

EDUCATION 1949 DEPARTMENT

closed

of
suppl

MS. SERIES.

3897
12

Gr. 478 Edm 8 16. 2. 50

Gr. O. No. 3897. Edm.

DATED. 20. 12. 1949. 6 p.m.

Sub Civil orphan Asylum - Madras
Director - Mr. V. C. Thomas. Appoint

=====

"Sudarsana"
183, Royapettah High Road
Royapettah
T. GEORGE
MADRAS 34
5th August 1949

To,
The Secretary to the Government of
Madras
Education and Public Health, Madras
Sir,
Civil Orphan Asylums -- Madras --
Government Director.

In G.O.Ms.No. 3301 Edn. dated 23-12-1948, the Government were pleased to appoint me as a Government Director of the Civil Orphan Asylums, Madras.

As I will be away from Madras for the next six months and it is not certain that I will be in Madras after my return from leave, I request that Government will be pleased to accept my resignation as Government Director and appoint some one else in my place.

I may be permitted to suggest that Mr. N.C.Thomas, Joint Secretary, Board of Revenue, will be a suitable person to be Government Director of the Civil Orphan Asylums.

yours faithfully

Rajiah D. Paul

2
29/16/49
EPL
c.
Endt-No. 59808-C1/49-1 Eduad-13/8/49
Referred to the D.P.I. for remarks.
20. The D.P.I.
(with a copy of
P1 ante)
13/8/49
13/8/49
19/8

3
E
Office of the Director of Public Instruction, Madras, dated 1-9-49.
3 3

Re. No. 2522 E1/49.

From

The Director of Public Instruction,
Madras.

To

The Secretary to Government,
Education and Public Health Department.

Sir,

Sub: Civil Orphan Asylums, Madras--Government Director--Appointment of

Ref: Government Endorsement No. 59808 C1/49-1 Education, dated 13-8-49

I accept the recommendation of Mr. Paul. Mr. N.C. Thomas may be appointed as a Government Director in place of Mr. Paul.

Yours faithfully,
M. Srinivasan
for Director of Public Instruction.

K.K.2-9.

21/9

[Faint, mostly illegible text from the reverse side of the paper, including fragments of "The Director of Public Instruction" and "Government of Madras"]

28/9/49

To: Mr. N. C. Thomas B.A.
Joint Secretary, Board of Revenue

[Handwritten initials and signature]

4

D.O. No. ~~822~~ 59808-C/49-2 Edu dated 9-9-49

Dear Mr. Thomas,

European Education - Civil Orphan Asylums -
Appointment of Govt. Director.

Mr. Rajaiah D. Paul, Secretary to the Govt. of Madras (on leave) who was a Govt. Director of the Civil Orphan Asylums has resigned. I am to ask you whether you would agree to be appointed in his place.

Sincerely,
Yours faithfully,
[Signature]

6/9/49

6/9/49

7/9/49

8/9

Note: Neither Mr. Paul's letter on P/49 nor the Director's letter on P/3 of show that Mr. Thomas is agreeable to be appointed as a Govt. Director of the Civil Orphan Asylums. He may wish to be asked to draft above is for approval.

6/9/49

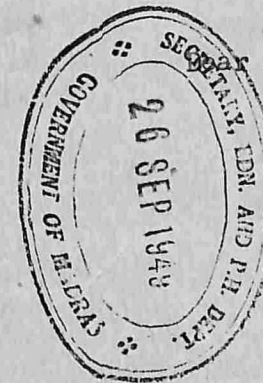
7/9/49

8/9

D.O. D.8256/49

Board of Revenue, Madras.
Dated 23rd September 1949.

26 SEP 1949



Mr. Lobo Prabhu,

Sub:- EUROPEAN EDUCATION - Civil Orphan Asylums -
Appointment of Government Director.

Ref:- Your D.O. No.59808-C1/49-2, Education, dated
9th September 1949. *phante*

I agree to be appointed as Government Director of
the Civil Orphan Asylum in the place of Sri Rajaiah D.Paul.
I may state that the Full Board has permitted me to accept
the appointment.

Yours sincerely,

phante
24.9

To

Sri J.M. Lobo Prabhu, I.C.S.,
Secretary to Government,
Education & Public Health Department,
Fort St.George, Madras.

SPH
C

Letter No. 99087-C1/49-1 Edn dated 19-12-49

Ref

The Secretary,
The Madras Orphan Asylums, Madras

Sir,

Orphan Asylums, Madras - Appointment of
Govt. Director

I am directed to forward to you a copy of G.O. No. 3897 Edn dated 20.12.49, appointing Mr. N.C. Thomas, B.A. Joint Secretary to the Board of Revenue as a Govt. ^{of the Orphan Asylums} Director in the vacancy caused by the resignation of Rao Sahib R.D. Paul. The Govt. consider that the provision made in the Constitution of the Orphan Asylums for the appointment of two Govt. Directors should be raised to three to enable the appointment of the present Deputy Secretary of the Finance Dept. of the

P.T.

Govt. of Madras to the Board of Directors of the ~~Madras~~ ^{Madras} Orphan Asylum. I am accordingly to request you to place this matter before the Board of Directors of ~~Madras~~ ^{Madras} Orphan Asylum and forward its decision to Govt. at an early date.

17/12/49

Yours faithfully,
17/12/49

Supdt. C. L. J.

Letter no. 99087- C1/49-2 Edu dated 23/1/50

Ref
To The Secretary,
The Madras ~~Orphan~~ ^{Orphan} Asylum, Madras

Sir, ~~Orphan~~ ^{Orphan} Asylum, Madras - Appointment
of Govt. Director.

I am to invite your attention to my letter

PP1-2 and letter no. 99087- C1/49-1 Edu dated 19-12-49, on the subject read above and to request you to ~~reply~~ ^{reply} in the matter may be sent at an early date.

Yours faithfully,

CB

23.1.50
of 23/1/50

23/1/50

Telephone: 3058

Secretary to Government,
Education & Public Health Department,
Government of Madras,
Madras 9.

Civil Orphan Asylums
KILPAUK, MADRAS 10

2nd Feb. 1950 194

Dear Sir,

sub: Appointment of Government Directors.

Your letter No.99087-C1/49-1 Edn. dated 19/12/1949, was placed before the Board of Directors at their meeting held on 25th January 1950.

I am directed by the Board to ascertain from you the reasons for a third nominee by Government, and also desires to point out to Government that the Executive Engineer-North Presidency division has not attended any meeting of the Board.

Yours faithfully,

R. Kentridge
Principal & Secretary.

Exp
C

10

9

100/16-✓

To, The Secretary,
Civil Orphan Asylums, Madras.
Sri P.M. Nayak I.C.S.
Deputy Secretary of Govt. Madras
Finance Dept.
Copy to D.P.I.

Main file retained
in secy

Civil Orphan Asylums, Madras - Govt. Director - Sri P.M. Nayak
Appointed

Order (Ms) No H78 Edu dated 16-2-50

H.E. the Governor of Madras appoints ^{Sri P.M. Nayak, I.C.S.} ~~The A.C. Thomas~~ Deputy Secretary to the Govt of Madras, Finance dept. to be a ^{Govt.} Director of the Civil Orphan Asylums, Madras

29/2/50
29/2/50

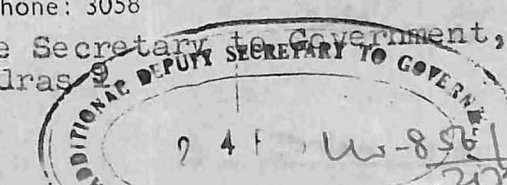
29/2/50

29/2/50

Handwritten notes on lined paper, including "Civil Orphan Asylums, Madras - 10" and "Appointments".

Telephone: 3058

The Secretary to Government,
Madras



Dear Sir,

Ref: Your letter dated 16th February 1950
Sub: Nomination of Government Director.

14866

The Constitution of the Civil Orphan Asylums very clearly states that there are to be only two Directors nominated by Government.

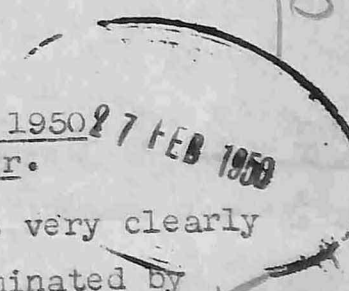
May I please know if the appointment of Sri P.M. Nayak, I.C.S. is in place of Sri. Rao Sahib S. Balusubramaniam, Executive-Engineer-North Presidency Division.

From
The Principal,
Rev'd. R. Bentinck.

Yours faithfully,
K. Bentinck
Principal.

Civil Orphan Asylums
KILPAUK, MADRAS 10
23rd February 1950.

CSL Topel



The Revd. R. Bentinck B.A., L.T.,
Principal & Correspondent

Telephone No. 3058
CIVIL ORPHAN ASYLUMS
Kilpauk, Madras 10

10th March 1950

The Secretary to Government,
Education & Health Department,
Madras

Dear Sir,

Sub: Nomination of Government Director.
Ref: Your letter G.O.Ms.No.478 Education dated 16/2/50

I wrote to you on 23rd February in reply to your letter mentioned above asking you to let me know if the appointment of Sri P.M.Nayak, I.C.S., is in place of Sri Rao Bahib S.Balasubramaniam, Executive Engineer-North Presidency Division, and I have had no reply. May I please have a reply as soon as possible as I have a meeting of the Board of Directors on 16th March and the notice of the meeting has to be sent.

I enclose a copy of my letter dated 23rd February for your reference.

Yours faithfully,
R. Bentinck
Principal.

Enc.1.

Telephone No. 3058
CIVIL ORPHAN ASYLUMS
Kilpauk, Madras 10

The Revd. R. Bentinck B.A., L.T.,
Principal & Correspondent

The Revd. R. Bentinck B.A., L.T.,
Principal & Correspondent

Telephone No. 3058
CIVIL ORPHAN ASYLUMS
Kilpauk, Madras 10

Copy of letter dated 23/2/50

Dear Sir,

Ref: Your letter dated 16th February 1950
Sub: Nomination of Government Director.

The Constitution of the Civil Orphan Asylums very clearly states that there are to be only two Directors nominated by Government.

May I please know if the appointment of Sri P.M. Nayak, I.C.S. is in place of Sri Rao Sahib - Balasubramaniam, Executive Engineer, North Presidency Division.

Yours faithfully,

(sd) R. Bentinck
Principal.

195

13

13
Sanaar p 11 out

Telephone No. 3088
CIVIL ORPHAN ASYLUMS
Chennai, Madras 10

142

Edu
D

The main file on the subject was sent to Legal
Dept on 4/3/50. The return may be awaited ^{for sending}
a reply is sent to the Principal of Civil Orphan Asylums

RB
17/3/50

dp
17/3/50

AM
17/3/50

Letter No. 99087-D/49-6 Edu dated 15/4/50

To, The Principal,
Civil Orphan Asylums, Madras

1
59
15/4
RB
DP

Civil Orphan Asylums, Madras - Appointment of
Govt. Director.

With reference to your letters dated 2-2-50 and 23-2-50 on
the subject read above, I am directed to state that the
appointment of Sri. P. M. Nayak as a Govt. Director is in
addition to of the Civil Orphan Asylums, is in addition
to the two Govt. Directors who are already ^{have} been appointed to
of Directors. I am further to ask you to take steps to amend
rule 4 of the Rules and Regulations of the Civil Orphan
Asylums, ^{with retrospective effect from 16-2-50} so as to provide for three Directors to be appointed
by Govt. instead of two as at present.

(N)

RB
28/3/50
dp
28/3/50

AM
28/3/50

Yours faithfully,

DP

[Faint, mostly illegible handwritten text on the left page, possibly bleed-through from the reverse side.]

16 EPL
21

Civil Orphan Asylums, Madras - Director -
Mr. N.C. Thomas - Appointed 15

PICF From Rao Sahib Sri R.D. Paul letter dated 5-8-49
PBCF From the D.P.I No 2522 E, /49 dated 1-9-49
PSCF From ^{Sri} Mr. N.C. Thomas, Joint Secretary, Board of
Revenue D.O. D.8256/49 dated 23-9-49.

12

To, The Secretary,
Civil Orphan Asylums, Madras
Mr. N.C. Thomas Esq. B.A.
Joint Secretary, Board of Revenue, Madras,
Copy to the D.P.I

Ms H.E. the Governor of Madras appoints
Mr. N.C. Thomas, Joint Secretary, Board of Revenue
to be a Joint Director of the Civil Orphan Asylums,
Madras, Vice Rao Sahib Sri R.D. Paul, Resigned.

7/10/49
7/11/49

33/10/49 3 1/10/49
H.O. (EPL)

~~33/10/49~~



What is the use of ~~frustrating~~
facing me with a flat accomplish.
Before asking the consent of Sir
N.C. Thomas & P.D. I should have
known this. I have ~~nothing~~
no objection to Mr Thomas at all.
But I would have liked the
Fin. Secy or Dy Secy Finance to be
the official member. as I have
got various complaints about
these orphanages. I would like
to know whether Fin Secy or Dy Secy
will find time for this. *km*

12/10

-3-18
The Civil Orphan Assylum, Madras is paid a moiety of the interest derived yearly from the Woolley Fund for the education and maintenance (of children) of distressed Europeans and their children. To ensure that the grant is expended for the purpose for which it has been intended, the Government appoint two Directors who were generally High Court Judges or other high officials or Heads of Departments. However, in 1933, the Executive Engineer, North Presidency Division, was appointed as a Government Director as the Director of Public Instruction reported that it would be of great advantage to these institutions to have on their Committee men who could give professional advice. Since then one of the Government Directors appointed to serve on the Committee to the Civil Orphan Assylums has been an Engineer of the Public Works Dept. The present P.W.D. Director is Sri Rao Sahib Balasubrahmaniam a non-Christian. As regards the other Government Director the practice has been to appoint a European, an Anglo Indian or Christian - vide the names of Directors appointed by Govt. from time to time:

Mr. R.D. Paul	Mr. J.M. Frederick
Mr. A. Lepper	Mr. N.J. Joseph
Mr. B.W. Day	Mr. A. Vipani
Mr. D.N. Strathie	Mr. Justice H.D.C. Reilly
Mr. C.M. Goveas	Mr Justice H.O.C. Beasley.

It is for orders whether a departure will be made from the practice now.

del 11/11/49
DM 12/11/49
F.S + Dy F.S may
see A on page 2 for remarks

Exp. H. U. D.
No. 59808-C/49-3Ed
14-11-49



F.S
Dy. F.S.

I have consulted AS and his
dys - has no objection to the Deputy
Secretary being appointed as one
of the Govt. officials.

Committee - if it is considered that Mr. Thomas having given his consent is immaterial.

16.11.49. E.P.H.
c,

File no 77019A/EA-1
16.11.49

The file may now be circulated to H.M. (E+L)

17 Nov 1949

18/11/49

OM 21/11/49 S

29632

can we appoint the Deputy Secretary, in addition to Mr Thomas. A department in respect of representation of X train, will not then arise

22/12/49

As the constitution of

According to the constitution of the Civil Orphan Asylum, there is provision for the appointment of only two Government Directors. Sri Rao Sahib Balasubramaniam is already on the Committee as one of the Directors. If the Deputy of Secretary of Finance dept is to be appointed in addition to Mr. Thomas, perhaps one of the following alternatives has to be adopted

(1) Raising the number of Govt. Directors to 3, the present Deputy Secretary of Finance dept being appointed as the third Govt. Director. In that case, the Board of Directors of the Civil Orphan Asylum has to be consulted first

(2) If it is considered that the appointment of the Deputy Finance Secretary is more essential than the PWD Engineer, the appointment of Sri. Rao Sahib Balasubramaniam can be terminated. The Board of Directors of the Civil Orphan Asylum has to be consulted even in this case also

OM 21/12/49 16/12/49 12.11 (E+L)

94087-49
The Thomas may be appointed. And
draft order on page 1/12 may now issue. With reference to the orders of H.M. (E+L) a draft letter to the Secretary of the Civil Orphan Asylum, Madras is also submitted for approval.

The draft order on Page 1/12 may now issue. With reference to the orders of H.M. (E+L) a draft letter to the Secretary of the Civil Orphan Asylum, Madras is also submitted for approval.

17/12/49

OM 17/12/49 S 19/12

pp 6-7
P9CF
Issued as Letter No. 99087-C1/49-1 Edu dated 19-12-49 I.
From the Secretary, Civil Orphan Asylum letter dated 2-2-50.

P9CF

P9CF

W. P1CF

The Board of Directors of Civil Orphan Asylum desire to know the reasons for a third nominee by Govt. The Secretary points out that the Executive Engineer - North Presidency Division has not attended any meeting of the Board. It may be mentioned in this connection that the Executive Engineer of North Presidency Division was first appointed as a Govt. Dir in 1933 as the D.P.T. reported that it would be of great advantage to the Asylum to have on their Committee men who could give professional advice. The Secretary of the Civil Orphan Asylum is presumably suggesting that since the Executive Engineer has not attended any of the meetings of the Board so far his appointment may be terminated and the Deputy Secretary of Finance dept appointed in his place without resorting to the necessity of raising the number of Govt. Directors to three. This suggestion may perhaps be agreed to.

RB 6/2/50

OM 6/2/50 S 12/2

SECRETARY, EDN. AND P.W.D.
8 FEB 1950
GOVERNMENT OF M. DRAS

11.17 (E+L) Deputy Secy may be appointed.

Why should the Govt give reasons for the 3rd nominee?

A draft order appointing the Deputy Secretary of Finance Dept as a Govt. Director is submitted. After some time, the point raised by Mr. (L.L.) on 13th ante may be examined. The file may perhaps be sent to Secy. Fin. and Dy. Secy. for perusal.

CB.
9/2/50
11/2/50 S
11/2/50

Secy (Fin) 11.2.50

D.S. (Fin) 11.2.50

Ed.H.U.O
No. 99087-C/49-3 Edu
11.2.50.



Fin no 9876A/2A
11.2.50

The draft order may now issue. After issue, the point raised by Mr. (L.L.) on 15th ante may be examined.

CB.
14/2/50
14/2/50 S
14/2/50

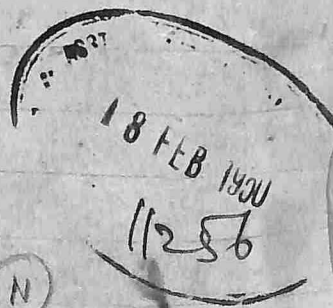
[Issued as L.O. No 478 Edu dated 16-2-50]

Please see also another letter since received from the Principal of Civil Orphan Asylums. The Principal desires to know whether the appointment of Sri P. M. Nayak I-es is in place of Sri Rao Sahib S. Balsubramaniam. He may be informed that the appointment of Sri Nayak is in addition to the two Govt. Directors who are already on the Board.

With reference to the minute of Mr. (L.L.) on the previous page, it is submitted that according to the Rules and regulations of the Civil Orphan Asylums passed in 1853 and revised in 1866, 1873, 1875, 1880, 1884, 1899, 1915, 1916, 1928 and 1931 there is provision for the appointment of only two Govt. Directors. The necessity for the appointment of a third Govt. Director was never felt and so there was no discussion when the question was considered. Since it was thought that the Board of Directors should be consulted before an additional Govt. Director

PICCF

PICCF



(N)

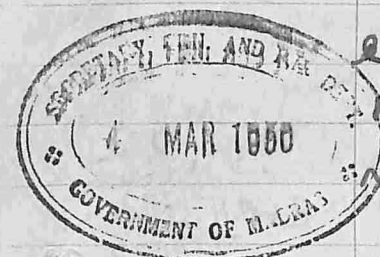
was appointed

CB

28/2/50

28/2/50

11/2/50 S



The Board cannot limit Government's authority to appoint a third Director, representing Govt.

H. N. (L.L.)

11/2/50

I don't think the Asylum is a registered body under the Societies Registration Act or any other statute so that its constitution cannot have any legal binding. So I think we can take the position suggested by Secy. H. N. (L.L.) to the Bd. So. Don't legal may be.

Ed.H.U.O

No. 99087-D/49-4 Edu
4/3/50

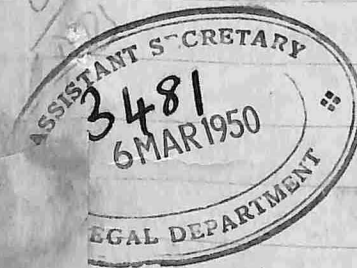
Legal

11/2/50

Legal Department.

The proposal in this case is in effect to amend rule 4 so as to provide for three Directors to be appointed by the Government instead of two as at present.

The papers in the file do not show that the Madras Male and Female Civil Orphan Asylums were, at any time, registered under the Societies Registration Act, or any other Act. It appears to be a voluntary body of persons who constituted themselves into an Asylum and framed their own rules and regulations. There is no statutory basis for the constitution and the rules are non-statutory. In the case of an unincorporated members' club or association, the rules form part of a contract between the



Halstbury's Laws
Vol. IV, pp 487-489

P. T.

members and can only be altered or added to in accordance with the express provision of the rules themselves, except where the alteration or addition is made with the consent of every member - See paragraphs 894 and 898 of Halsbury's Laws of England, Volume IV ^{at} pages 487-489. The amendment to the rules can ~~only~~ be made only in the manner provided by rule 21 according to which the Directors should suggest alteration and submit it for approval of the subscribers at a special meeting to be convened for the purpose. If the Government consider that there should be three Government Directors to represent them in the Board of management, the Asylums may be asked to take steps to amend rule 4 so as to provide for ^{three} directors to be appointed by Government instead of ^{two} as at present. As the Govt are giving grants, they can insist on the amendment being made.



Edwards
D.

Legal No:
3481/50-
18/3/50.

Please see the note of legal dept. The Principal of Civil Orphan Asylums may be informed as at A above. A draft letter is submitted for approval.

TCB
20/3/50
21/3/50

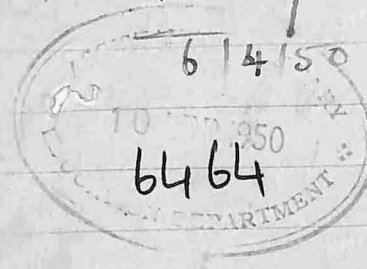
But Can the appointments be made before the rule is got amended?
21/3/50

The rules are only non-statutory and constitute part of a contract between the members. In this case, the relevant rule namely, rule 4(a) has to be amended with retrospective effect from the 16th Feb. 1950 enabling the Govt. to appoint 3 directors to the Madras Male & Female Civil Orphan Asylums. There is no legal objection to such a course if the special meeting convened for the purpose under rule 21(a) approves of such amendment with effect from



This will regularise the appointment already made. It may be pointed out that these unregistered societies have generally very extensive powers in the matter of alteration of the rules and there is no legal objection to the Society amending rule 4(a) with retrospective effect.

Legal No:
4861/50-1



Legal sees no objection to the appointment being made before the rule is got amended. With reference to the further note of legal dept. the draft letter below has been slightly amended. For orders whether it may now issue.

TCB
11/4/50
11/4/50

12/4/50 S

P15CF [Issued as Letter No. 99087-D/49-6 Education 15/4/50]

1/10/11
Columbus

With reference to the further part of report dated 12/10/11
draft letter has been written accordingly. It is
submitted for your perusal & approval.

11/10/11
11/10/11
11/10/11

[Enclosed as letter no. 1100-11-10-11-11-11]

20