the Deputy Prime Minister of India. It is only fair that a rule revising the financial conditions already accepted as satisfactory when recognition was accorded to the schools should not be given retrospective effect. The D.P.I. also mentions that the rule if given retrospective effect will involve closure of three or four schools immediately. We may therefore agree with the proposal of the D.P.I.

H.M.(Edn)

H.Pr.

18/5/49

E/9

This order seems to have given rise to lot of dissatisfaction and agitation. It will not be fair to give retrospective effect to any G.O. like this. The D.P.I.'s recommendation may be accepted so that this condition about endowments need not be imposed on any school started before June 1948. The question whether endowments should be insisted upon in the case of schools started after June 1948 should be further examined.

X

19/5

[Handwritten signature]

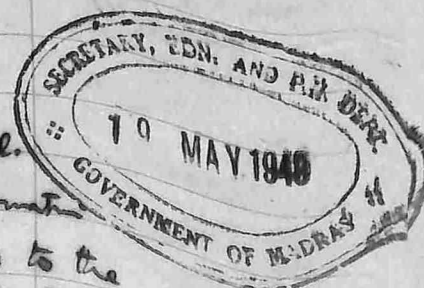
A draft order is submitted below for approval. A copy of the order may be sent to the Director of Information & Publicity. Action will be taken separately with reference to the minutes at X above after the order is issued & the D.P.I. is satisfied.

USA received

17.5.49

[Handwritten signature]

Order may issue to D.P.I. in respect of publicity, is this



3/10

necessary. We should take care to avoid creating a wrong impression that previous tensions are being revised. The D.P.I. is informed all concerned.

If it is necessary to publish, should we not circulate to H.M. (P.W). In a case on the medical side, there are some orders on the

20/5

It is not essential that the order should be given publicity. The despatch entry to the Director of Information & Publicity may be omitted in view of para 1 of Secy's note.

As regards para 2, it is submitted that the procedure referred to applies only to Press notes & Press Communiqués and not in respect of govt orders of general interest.

USA
20/5/49

[Handwritten signature] 20/5

PTO

Schools - Secondary - Aided - Formation of Advisory Committees etc - Representation from the Catholic Educational Council

From the Archbishop of Madras d/28-4-49 President
The Catholic Educational Council d/28. 4. 49

Please see the memorandum from the Archbishop of Madras at ph 1-4 of. The three points raised therein are noted on below:-

1. Advisory Boards.

Under rule 12 (d) of the M. E. R. as amended by G.O. No Ms. 1068 Edu. d/22-5-47 every secondary school should have a managing ~~committee~~ body and in exceptional cases where the constitution of a managing body has been waived there should be an advisory committee. The powers and functions of this committee are purely advisory. It is thus fore not clear how the committee interferes or obstructs the normal administration of a secondary school. The formation of such committees was recommended by the Provincial Advisory Board of Education only with a view to increase the efficiency of every institution. It would appear that it is too soon to review the ^{result} effects of the formation of advisory committees in Secondary schools. It may however be mentioned that no representation against the formation of these committees has been received from non-catholic managements. In the case of aided colleges, the previous H.M. (Edu) had suggested that reports regarding the formation and function of the committees should be called for. It may perhaps be done in respect of Secondary schools also.

2. Creation of Endowments.

Under the existing orders Secondary schools opened prior to 1-4-1940 are exempted from providing endowments.

Schools opened during the period from 1.4.40 to 31.3.48
 are permitted to build an endowment within five years
 while no concession is shown to institutions
 opened on or after 1.4.48. No distinction is made
 between catholic and non-catholic ~~institutions~~ managements
 in the matter of creation of endowments for the maintenance
 of Secondary Schools under their control. On a further
 representation from the Bishop of Mangalore, Govt
 issued orders permitting a management maintaining
 more than ^{one} Secondary school ~~to~~ to create a collective
 endowment for the maintenance of all the Secondary
 schools under ~~their~~ ^{its} control. It is therefore submitted that
 no further concession seems called for on the representation
 at pp 2-4 of - Attention is in this connection directed to
 the correspondence disposed of in Memo 28 623 P/48-2 dated 21.7.48

compare (F) and (G)

G.O. put up in another
 file

III Requisitioning Bill.

The Madras Educational

Thro' C.

Institutions (Requisition of Property) Bill, 1948.
 provides for the requisitioning of property used
 for educational purposes and certain
 other matters. The Bill has been
 referred to a Select Committee and
 the findings of the Committee are awaited.
 The points referred to in the opposition to
 the bill by the Society of the Catholic
 Educational Council have already
 been considered in the main file
 which is now under consideration to
 H.O. (Edn). The Educational Council
 may tender their views against the bill
 to the Select Committee, opposing the bill.

the files
 are with
 H.O.

29/4/49

29/4/49

HTT (Edn)

(B2)

G.O. no 1657 Edn

20.5.49

(B2)

The notes from page 1 ante may be perused.
 Since then the policy of this Govt regarding the
 creation of endowments in respect of secondary
 schools has been reviewed and orders have been
 issued that the conditions regarding the
 creation of endowments need not be insisted
 upon in respect of Secondary schools opened prior to
 June 1948. The question whether endowments
 should be insisted upon even in respect of schools
 opened after June 1948 has been referred to the
 D.P.G for remarks.

2) The file was submitted to Secretary linked
 with the papers at (E/2). As this file was not
 marked for circulation it was presumed that no
 further action is called for on the representation at
 pages 1-4 of. If the presumption is correct it is for orders
 whether the papers may be ~~lodged~~ filed with G.O.

no. 1657 Edn & 20.5.49
 18/7/49
 22/2/49

25/7/49

26/7

