GOVERNMENT OF MADRAS

(1) (14) closed

16-4

EDUCATION DEPARTMENT

G.O. No. 1518, 16th May 1950

Rules—Municipal Councils and District Boards—Establishment—Appointment and discharge of Muslim and women teachers in elementary schools—Amendments—Draft published.

G.O. at pp 1(a) – 1(b) and
n.c. at pp. 1-8 n.f. — A

Further Paper
G.O 2633 Edn
20/9/50

June 27, 1950

②

EDUCATION DEPARTMENT

G.O. No. 1518, 16th May 1950

Rules—Municipal Councils and District Boards—Establishment—Appointment and discharge of Muslim and women teachers in elementary schools—Amendments—Draft published.

Read—the following paper : —

From the Director of Public Instruction, dated 8th November 1948, 12th November 1949 and 27th January 1950, No. 3333-B-2/48.

Order—No. 1518, Education, dated 16th May 1950.

In their Order No. 1473, Education, dated 6th August 1940, the Government made certain rules in order to ensure that only Muslim teachers are appointed and retained in elementary schools chiefly intended for Muslims. Article 16 (2) of the Constitution of India prohibits discrimination on the ground of religion in respect of any employment or office under the State, and Articles 16 (5) and 29 (1) of the Constitution, adequately safeguard the interest of minorities. Purely denominational schools will hereafter become unnecessary. The Government propose, therefore, to amend suitably the rules relating to the establishment of teachers in elementary schools under local bodies.

2. The appended notification will be published in the *Fort St. George Gazette.*

(By order of His Excellency the Governor)

Rajaiah D. Paul,
Secretary to Government.

To all Presidents of District Boards.
,, the Executive Authorities of Municipal Councils.
,, the Director of Public Instruction.
,, the Inspector of Municipal Councils and Local Boards.
,, the Examiner of Local Fund Accounts.
,, the Local Administration Department.
,, the Legal Department.
,, the Superintendent, Government Press (for publication of the notification in the *Fort St. George Gazette*).

APPENDIX.

NOTIFICATIONS.

I

The following draft of certain amendments to the rules relating to establishments under municipal councils, published with the late Local Self-Government Department Notification No. 687, dated the 2nd June 1936, at pages 316 to 318 of Part I-A of the *Fort St. George Gazette*, dated the 16th June 1936, as subsequently amended, which it is proposed to make in exercise of the powers conferred by sections 73, 74 and 303 (2) (*a*) of the Madras District Municipalities Act, 1920 (Madras Act V of 1920) and rule 37 of Schedule IV to the said Act, is hereby published for general information as required by section 304 (*a*) of the said Act.

Further Paper
G.O 2633 Edn
20/9/50.

2(a)

Notice is hereby given that the draft will be further proceeded with after the expiry of six weeks from the date of publication of this notification and that any objection or suggestion which may be received with respect thereto before the expiry of the period aforesaid, will be considered by the Government of Madras.

DRAFT AMENDMENTS.

In the said rules—

(1) for rule 6-A, the following rule shall be substituted, namely:—

"6-A. Appointments to the posts of Urdu teachers in elementary schools shall be made only from Urdu trained candidates:

Provided that, if a qualified and suitable Urdu trained candidate is not available, an otherwise qualified non-Urdu teacher who knows to read and write Urdu may be appointed, until a qualified and suitable Urdu trained candidate becomes available.";

(2) for the first proviso to sub-rule (3) of rule 7, the following proviso shall be substituted, namely:—

"Provided that in the case of teachers in elementary schools—

(i) if the person to be discharged is a Urdu teacher whose discharge would affect the continuance of Urdu medium of instruction in Urdu elementary schools, the non-Urdu teacher next above him shall be discharged;

(ii) if the person to be discharged is a woman teacher, the man teacher next above her shall be discharged.";

(3) for the second proviso to sub-rule (*a*) of rule 17, the following proviso shall be substituted, namely:—

"Provided further that in the case of teachers in elementary schools—

(i) if the person to be discharged is a Urdu teacher whose discharge would affect the continuance of Urdu medium of instruction in Urdu elementary schools, the non-Urdu teacher next above him shall be discharged;

(ii) if the person to be discharged is a woman teacher, the man teacher next above her shall be discharged."

II

The following draft of certain amendments to the rules relating to establishments under district boards, published with the late Local Self-Government Department Notification No. 688, dated the 2nd June 1936, at pages 318 to 320 of Part I-A of the *Fort St. George Gazette*, dated the 16th June 1936, as subsequently amended, which it is proposed to make in exercise of the powers conferred by sections 70, 71 (1) and 199 (2) (*a*) of the Madras Local Boards Act, 1920 (Madras Act XIV of 1920) and rule 1-C (1) (*a*) of Schedule V to the said Act, is hereby published for general information as required by section 200 (*a*) of the said Act.

Notice is hereby given that the draft will be further proceeded with after the expiry of six weeks from the date of publication of this notification and that any objection or suggestion which may be received with respect thereto before the expiry of the period aforesaid, will be considered by the Government of Madras.

DRAFT AMENDMENTS.

In the said rules—

(1) for rule 7-A, the following rule shall be substituted, namely:—

"7-A. Appointments to the posts of Urdu teachers in elementary schools shall be made only from Urdu trained candidates:

Provided that, if a qualified and suitable Urdu trained candidate is not available, an otherwise qualified non-Urdu teacher, who knows to read and write Urdu, may be appointed until a qualified and suitable Urdu trained candidate becomes available.";

(2) for the second proviso to sub-rule (3) of rule 8, the following proviso shall be substituted, namely:—

"Provided further that in the case of teachers in elementary schools—

(i) if the person to be discharged is a Urdu teacher whose discharge would affect the continuance of Urdu medium of instruction in Urdu elementary schools, the non-Urdu teacher next above him shall be discharged;

(ii) if the person to be discharged is a woman teacher, the man teacher next above her shall be discharged.";

(3) for the second proviso to sub-rule (*a*) of rule 18, the following proviso shall be substituted, namely:—

"Provided further that in the case of teachers in elementary schools—

(i) if the person to be discharged is a Urdu teacher whose discharge would affect the continuance of Urdu medium of instruction in Urdu elementary schools, the non-Urdu teacher next above him shall be discharged;

(ii) if the person to be discharged is a woman teacher, the man teacher next above her shall be discharged."

Scott. 11-22-5,506-18-

(M)

PRESS SLIP.

62497

ORDINARY. **URGENT (*a*).** **SPECIAL (*a*).**

161/10 Pull

Education DEPARTMENT.

Current No. 85356 C/48 Edn, dated 17 – 11 – 1948.
G.O. No. 1518, dated 16 – 5 – 1950.

Number of MS. pages sent { (*b*) ~~Correspondence~~ 1/3 ; (*c*) Notes Nil 4

Brief subject Rules – Ml. cs and Dt. Bds. – Estt. – Appointment and discharge of Muslim and women teachers in the Schools – Amendments – Draft Published.

(*d*) Number of copies required when struck off (*not including copies for volumes and editors' table which are retained in the Press*). (1)	"Press" copies to supply on requisitions for purchase by the public. (2)	Complete correspondence and orders. (3)	Notes. (4)
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(*e*) The names of the Secretary and Ministers or Advisers should be printed in full when they occur on the right hand side, only the first time when they appear on the left side, the initials alone being printed later.

publ

TO PRESS, MADRAS.

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16.5

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GOVERNMENT OF MADRAS
30.5.50

3 JUN 1950

EDUCATION DEPARTMENT

G.O. No. 1518, 16th May 1950

Rules—Municipal Councils and District Boards—Establishment—Appointment and discharge of Muslim and women teachers in elementary schools—Amendments—Draft published.

READ—the following papers: —

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In their Order No. 1473, Education, dated 6th August 1940, the Government made certain rules in order to ensure that only Muslim teachers are appointed and retained in elementary schools chiefly intended for Muslims. Article 16 (2) of the Constitution of India prohibits discrimination on the ground of religion in respect of any employment or office under the State, and Articles 16 (5) and 29 (1) of the Constitution, adequately safeguard the interest of minorities. Purely denominational schools will hereafter become unnecessary. The Government propose therefor, to amend suitably the rules relating to the establishment of teachers in elementary schools under local bodies.

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(By order of His Excellency the Governor)

RAJAIAH D. PAUL,
Secretary to Government.

To all Presidents of District Boards.
,, the Executive Authorities of Municipal Councils.
,, the Director of Public Instruction.
,, the Inspector of Municipal Councils and Local Boards.
,, the Examiner of Local Fund Accounts.
,, the Local Administration Department.
,, the Legal Department.
,, the Superintendent, Government Press (for publication of the notification in the *Fort St. George Gazette*).

[Appendix

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Notice is hereby given that the draft will be further proceeded with after the expiry [illegible] six weeks from the date of publication of this notification and that any objection or suggestion which may be received with respect thereto before the expiry of the period aforesaid, will be considered by the Government of Madras.

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In the said rules—

(1) for rule 6-A, the following rule shall be substituted, namely:—

"6-A. Appointments to the posts of Urdu teachers in elementary schools shall be made only from Urdu trained candidates:

Provided that, if a qualified and suitable Urdu trained candidate is not available, an otherwise qualified non-Urdu teacher who knows to read and write Urdu may be appointed, until a qualified and suitable Urdu trained candidate becomes available.";

(2) for the first proviso to sub-rule (3) of rule 7, the following proviso shall be substituted, namely:—

"Provided that in the case of teachers in elementary schools—

(i) if the person to be discharged is a Urdu teacher whose discharge would affect the continuance of Urdu medium of instruction in Urdu elementary schools, the non-Urdu teacher next above him shall be discharged;

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Provided that, if qualified and suitable Urdu trained candidates is not available, an otherwise qualified non-Urdu teacher, who knows to read and write Urdu, may be appointed until a qualified and suitable Urdu trained candidate becomes available."; not

(2) for the second proviso to sub-rule (3) of rule 8, the following proviso shall be substituted, namely:—

"Provided further that in the case of teachers in elementary schools—

(i) if the person to be discharged is a Urdu teacher whose discharge would affect the continuance of Urdu medium of instruction in Urdu elementary schools, the non-Urdu teacher next above him shall be discharged;

(ii) if the person to be discharged is a woman teacher, the man teacher next above her shall be discharged.";

(3) for the second proviso to sub-rule (*a*) of rule 18, the following proviso shall be substituted, namely:—

"Provided further that in the case of teachers in elementary schools—

(i) if the person to be discharged is a Urdu teacher whose discharge would affect the continuance of Urdu medium of instruction in Urdu elementary schools, the non-Urdu teacher next above him shall be discharged;

(ii) if the person to be discharged is a woman teacher, the man teacher next above her shall be discharged."

B2 ⑥ 7

G. 82.

In reply, please quote number, date and short title.

Education DEPARTMENT.

Received ________ *Registered* ________

From (Name)

(Designation) The Director of Public Instruction,

POST BOX ________, (STATION) Madras.

Telegraphic Address ________

ASST. SECRETARY TO GOVT.
17 NOV 1948
EDUCATION AND

~~Rc~~ 3333 B2/48

To

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

C. *No.* 3333-B2/48., *dated* 8-11-1948.

85356

Sir, Sub:- Elementary Education - Local Bodies - Rules - Establishment and appointment and punishment of teachers - amendment - suggesting the -

ENCLOSURES ________

SPARE COPIES ________ (B)

****

I have the honour to state that now the appointment of women teachers in Girls' Schools and that of Muslim teachers in Muslim Schools under Local Bodies are governed by the Rules issued in G.O.No.1473.Education, dated 6-8-40. But consequent on the amalgamation of Men's and women's ranges as far as Elementary Education is concerned, the distinction between boys and girls Schools has to be discontinued. In this connection, kind attention is also invited to my letter Rc.2915-B2/48 dated 6-10-48. Because separate schools for girls and Muslims will not be maintained hereafter the rules regarding the appointment of teachers in these schools, under Local Bodies, have to be modified. Hence, I submit, the following proposals for the approval of Government.

(i) Rule $\frac{6A}{7A}$ of the establishment - Rules relating to $\frac{\text{Municipalities}}{\text{District Boards}}$ published in G.O.No.1473 Edn., dated 6-8-40 may be deleted. (B)

(ii) Instead of the first proviso of Sub-rule 3 of Rule $\frac{7}{8}$ and sub-rule (a) of Rule $\frac{17}{18}$ of the said rules published in the same Govt. Order, the following proviso may be substituted.

"If the person to be discharged is a Urdu teacher whose discharge would affect the continuance of Urdu medium of instruction in Urdu schools, the non-Urdu teacher next above him shall be discharged."

(iii) The second provisos to sub-rule 3 of Rule $\frac{7}{8}$ and Sub-rule (a) of Rule $\frac{17}{18}$ of the above rules may also be deleted.

please see p 7 cf

Government may give direction to all Local Bodies that, though the rule regarding the employment of women teachers in all Girls' Schools is abolished, the employment of women teachers in Elementary Schools in larger numbers should be encouraged and that, other things being equal, preference should be given to women in future appointments.

Yours faithfully,

13.11.48

For Director of Public Instruction.

MDS
10/11

15/11

8

2

E 49. H (B 3)

G.O. No. 1473 Edn. dated 6.8.40 quoted overleaf has been called for, from the Chittoor records. This may lie over till the G.O. is available.

2/12/48

3/8.12.48

?/1.12.48

Specific orders regarding the abolition of maintenance of seperate Muslim schools ~~have~~ point has been raised separately. The file not yet been issued. This may lie over till ~~the~~ the issue of orders on the matter.

3/11.12.48 ?/13.12.48

14/12/48

AS2 3/8 ⑥ B2 9 B2

C.F. 32 (a).

EDUCATIONAL Department

From (Name) The Director of Public Instruction, Madras.
Designation
Station

Received ---- Registered ----

To
The Secretary to Government
Education and Public
Health Department.

Enclosures:

No. ~~Re3333 B2/48~~ dated 4-8-49 194 .

Sir,

Sub:- Elementary Education - Local bodies-Rules Establishment-Appointment and punishment of teachers -

Ref:-Government U.O. 85356 B2/48-1 Education dated 17-6-49-My U.O. ref. 3333 B2/48 dated 29-7-49

p2 m.4

p3 m.4

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I request Government to kindly furnish me with a copy of the Government U.O. Note referred to above for my reference.

Yours faithfully,

6.8.49

For Director of Public Instruction

ASST. SECRETARY TO GOVERNMENT
8- AUG 1949
EDUCATION AND PUBLIC HEALTH DEPT.

60309

MCR 5/8

5/8 5/8

7 5

E & P.H. deptt (B2)

E & P.H. U.O. note No. 85356 B2/48-2 Edn. dated 1.9.49.

Sub :- Ele. Edn - Local bodies - Rules - Estt. - Appointment and punishment of teachers - Amendment.

Ref :- U.O. reply from the D.P.I No. 3333 B2/48 dated 27.7.49

12

pp 2-3 m.f

17/9

26

2/9

In the U.O. note above, the D.P.I has suggested that reference to the language "Urdu" in the place of the term "Muslim community", used in the appointment and punishment rules, may be in accordance with the decision of Govt. to retain Muslim schools as such for five years. ~~This is not correct~~. The existing rule provides for the appointment of Muslim teachers, in Muslim schools and does not refer to the Urdu language at all. The decision of Govt. also refers only to the maintenance of separate Muslim schools.

The Director may therefore be requested to

6

re-examine the matter and ~~state whether the amendment proposed by him will be adequate~~. to justify fully the amendment proposed: ~~in fuller detail~~

3/30-8-49. 30/8/49

BM 31/8/49

D.M.S. 40

Copy only 3/26

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(20)

EDUCATION DEPARTMENT.

13

From

The Director of Public Instruction,
Madras.

To

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

Sir,

R.C.No.3333-B2/48 dated 12-11-1949.

Sub: ELEMENTARY EDUCATION - Local ~~Boddies~~ Bodies - Rules.
~~Aided~~ - ~~Rules~~ - Appointment and punishment of
Teachers - Amendments.
Ref: Government U.O. No.85356-B2/48-2, Edn dated 1-9-49.
-----

pp5-6 ante

16 NOV 1949

89557

With reference to Government U.O. Note referred to above
I am to state that since the assurance given by Government
to the Leader of the opposition relate to separate muslim
schools as a temporary measure, and not to muslim teachers and
since the safeguards for minority languages provided in the
draft constitution relate to the mother-tongue of the children
and do not refer to religion the amendments suggested by this
Office for the use of 'Urdu teachers' for muslim teachers may
kindly be approved. Further the continuance of separate schools
for muslim does not mean muslim teachers and should have
reference to the medium of instruction. In this connection
kind attention is invited to G.O.No.2591 Education dated
3-12-1947 wherein para 5 (b) of rule 5 (Qualifications) of the
Madras Educational Subordinate Service Rules has been ~~noted~~ added to
be deleted. The detailed para reads "A non-Muhammadan member
of the service shall not be posted to any institution intended
mainly for muhammadan pupils, if a suitable muhammadan member
of the service is available for such posting".

p100 n.f. (D)

Kind attention is invited to para 3 of my U.O. note of
even reference dated 27-7-1949. recommending the deletion of
the second provisos to rule sub-rule 3 of Rule 7/8 and sub-
rule (a) of Rule 17/18 of the Appointment Rules issued in
G.O.No.1473 Education dated 6-8-1940. On further consideration
of the question I feel that the provisos may be retained but
with a little amendment so as to give added protection to
women teachers. The modified recommendation is to omit
the clause 'whose discharge would lead to the employment of a
man teacher in a girls school' from the two provisos so that
the provisos as amended will read " If the person to be disch-
arged is a women teacher the man teacher next above her shall
be discharged". This means that no question of discharge will
arise in respect of women teachers even if it is not in a girls
school, though girls' elementary schools as such will not exist
in future.

pp2-3 n.f.

(B)

Y

X

Yours faithfully,

15-11-49

for Director of Public Instruction.

BR, 12-11.

15/11

19/11/49

9 9/ 15

E.& P.H.(B2).

MEMO. NO. 85356 B2/48-3, EDN., DATED 1.12.49.

8/

110 1/12/12

SUB: ELE. EDN. - Local bodies - Rules - Estt. -
Appointment and punishment of teachers - Amendment.

Read: From the D.P.I., No. 3333-B2/48 dated 12-11-49.

The suggestion of the D.P.I. to insert the term "Urdu teachers" in the place of "Muslim teachers" in the rule in question, will not have any practical effect, as there will be very few or no Urdu teachers who are not Muslims. It is, therefore, considered that so long as the medium of instruction is Urdu in Muslims' schools, the amendment proposed will not ~~have~~ make any practical ~~results~~ difference.

2. It is understood that in many Muslims' schools in Malabar, where the medium of instruction is not urdu, there are a large no. of Hindu teachers. It is the intention of Govt. that there should not be any discrimination

x

-2-

10

against such teachers and that the amendment proposed should ~~not affect~~ apply to Muslim schools in which the medium of instruction is not Urdu and where teachers who are not Muslims are also employed. The D.P.I. is therefore requested to reexamine the matter and ~~state whether~~ why ~~the amendment proposed by him~~ should ~~not~~ alone refer to schools solely intended for Muslims where the medium of instruction is also Urdu.

SS

ORM
29/11/49

12

To

The D.P.I.

10

B2

Education Department

From
The Director of Public Instruction,
Madras

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

4 - FEB 1950

Rc 3333 B2/48 dated 27.1.1950

Sir,

Subject: Elementary Education - Local Bodies - Establishment - appointment and punishment of teachers - amendments

7781

Reference: Government Memo 85356 B2/48-3 Edn dated 1.12.49

--

pp9-10 Ante

The amendments suggested in my letters C. 3333 B2/48 dated 8.11.48 and 12.11.49 have been suggested taking into account the intentions of Government as announced in G.O. 2125 Edn dated 2.7.49 affording protection to minority languages in general, as also the assurance in particular given by the Provincial Government to the leader of the Opposition in G.O. 266 Edn dated 7.2.48 regarding protection to Muslim schools in the course of the next 5 years ~~each in the~~ and interpreting the protection to minority interests as protection to the language of the minority population.

plaints, protests

The fact that the word "Urdu" was substitute for the word "Muslim" in the amendment was as much for the reason that educational institutions will no more be classified on religious basis as to give effect to the language protection under G.O. 2125 dated 2.7.49. The amendment suggested reads "If the person to be discharged is a Urdu teacher whose discharge would affect the continuance of Urdu medium of instruction in Urdu schools the non-Urdu teacher next above him shall be discharged". Thus if protection is to be continued to the language Urdu with no discrimination against any community then the amendment suggested will meet the requirements. The amendment while giving this protection, safeguards at the same time the interests of non Urdu teachersin Muslim schools where the medium of instruction is the regional language like those in the Muslim schools in Malabar referred to by Government in para 2 of their memo under reference.

P

I therefore request that Government may be pleased to approve the amendment.

Yours faithfully,

for Director of Public Instruction

Vk 30.1

31/1/50

Jan 31.

18

12

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13 11 19

E & P. H. deptt (B2)

T. M

62/20-2

From

The Asst. Secy. to Govt.,
E & P. H. deptt

To

The Curator,
M. R. O.,
Egmore.

Issued
17/2

Sub.:- Ele. Edn - Local bodies - Rules - Estt. -
Appointment and Punishment of teachers.

Please furnish a copy of G.O. No. 1473 Edn. dated 6.8.40 for C. No. 85356 B2/48.

(P.C. to go)

21-2-50

17.2.50. 17/2

18

20 M

1

104
27/2

E & P. H. deptt (B 2)

D.O. No. 85356 B2/48-4 Edn. dated 27.2.50

My dear Reddi,

Sub :- Ele. Edn - local bodies - Rules - Estt. -
Appointment and Punishment of teachers -
~~Amendment.~~

Read :- corresponding with (your letter No. 3333 - B2/48 dated 27.1.50

H.M ~~desires~~ to discuss the question of amendment of rules ~~above matter~~ ~~with you~~. I am ~~therefore~~ asked to ~~request~~ you, to meet him at the secretariat at ~~your~~ his convenience. ~~and speak to him.~~

Yours sincerely,

To
Sri. D.G. Reddi
D.P.I.,
Madras.

25/2/50

24.2.50.

25/2

161
10 Date

GOVERNMENT PRESS
17 MAY 1950
MADRAS

Education Department (G)

17

Sub:- RULES - Municipal Councils and District Boards - Establishment - Appointment and discharge of Muslim and women teachers in elementary schools - Amendments - Draft published.

Read: From the D.P.I., No.3333-B2/48 dated 8-11-1948, 12-11-1949 and 27-1-1950.

p.14
7/ and p.114

3000

ORDER (PS.) NO. 1518 Edn., ~~dated~~ 16-5-50

118

~~According to the rules relating to establishments of local bodies published with G.O.~~ In their order No.1473-Edn., dated 6-8-1940, the Govt. made certain rules in order to ensure that only Muslim teachers are ~~should be~~ appointed and retained, in ~~Muslim~~ elementary schools chiefly intended for Muslims. ~~and if, for want of a vacancy or as a measure of retrenchment, a teacher has to be discharged from service and if that person happens to be a Muslim, that individual should be retained and the non-Muslim teacher next above should be discharged. The policy of the Govt. is to abolish gradually denominational schools.~~ Article 16(2) of the Constitution of India prohibits ~~among things~~ discrimination on the ground of religion ~~or sex~~ in respect of any employment or office under the State, and Articles 16(5) and 29(1) of the Constitution adequately safeguard the interest of minorities; Purely denominational schools will hereafter become unnecessary. ~~in the matter of employment in denominational schools and in the matter of conserving their distinct language, script and culture of the minorities. In keeping with the policy of Govt. and the provisions of the Constitution of India~~ The Govt. propose therefore to suitably amend the rules relating to the establishment of teachers in elementary schools under local bodies.

p.24 (B)

118/118

G.O. No. 226 Edn.
7-2-48

187 the Constitution
(BK not prop)

p.29 and 14 of Constn
(BK not prop)

2. The appended notification will be published in the Fort St.George Gazette.

22/4/50

To
All Presidents, Dt. Bds.
The Exe. Authorities of Ml.Cls.
The D.P.I.
The Inspr. of L.Bds. and Ml.Cls.
The Examiner of L.F Accts
The L.A Dept.
The Legal Dept.
The S.G.P. (for publn. in the F.S.G.G.).

30

8pt

Appendix

NOTIFICATIONS.

I

The following draft of certain amendments to the rules relating to establishments under municipal councils, published with the late Local Self-Government Department Notification No.687, dated the 2nd June 1936, at pages 316 to 318 of Part I-A of the S.F.G.G., dated the 16th June 1936, as subsequently amended, which it is proposed to make in exercise of the powers conferred by sections 73, ~~and~~ 74 and ~~clause (a) of sub-section (2) of section~~ 303(2)(a) of the Madras District Municipalities Act, 1920 (Madras Act V of 1920) and rule 37 of Schedule IV to the said Act, is hereby published, as required by ~~clause (a) of~~ section 304(a) of the said Act, for general information.

Notice is hereby given that the draft will be further proceeded with after the expiry of six weeks from the date of publication of this notification and that any objection or suggestion which may be received with respect thereto before the expiry of the period aforesaid, will be considered by the Government of Madras.

pp 238-253

Draft Amendments

~~1.~~ In the said rules, (1) for rule 6-A, the following rule shall be substituted, namely:-

p 2-7 (B)

"6-A. Appointments to the posts of Urdu teachers in elementary schools shall be made only from Urdu trained candidates; Provided, that, if a qualified and suitable Urdu trained candidate is not available, an otherwise qualified non-Urdu teacher who knows to read and write Urdu may be appointed, until a qualified and suitable Urdu trained candidate becomes available.";

(2) for the first proviso to sub-rule (3) of rule 7, the following proviso shall be substituted ~~inserted~~, namely:-

x to be verified by 'Esh'

p 241

"Provided ~~further~~ that in the case of teachers in elementary schools--

(i) if the person to be discharged is a Urdu teacher whose discharge would affect the continuance of Urdu medium of instruction in Urdu elementary schools, the non-Urdu teacher next above him shall be discharged;

p 17

(ii) if the person to be discharged is a woman teacher, the man teacher next above her shall be discharged".

p 7 ef

(3) for the second proviso, to sub-rule (a) of rule 17, the following proviso shall be substituted ~~inserted~~, namely:-

p 2-4 (B)

pp 249-250

"Provided further that in the case of teachers

95

(i) if the person to be discharged is a Urdu teacher whose discharge would affect the continuance of Urdu medium of instruction in Urdu elementary schools, the non-Urdu teacher next above him shall be discharged;

(ii) if the person to be discharged is a woman teacher, the man teacher next above her shall be discharged."

II.

The following draft of certain amendments to the rules relating to establishments under district boards published with the late Local Self-Government Department Notification No.688, dated the 2nd June 1936, at pages 318 to 320 of Part I-A of the F.S.G.G., dated the 16th June 1936, as subsequently amended, which it is proposed to make in exercise of the powers conferred by sections 70, ~~sub-section (1) of section~~ 71(1) and ~~clause (a) of sub-section (2) of section~~ 199(2)(a) of the Madras Local Boards Act, 1920 (Madras Act XIV of 1920) and ~~clause (a) of sub-rule (1) of rule~~ 1-C(1)(a) of Schedule V to the said Act, is hereby published, as required by ~~clause (a) of~~ section 200(a) of the said Act, for general information.

Notice is hereby given that the draft will be further proceeded with after the expiry of six weeks from the date of publication of this notification and that any objection or suggestion which may be received with respect thereto before the expiry of the period aforesaid, will be considered by the Government of Madras.

Draft Amendments

~~1.~~ In the said rules, (1) for rule 7-A, the following rule shall be substituted, namely:-

"7-A. Appointments to the posts of Urdu teachers in elementary schools shall be made only from Urdu trained candidates; provided, that, if a qualified and suitable Urdu trained candidate is not avail-

3

an otherwise qualified non-Urdu teacher, who knows to read and write Urdu, may be appointed until a qualified and suitable Urdu trained candidate becomes available.";

B

p 196, note

(2) ~~F~~for the second proviso to sub-rule (3) of rule 8 ~~of the said rules~~, the following proviso shall be ~~inserted~~ substituted, namely:-

"Provided further that in the case of teachers in elementary schools--

(i) ~~I~~if the person to be discharged is a Urdu teacher whose discharge would affect the continuance of Urdu medium of instruction in Urdu elementary schools, the non-Urdu teacher next above him shall be discharged;

p 14

(ii) ~~I~~if the person to be discharged is a woman teacher, the man teacher next above her shall be discharged.";

p 7eF

(3) ~~F~~for the second proviso to sub-rule (a) of rule 18 ~~of the said rules~~, the following proviso shall be substituted, namely:--

p 205

"Provided further that in the case of teachers in elementary schools ==

(i) ~~I~~if the person to be discharged is a Urdu teacher whose discharge would affect the continuance of Urdu medium of instruction in Urdu elementary schools, the non-Urdu teacher next above him shall be discharged;

p 1eF

(ii) If the person to be discharged is a woman teacher, the man teacher next above her shall be discharged."

p 7eF

22/4/50

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(13)

E. & P. H. Dept. (B2)

Sub:- ELEMENTARY EDUCATION - Local Bodies - Rules - Establishment - Appointment and punishment of teachers - Amendment.

Ref:- From the D.P.I., No.3333-B2/48, dated 8-11-1948.

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p 1CIF (B)

Rules were framed in 1940, in regard to the appointment and discharge of Muslim teachers in Muslim schools and women teachers in Girls' schools under local bodies. The main principles underlying these rules are as follows:-

A

(1) Muslims should be appointed to Muslim schools and women teachers in Girls' Schools.

B

(2) If, for want of a vacancy or as a measure of retrenchment, a teacher has to be discharged from service and if that person happens to be a Muslim or a women, that individual should be retained and the Non-Muslim or the man teacher next above should be discharged.

U

2. The Govt. have decided that distinction between boys and girls should be abolished. As regards Muslim Schools the orders were "that separate institutions for Muslims should continue in the case of boys and girls as at present and wherever there is need for more institutions, they should be provided for and that this arrangement should be subject to further consideration after the lapse of five years".

p 1CIF (B)

3. The D.P.I. has suggested certain amendments to the rules, issued in 1940, with reference to the decision of Govt. in paragraph 2 above. According to him, the amendment introduced with ref. to A above, may be deleted and the amendment at B above may be retained in a modified form.

4. As the existing position regarding separate schools for Muslims is to continue for five years, it does not seem that rule need be amended as suggested by the D.P.I. in respect of Urdu teachers.

5. As regards women teachers, the D.P.I. is of the view that the employment of women teachers in ele. schools in larger numbers should be encouraged. Though the distinction between boys and girls schools has been

abolished there is need for the employment of women teachers in ele. schools. In view of this the existing protection for women teachers also may continue. In the circumstances it does not seem that rules need be amended now. The D.P.I. may see u.o.

Rc 3333 B2/48

DIRECTOR OF PUBLIC INSTRUCTION
21 JUN 1949
MADRAS

16/6/49

S 17/6 DPI

E&P.H. U.O. 55356 B2/48-1.
17.6.49
Resd to the D.P.I.

Office of the
Director of Public Instruction,
Madras, Dated 27-7-1949.

Resubmitted.

The position as stated in para 2 of the Government U.O. Note with reference to the Muslim Schools appears to be different in certain details from what is contained in G.O.No.266 Education dated 7-2-1948. What is quoted by the Government as their order is only a part of the preamble to their order and one of the requests made by the Leader of the Opposition, and their actual order on the request is in sub-para (1) of para 2 of the same G.O. In view of these orders, the rule 6A/7A may be retained, but in a modified form as it does not appear to be against the decision of Government to retain Muslim Schools, to use a reference to the language urdu in these rules (6A/7A) instead of the Community Muslim so as to be consistent with the amendment to sub-rule (a) of Rule 17/18 recommended by this office, which, in the absence of any reference in the Government Note, they seem to be prepared to accept. Since the retention of rule 6A/7A in its present form would not harmonise with the amendment to sub- rule (3) of Rule 17/18 the following re-wording to the rule 6A/7A is suggested.

X ⓤ

The note covers the amendment also.

A

"Appointments to the posts of Urdu teachers in elementary schools shall be made only from Urdu

---

(16)

A

Trained Candidates; provided, that if a qualified and suitable Urdu trained candidate is not available, an otherwise qualified non-Urdu teacher who knows to read and write Urdu may be appointed until a qualified and suitable Urdu trained candidate becomes available".

ASST. SECRETARY TO GOVERNMENT
1 AUG 1949
EDUCATION AND PUBLIC HEALTH DEPT.

58223

As regards para 5 of the U.O. Note it is submitted that the rule in the absence of the separate existence of elementary schools for girls, will be a dead-letter and will not give the protection it gave in the past and as there is no use in retaining it, it may be deleted.

Director of Public Instruction.

D.P.I. U.O.No.3333/48 B2
Dated 27-7-1949.

To

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

B2

RVR 29/7/49

30/7/49

~~Omit~~

E&P.H. deptt (B2)

x on p 2 ante

G.O. No. 266 Edn. dated 7.2.48 has been put up in a file in B1 section and is in circulation. This may lie over till 20.8.49.

3 4.8.49.

4/8/49

5/8/49

Please see the U.O. note from the D.P.I. on pp 2-3 above in reply to this deptt U.O. note on pp 1-2 ante. In the circums

4

explained therein, it is for orders whether the rules relating to the appointment of ~~Muslim and women teachers in Muslim and girls schools respectively~~ and punishment of employees of local boards' ~~need~~ may be amended as suggested by the D.P.I in his letter on p.c.f. The file may be circulated to H.M.(Edn) for orders.

22.8.49.

22/8/49

It can be presumed that Urdu knowing teachers are, nearly in all instances/only Muslims. In the circumstances the change which the D.P.I. proposes of the term 'Muslim' to 'Urdu knowing" is not likely to make any practical difference while it may be misunderstood by the Muslim community which tends to be sensitive these days.

X

The preference given to women teachers also deserves to be maintained. Even in combined schools it is necessary that if retrenchment is to be effected it should be not of women teachers but of men teachers. It is possible therefore that the retention of the existing rule may be more than a dead letter.

I agree
KM
26/8

It is therefore suggested that the amendments proposed by the D.P.I. may not be agreed to.

24/8

H.M.(E.&L.)

Re X above, I do not follow [illegible] [illegible]
KM
26/8

[illegible] cancel.

A above. The rule does not refer to language at all. This requires re-examination

KM
26/8

26 AUG 1949

A

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(17) 5

With ref. to H.M's orders at A on p 4 ante, a draft u.o. note to the D.P.I is submitted below for approval.

30.8.49.

30/8/49

31/8/49

1/9

from the D.P.I [illegible] 12.11.49

The D.P.I. still considers that the safeguard proposed by him are sufficient. for orders whether the amendment proposed by ~~him~~ in the case of Muslim teachers may be accepted.

21.11.49

22/11/49

The D.P.I. has not met H.M's point that the Rule does not refer to the language but to the community. The question therefore is that if the Rule which is "If a person to be discharged is a Muslim whose discharge would lead to the employment of a non-Muslim teacher in the school chiefly intended for Muslims, the non-Muslim teacher next above him shall be discharged" is to be amended to refer to Urdu knowing teachers. The practical effect of this will be nil, as there will be few or no Urdu knowing teachers who will be non-Muslims. So long therefore as the medium of instruction is Urdu, the change in the rule will make no practical difference though it will give an opportunity for Muslims to critize Government.

The position may be different in ~~a~~ Muslims' schools where Urdu is not the medium of instruction. As H.M. mentioned, many teachers in such Schools in Malabar are Hindus against whom there should not be any discrimination. Perhaps we could find out from the D.P.I. whether the amendment should not refer to schools intended for Muslims where the medium of instruction is Urdu.

H.M.(E.& L.)

KM
25/11

23/11

24/11

Please see the orders in circulation above. A draft memo to the D.P.I is submitted below for approval.

ORM
29/11/49 S

1/12

28.11.49 · 28/11

[Issued as memo No. 85356 B2/49-3 Edn. dated 1.12.49.] pp 9-10 c.f

Read:- From the D.P.I No. 3333 B2/48 dated 27.1.50 p 11 c.f

Please see the letter from the D.P.I on p 11 c.f. He still ~~requests~~ suggests that the amendment, proposed by him, regarding ~~Muslim~~ Urdu teachers, may be accepted. For orders.

ORM
7/2/50 S

7.2.50 · 7/2

I have already noted at 'X' on page 4 and 'Y' on page 5 that the change from "Muslim" to "Urdu knowing" in the rule, will make no practical difference. The D.P.I. in his letter on p. 11 c.f. justifies the change on the ground that the amendment will refer specifically to languages and not to community. This may be true; but we are likely to be misunderstood. It is better to ~~give women~~ leave well alone at least during the period of 5 years.

SECRETARY, EDN. AND P.H. DEPT.
FEB 1950
GOVERNMENT OF MADRAS

8/2

H.M.(E. & L.)

I would like to know the purpose of the proposed amendment

KM
8/2

8/2

18

The D.P.I's letter on page 11 c.f. explains the purpose of the amendment. The purpose of the amendment is to give protection to minority languages. But as pointed out in the Memorandum on p.9 c.f. there will be very few or no Urdu teachers who are not Muslims. The change proposed by the D.P.I. from Muslim to Urdu will be misunderstood, as stated by the Secretary on p.6 ante.

ORM
16/2/50 S

H.M.(E&L)

The purpose is stated at A on page 11 c.f. I fear the amendment will be regarded as directly against the purpose of giving protection to Muslim interests – It is not worth risking such an impression, when there is little or nothing to secure

11/2

H.M.(E&L)

Give me the present rule, & the rule as it will be ~~as suggested~~ if the suggestion of the D.P.I accepted in a tabular form on either side of a sheet. Ask the D.P.I to stop [illegible]

KM
14/2

13/2

SECRETARY, EDN. AND P.H. DEPT.
14 FEB 1950
GOVERNMENT OF MADRAS

Please see the orders of H.M above. The present ~~and~~ rule & that in the amended ~~rule~~ form are shown in the sheet below at ©. Also a draft D.O. to the D.P.I is submitted below for approval.

ORM
25/2/50 S

27/2

3/24.2 · 25/2

H.M.(E&L)
[illegible]

19/1/3

Let this go to H.M. house today

KM
2/3

8/ C

5/ 12/5

I have discussed with D.P.I. His proposals may be accepted. But before altering the rule, publish the proposed amendment in the Gazette for objections if any.

KM 22/3

SECRETARY
15 MAY 1950
EDUCATION DEPARTMENT

EDUCATION DEPARTMENT
22 MAR 1950
SECRETARY

Please see the order of H.M. above. A draft order is submitted below for approval. Legal may see for scrutiny before circ.

S 31.3. 31/3

22/4/50

22/4/50

Legal.

[I am sorry I delayed this file a bit.

22/4/50]

Legal Department.

Edn U.O. 85356/48-6

24.4.50.

The alterations indicated in red ink on the draft notifications may be made.

8/5/50

S/ ADS

ASSISTANT SECRETARY
6303
25 APR 1950
LEGAL DEPARTMENT

Edn (C)

The file may now be circulated to H.M. (E+L) for approval of the draft order below

S 10.5.50

10.5.50.

11/5/50 S

12.5.50

Legal U.O. No. 6303/50-1

ASSISTANT SECRETARY
MAY 1950
10717
EDUCATION DEPARTMENT

H.M. (E+L)

19