

Edn. & P. H. (1949) Department.

Ms. SERIES.

Close

By
Super

G.O. NO. 2332 Education

Dated 18-7-1949.

[Despatch Abstract.]

Grants - Building and equipment - Admission of Non-Hindus into the Pachaiyappas educational institutions - Ban - withdrawal - Equipment grant of Rs.10,000/- sanctioned to the Pachaiyappas College, Madras.

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
91251	B1/48-312						
	11/4/47						
Q. 8238							
	23/3/49						
Q. 7508	dw, 2/4/48						
" 1547	" 15/7/47						
" 758	" 16/4/47						

Further Papers.

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

EDUCATION DEPARTMENT

FROM THE DIRECTOR OF PUBLIC INSTRUCTION, MADRAS

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

Roc.No.492 F/49 dated 13-6-49

Sir,

46125

Sub:--GRANTS--Buildings and Equipment--Admission of Non-Hindus into Pachaiyappa's Educational Institutions.

In forwarding herewith a copy of letter Ref. D.No.3376/48-49 dated 24-5-49 from the Secretary to the Trustees of Pachaiyappa's Charities, Madras, I have the honour to state that an equipment grant scheme on behalf of the College for the purchase of science articles furniture and books at an estimated cost of Rs.55,418/- was admitted in the approved list for 1948-49 in G.O. Ms.No.1547 E&H dated 15-7-47. The amount provided in the Budget Estimate for 48-49 viz., Rs.10,000/- for payment as grant to the Institutions was not authorised for payment on account of the ban and the amount was surrendered to Government. If the Government is now inclined to lift the ban and order the payment of grant this year necessary funds may be provided therefor.

Yours faithfully,

Thiruvananthapuram

For Director of Public Instruction

Clb.15-6-49

15/6/49

P3 infra

BP3-49 (K)
Sum 4 in Annexure
to G.O. 7508 dw,
2/4/48 (V)
p2-49

BP33-34 of
Q. 8238 dw
23/3/49

Copy of the letter Ref.D.No. 3376/48-49 dated 24-5-49 from the Secretary to the Trustees of Pachaiyappa's Charities, Madras to the Director of Public Instruction, MADRAS

Sub:--Admission of Non-Hindus into Pachaiyappa's Educational Institutions.

In your Proceedings Rc.715-D2/48 dated 28-12-48,

communicating Government Memorandum No.17925-G3/48-7 dated 8-12-48

it is directed that no grant for buildings or equipment should be disbursed for the Pachaiyappa's Institutions until the scheme is amended to enable the Institutions to be thrown open to all communities. Since then efforts were made in that direction. The Government in their D.O. 91281-B1/48-3 Education dated 11-4-49 have enquired Sri K. Rajah Iyer,

Advocate-General whether he has no objection for a suit to be filed for amending the scheme impleading the Trustees as defendants. The

Advocate-General, who was interviewed in this connection early in last month was pleased to consent to file the suit as a plaintiff with Trustees as Defendants Vide No.30167 Edn. dated 28-4-49 (copy enclosed) The proposed suit will be normally filed after the Courts reopen after

vacation.

It is understood that Sri K. Rajah Iyer, Advocate-General had to go out of India for two months after vacation for professional work, and hence the filing of the suit is likely to be delayed by two more months.

In view of the fact that the Trustees have taken the preliminary steps for amending the scheme, viz., of obtaining the consent of the Advocate General, the Government may kindly be requested to lift the ban in respect of building and equipment grants for the Pachaiyappa educational institutions. On account of the existence of this ban even the equipment grant of Rs.10,000/- promised by the Government for the Pachaiyappa's College could not be claimed. The Pachaiyappa's College needs renewal and replacement of several items of equipment for its laboratory and the Trust Board will feel grateful, if the ban is lifted to enable the equipment grant of Rs. 10,000/- sanctioned in the Director's Pros. Rc.No.153 F/48 dated 13-5-49 being availed of atleast during the academic year 49-50

(Sd)

Secretary.

P.T.O.

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Copy of the letter Ref.No.30167 B1/49-1 Edn. from the Joint Secretary to the Government of Madras to the President

Pachaiyappa's Trust Board, Madras dated 28th April 1949

Sub:--Schools and colleges--Aided--Educational Institutions maintained by the Pachaiyappa's Trust--Admission of Non-Hindus.

Ref:--Your letter No.1644/48-9 dated 3-12-48 addressed to the former Hon'ble the Minister for Education.

I am directed to state that the Advocate-General has agreed to take steps to have a suit filed in the above matter with himself as the plaintiff and the trustees as the defendants, for amending the existing scheme of administration so as to permit the admission of Non-Hindus in the educational institutions maintained by the Pachaiyappa's Trust.

(sd) x x x x x

For Joint Secretary to Govt.

/True copy

P. Krishna Rao
For Director of Public Instruction

Clb.15-6-49
15/6

E. & P.H. (G.2)

Grants - Building and equipment - Admission of Non-Hindus into the Pachaiyappas educational institutions - Ban ~~withdrawal~~ Equipment grant of Rs.10,000/- sanctioned to the Pachaiyappas College, Madras.

C.No.46125/49.

READ:- G.O.No.1547 Edn., dated 15.7.1947.

G.O.No. 750 Edn., dated 2-4-1948.

~~From the~~ Govt.Memo.No.17925-G3/48-7 Edn., dated 8.12.48
From the D.P.I.Roc.No.492-F/49 dated 13.6.1949.

Order/Ms.No. 2332 Edn., dated 18.7.48

In the circumstances stated by the D.P.I. in his letter read above, the ~~order issued by the~~ ^{Memorandum No. 17925-G3-48-7 Edn. dated 8.12.48} ~~Govt. Memo. read above asking the D.P.I. not to~~ disburse any grants for building or equipment to the Pachaiyappas College, Madras, ~~until the same are~~ hereby cancelled.

2. The Govt. authorise the D.P.I. to disburse a grant of Rs.10,000/- to the management of the Pachaiyappas College, Madras, towards the cost of equipment, sanctioned already, in the G.O. dated 15.7.48.

3. The expenditure on this sanction will be debited to ~~137-c-~~ "37-c- Education - University - Grants to Non-Government Arts Colleges - C.Equipment". The D.P.I. is requested to apply for additional funds, if necessary, in the course of the year. The A.G. is requested to admit the expenditure in audit pending provision of funds.

To

The D.P.I.

The A.G. through Fin
Copy to B-1 section.
4 spare copies.

(Ten thousands)

13/7/49

15.7.49

14.7.48

18/6

ABSTRACT.

G.O.No.1547 Education dated 15-7-1947
G.O.No.750 Education dated 2-4-1948.
Government Memorandum No.17925-G3/48-7.Edn. dated 8-12-48.
From the Director of Public Instruction, Roc.No.492-F/49
dated 13-6-1949.

In the circumstances stated by the Director of Public Instruction in his letter read above, the instructions contained in Memorandum No. 17925-G3/48-7, Education dated 8th December 1948 *are hereby cancelled.*

3. The expenditure on this sanction will be debited to "37-c-Education - University - Grants to Non-Government Arts Colleges-C.Equipment". The Director of Public Instruction is requested to apply for additional funds, if necessary, in the course of the year. The Accountant-General is requested to admit the expenditure in audit pending provision of funds.

J. M. LOBO PRABHU,
Secretary to Government.

True copy/Forwarded/By Order

Superintendent.

gs/18-7/

ABSTRACT.

From the Director of Public Instruction, P.O. No. 492-1/49
G.O. No. 750 Education dated 2-4-1948.
G.O. No. 1847 Education dated 15-7-1947.

OR DER:

3. The expenditure on this sanction will be debited to Grants to Non-Government Arts Colleges - University of Public Instruction is requested to apply for additional funds, if necessary, in the course of the year. The Accountant-General is requested to submit the expenditure in audit pending provision of funds.

(By Order of His Excellency the Governor)

Secretary to Government,
J. M. DOBO FRABHU,

Copy to B-1 section,
"Accountant-General thro' Finance.
The Director of Public Instruction, Madras.
2/25/44.

Time copy/Forwarded/PV Order

Superintendent.

7-85/25

Rec. No. 89 D8/51 dated 12-2-1951.

Sir,

Sub: Grant-in-aid Code--Institutions under Pachaiyappa's charities--
Admission of Non-Hindus--Amendment of scheme.

Ref: Government Memorandum No. 17925-G3/48-7 Education dated 8-12-48

I submit herewith a copy of the letter 3172/50-51 dated 31-1-51 from the Secretary to the Trustees of Pachaiyappa's Charities, together with a copy of the High Court's order in C. S. No. 647/49. In view of the High Court's order the restriction placed on the disbursement of grants for buildings ~~or~~ equipment for the institutions under Pachaiyappa's Charities may be removed.

Yours faithfully,

for Director of Public Instruction.

C. R. 1222

Copy of letter Ref. D. No. 3172/50-51 dated 31st January 1951 from the ~~Secretary~~, The Secretary to the Trustees of Pachaiyappa's Charities Madras to the Director of Public Instruction, Madras.

3496
 Sub: Admission of Non-Hindus into institutions under Pachaiyappa's Charities
 Madras.

I have the honour to forward herewith a copy of the High Court's order in C.S. No. 647/49, ordering the amendments to the Supreme Court's decrees of 1832 and 1841, to enable the Board of Trustees to throw open admission ~~admission~~ to the Educational Institutions to all citizens of India irrespective of caste, creed, religion or language. I am to point out that the circumstances leading to the ban for disbursement of capital grants for Institutions managed by the Pachaiyappa's Trust Board do not exist.

/True Copy/

for Director of Public Instruction.

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Ordinary Original Civil Jurisdiction
Tuesday, the 10th day of October 1950
Before the Hon'ble Mr. Justice Rajagopalan,
C. S. No. 647 of 1949

The Advocate- General of Madras.
VS

Plaintiff.

Rao Bahadur Dr. T. Satakopa Mudaliar &
8 others

Defendants

The main object of the suit instituted by the Advocate- General is to provide for admission into the educational institutions maintained by the Pachaiyappa's Charities of persons other than Hindus.

It may not be necessary to set out the history of Pachaiyappa's Charities at any great length. The original will of Pachaiyappa is not available. It would appear that in the will that Pachaiyappa left he did not specifically provide for the maintenance of any educational institution. That extension of Pachaiyappa's Charities was under schemes sanctioned by the Court principally by the decrees of 1832 & 1841. Clause 13 of the scheme sanctioned by this Court on 12-2-1909 specifically referred to the provisions of the prior decrees and decretal orders which continued to have full force and effect. That reference was obviously to the decrees of 1832 and 1841.

The grant of the relief the learned Advocate-General now seeks, virtually on behalf of the Trustees of the Pachaiyappa's Charities also is made easier by the fact, that an extension of admissions to Citizens of India other than Hindus to the educational institutions is not in direct conflict with any express intention of the founder of the Trust, i.e., the late Pachaiyappa.

Even apart from the difficulties the Trustees encountered at the hands of the educational authorities of this state, insistence upon the original terms of the decrees that admission to the educational institutions maintained by the Pachaiyappa's Charities should be confined to the Hindus, would appear to be in direct conflict with Article 29(2) of the Constitution. The need of these educational institutions to seek the aid of the Govt for money grants is obvious, and, if such an aid is to be given by the state, the educational institutions maintained by the Pachaiyappa's Charities must be thrown

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thrown open to all Indian Citizens, and, there can be no refusal of admission only on grounds of religion, race, caste or language. So even apart from any question of modifying the schemes to conform to current ideas of what proper charitable uses are, the need of these educational institutions to receive the support of the State and the requirements of Article 29(2) of the Constitution really decide the question. The institutions has to be thrown open to all Indian Citizens without any reference to caste or religion.

It may not be really necessary to carry out any changes in the orders issued by the Board of Revenue which was entrusted with the superintendence of the Charities under Regulation VII of 1817. The orders of the Board themselves were based upon the decrees of Court and it was the decrees of Court and not the orders of the Board of Revenue that Clause 13 of the Scheme of 12-2-1909 referred to. It is therefore enough to amend the decrees of 1832 and 1841.

The relevant portions of the decrees of 1832 and 1841 were extracted in the order of my learned brother Subba Rao, J. in Application No. 1677 of 1948 when he directed that the reliefs sought by the Trustees should be sought in a suit and not by an application. It was that that led to this suit.

I direct that the relevant clauses in the decrees of 1832 and 1841 be amended. In the decree of 1832 in the passage.

"and that accordingly certain charitable institutions for the education and instruction of Hindus should be established and maintained."

the word "Hindus" should be replaced by the word "Indians."

Similarly in the same decree in the passage.

"for the purpose and object of instructing all Hindus in the laws, customs and regulations" etc.

the word "Hindus" shall be replaced by the word "Indians".

In the decree of 1841 again in three passages,

- (1) "accordingly certain charitable institutions for the education and instruction of Hindus should be established and maintained."
- (2) "for the purpose and object of instructing all the Hindus in the laws, customs and regulations"

P.T.O.

and (3)

"direct and regulate what specific course and plan of giving instruction and who should be admitted to receive instructions regard being had to be unreserved admission of all Hindu applicants as far as might be practicable."

the word "Hindus" and 'Hindu' should be deleted and the word "Indians" and 'Indian' should be inserted. The effect of these amendments is to throw open admission to the educational institutions maintained by the Pachaiyappa's Charities to all Citizens of India irrespective of caste, creed, religion or language.

Costs of the plaintiff, that is Rs.1,250/- as counsel's fee and Rs.350/- for other expenses shall be paid out of the Trust funds to the counsel. Costs of the defendants too shall be paid out of the Trust funds. Counsel's fee Rs.1,250/-.

10th October 1950.

(True copy).

112 ✓
E. & P. H. (G2)

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o. Picf

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105-116 of ⑤

8/12/68

8/12/48
app 33-34 of
9.0 823 50-23/3/49

P34 of of (J)

P3c

long 33-34 4 2 (J)

Recy

yer,
Sent

in 1965-69

paid to the college during the current year and, if so, necessary provision may be made in the current year's estimates. In view of the fact that the authorities of the Pachaiyappa's Trust have taken the preliminary steps for amending the scheme so as to permit the admission of even Non-Hindus, it is for consideration whether the instructions already issued may be cancelled and the institutions under Pachaiyappa's charities may be rendered eligible for the usual building and equipment grants and so, ~~the~~ whether the D.P.I. may be authorised to disburse the equipment grant of Rs. 10,000/- already sanctioned to the Pachaiyappa's College and to apply for additional funds, if necessary, on this account, later on, while suggesting provision in the R.E. for 1949-50. Finance may see for remarks prior to circulation.

orders may be taken in circulation. 33-344 in P2328 (J) 23-3-49



Through B1.

RS 29/6/49 25.6.49

30-6-49

5/7/49 Fin

Finance (Exp. A)

Notes on pages 1-2 above may be provided.

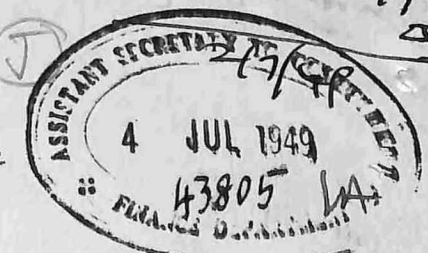
It appears from the memo. on pages 33-34 of in P.O. 823 Ex. 8, 23-3-49 that the equipment grant of Rs. 10,000 should not be disbursed until the scheme of admitting pupils of Hindu community alone is ~~entirely~~ amended. In the circumstances explained by the Secretary to the Trustees of Pachaiyappa's Charities, this Dept. need not object to orders being taken in circulation, including H.M. (Finance), for the disbursement of the grant now, necessary ^{additional} funds being provided in the course of the year, if necessary.

5.7.49

5.7.49

7.7.49 E.P.H.

E+H (G2) No. 46125 P2/49 4 JUL 1949 43805 LA



p. 3 CF

5.7.49

7.7.49

Fin. No. 46805/E.H. 7.7.49



5/7/49



E+H (G2) No. 46125 P2/49-2

15/7/49



br EA 13

E+H (G2)

[This draft. note on p 1-2 and Finance Dept. on p 2 and may be perused]. The case may now be circulated to H.M. (Edn) & H.M. (Fin) for orders on 5 on p 2 and.

RS 8/7/49

9.7.49

5/11/49

H.M. (E+H) ✓ H.M. (Fin) ✓ Maybe done

13.7

12/7

Please see all orders in circulation above. The draft order below is for approval. Finance may see before the file after issue.

RS 13/7/49

13.7.49

15/7/49

Finance

Accy. 16.7.49

16.7.49

5.7.49

May come.

16.7.49

5/18/49

[Issued as No. 10.2322 Edn 8-18/7/49]

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2

PU 2/11/51

2/11/51

2/11/51

PU 2/11/51

2/11/51

2/11/51

2/11/51

pp 33-34 of (W)
q. 823 Sm
23-3-49

19 of (P)

pp 3-7 of

11 of

11 of

19 of (P)



(P)

From the D. P. I. Roc. No. 89 D 8/ 51 dated 12-2-51.

Grant-in-Aid Code--Institutions under Pachaiyappa's Charities--Admission of Non-Hindus--Amendment of the Scheme.

In Memo No. 17925 G3/48-7 Education dated 8-12-48, the Govt. directed that building and equipment grants should not be disbursed to the institutions under Pachaiyappa's Charities until the Scheme for the Charities is amended to enable the institution to be thrown open for all communities. However, these orders were ^{subsequently} cancelled and the D. P. I. was authorised to disburse an equipment grant of Rs. 10,000, to the management of the Pachaiyappa's College. ^{vide} G.O. No. 2332 Edn. dated 18-7-49. Attention is in this connection invited to the notes at K on p. 2 n.f. of (P).

2. The D. P. I. has now forwarded a copy of the High Court's order amending the Scheme throwing the institutions under the Pachaiyappa's Charities open to all Indians, ^{along with a copy of the order} ~~received with the order~~ from the Secy. to the Trustees of Pachaiyappa's Charities, and recommends that the restriction placed on the disbursement of grants for buildings and equipment to the institutions under Pachaiyappa's Charities may be removed.

3. Submitted that the restriction in question has already been removed in G.O. No. 2332 Edn. dated 18-7-49. It is therefore for orders whether the Director's attention may be drawn to this and he may be informed that the restriction has already been removed.

10.3.51
2/11/51

The ban on grants to the Pachayappas College has already been removed (para 1 of G.O. No. 2332 Edn. dated 18.7.49). It does not appear that any further

6
action is necessary on the part
of the Govt in this regard -
The S.P.D. may be informed accordingly -
The High Court's
order on pages ¹³⁻¹⁷ (3-7) ⁴
may be perused

less
12.3.51

✓
15/3

Hm (Ed)

HM (Ed) (Application)
14/3

A draft memo to the S.P.D.
is submitted for approval. After
some, may be added to (P).

16.3.51.

less
16.3/51

less
19.3.51
S. J. 20/3

