

Education 1950 Department

MS. SERIES.

closed  
B

G. O. NO 2453. Ecm.

DATED. 31. 8. 1950.

~~1-7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100~~

12

Sub

M. E. R. Rule 92<sup>Fee.</sup> Concessions  
Concessions to pupils whose one  
of the parents is a Harijan -  
admissibility of Concessions  
papers Recorded.

~~~~~

EDUCATION DEPARTMENT

FROM

THE DIRECTOR OF PUBLIC INSTRUCTION, MADRAS

To

The Secretary to Government,  
Education Department,  
MADRAS.

Roc.523 E4/50 dated 20th March 1950



Sub:--Madras Educational Rules--Rule92--Grant of fee  
concessions to a pupil whose one of the  
parents is a Harijan--admissibility of fee  
concessions.

\*\*\*\*\*

I submit herewith a copy of the reference No.128 B/50  
dated 3-3-50 of the Divisional Inspector of Schools, Anantapur  
and request the favour of Government Orders on the issue  
involved.

I also request that Government may be pleased to  
state whether pupils only one of whose parents viz., either  
the father or the mother is a Harijan, can be treated as Harijans  
and fee concessions contemplated under rule 92 of Madras  
Educational Rules granted.

Yours faithfully,

*J. V. Paulanah*  
22/3

For Director of Public Instruction

Clb. 20--3--50.

2/3

Copy of letter Roc.No.708-A/49 dated 15-2-50 of the District Educational Officer, Nellore.

Sub: 92 Madras Educational Rules fee concessions.

In submitting herewith copies of letters dated 27-7-1949 and 9-1-50 of Sri I. Chanchiah, I have the honour to state that Sri I. Chanchiah is claiming fee concessions to his boy. I Vasantha Kumari I. Chenchiah is not a harijan. He has not stated what his caste is.

When he was addressed in his office Roc.No.708-A/49 dated 23-12-49 to state whether he was a harijan by birth he in his reply dated 9-1-50 stated that he is not a harijan by birth but by conviction and persuasion he is a harijan. The headmaster V.R.C. High School, Nellore where the boy is studying states that he learnt that I. Chenchiah is a balija by caste.

I. Chenchiah claims fee concessions on the plea that he married into a harijan family. The petitioner is not a harijan by birth nor he is a converted harijan. As such his son is not entitled for the fee concessions. As the petitioner requests that the matter may be referred to higher authorities, I solicit kind instructions in the matter.

A. Veeraraju,  
Dt. Educational Officer, Nellore.

Copy of letter from I. Chenchiah, Harijan worker, Yanadi Colony, Nellore dated 27-7-1949.

I am a harijan. I admitted my son into V.R.C. High School, Nellore in II Form in July 1942. I represented to the school authorities regarding my inability pay the boy's school fees and produced all the necessary certificates of income from the proper officers.

In spite of my frequent representation to the Headmaster regarding my poor income, I was not given the concession under G.O.No.1779 dated 11-4-34. I was made to pay full fees for my boy for 2½ years and all these years. He is being regularly promoted.

It was only in November 1948 they asked me to stop paying fees and paid me a sum of Rs.10-8-0 as refund, though all the fees were being collected from me in full, till then.

My request all these years for giving full fee concession under G.O.No.1779/34 and for the refund of the fees paid were no avail.

I humbly and earnestly request you to help in this matter.  
Yours faithfully,  
Sd. I. Chenchiah.

Copy of letter from I. Chenchiah, Harijan Worker, Yanadi Colony, Nellore dated 9-1-50.

Sub: Grant of arrears of fees.  
REF: Rc.No.708-A/49 dated 23-12-1949.

With reference to your query "please state whether you are a Harijan by birth" I have to state that I am not a Harijan by birth. But by conviction and persuasion I am a Harijan and I have married into a Harijan family. The student in question is a child born of that wed-lock, his mother being Harijan. The boy is residing in the Harijan hostel. Therefore it is that I am obtaining the concession. If you feel that the rules do not permit of the concession for cases covered by the one in question I request you for forward the application and the entire correspondence with this reply to the Madras Government for consideration. Now and changed situations and conditions require an original handling and liberal interpretation of the rules that are.

Yours faithfully,  
T. Chenchiah,

P.T.O.

(copy) Submitted to the Director of Public Instruction, Madras for favour of orders whether the pupil is eligible for fee concession. 2. The point at issue is whether the children born to a Harijan lady whom the petitioner married should be classified as Harijan or non-Harijan for the purposes of fee concession in Educational institutions. ~~xxxxxxxxxx~~ /\* presumably a Brahmo of non-Brahmin origin.

Sd. x x x x x  
Divisional Inspector of Schools,  
Anantapur.

/True copy/

*D. P. Sankar*  
for Director of Public Instruction.

21/3

5  
④ Edn.  
D  
Memo. No. 4038/50-2.D.Edn., dated, 8-6-50.  
M.E.R. — Grant of fee  
concessions to a pupil, <sup>whose</sup> one of  
whose parents is a Harijan —  
Admissibility of the concession.  
22/5/51. 7.  
Ref: from the D.P.I., Rce.  
523 EH/50, dated, 20-3-50.  
Referred to the D.H.W. for  
very early remarks.  
6/6/50.  
18/7/60  
To the D.H.W.  
(with copy of  
pt. 1-4 c.7.)  
10/6.

From

Sri. V. Bhashyam Ayyangar, B.A., B.L.,  
Honorary Director of Harijan Welfare,  
27, Halls Road, Egmore, Madras.

To

The Secretary to  
Government,  
Education Dept.,  
Fort St. George, Madras

Do. No. A1.17741/50

Sir,

Dated 14.6.50

Sub: Madras-Educational Rules-Grant of fee concession  
to a pupil whose one of the parents is a Harijan-  
Admissibility of the concession.

Ref: Government Memo.No.4088/50-2D.Education  
dated 8-6-50.

R The point is new. In my opinion cases in which one of the  
parents is a Harijan, the children take on the caste of the  
father and not the mother. Thus, if a Harijan woman has married  
a non-harijan the off springs cannot be treated as Harijans.  
If harijan has married a non-harijan woman his children may be  
deemed to be harijans.

S.K.R.M.G.

for Director of Harijan Welfare.  
15/6/50



POST COPY OF TELEPHONIC MESSAGE.

From The Director of Public Instruction,  
M A D R A S.

To The Secretary to Government,  
Education Department,  
M A D R A S.

R.C.No.523-E4/50 dated 15th June 1950.

Ref:- My letter Roc.No.523-E4/50 dated 20th  
March 1950 regarding the grant of fee  
concessions to a pupil where one of the  
parents is a Harijan - Admissibility of  
fee concession.

\*\*\*\*

Early orders may kindly be passed in the matter.

*S. S. Sankar*

For Director of Public Instruction.

KVS/15/6.

*15/6* *16/6*



21/6

Edn. (D) Dept.

Memo No. 4038-7 D. Edn., dated. 29-8-50. ⑦

Sub:- M.E.R. - Rule 92 - Grant of fee concessions -  
Concession to pupils whose one of the parents  
is a Harijan - Admissibility of fee concessions.

Ref:- From the D.P.I. Hoc.No. 523 E4/50, dt. 20-3-50  
From the D.H.W., D.Dis.AL.17741/50 dt.14-6-50  
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With reference to his letter first read above,  
the D.P.I. is informed that the pupil referred to  
by him therein may be considered as a Harijan for  
purposes of fee concessions under the M.E.R.

2. The Director is requested to submit a  
draft amendment to the M.E.R., providing for the  
grant of fee concessions to pupils only, one of  
whose parents <sup>is a</sup> ~~are~~ Harijan.

To

The D.P.I.  
The D.H.W.,  
s/cl.

28/7/50.

28/7/50.

1/8/50

2.8.50

C.No.4038 D/50

Edn.Deptt. (D)

M.E.R. - Rule 92 - Grant of fee concessions to a pupil one of whose parents is a Harijan - admissibility of fee concessions.

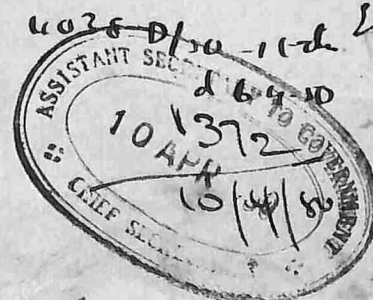
Ref: From the D.P.I. No.523 E4/50 dated 20-3-50.

Please see the correspondence in the cf.

A caste Hindu who has married a Harijan woman has claimed fee concessions for his boy reading in V.R.C. High School, Nellore. In that connection the D.P.I. has raised the point whether pupils one of whose parents, viz., either the father or the mother, is a Harijan can be treated as Harijans for purposes of the grant of fee concessions under rule 92 of the Madras Educational Rules. Children born of such intermarriages among the Hindus do not appear to suffer from social disabilities under which Harijans are labouring. This is a general question which affects not only the grant of educational concessions but also questions like franchise etc. Public may be requested to say whether the boy in question may be treated as a Harijan or not. Legal and Firka Development may also see for remarks.



Idr no 27299



1505  
Thro' Ser.A

Thro' Elecs.

Public Services  
1372/50-1  
17.4.1950

Public (Ser.C) Deptt.

Please see the notes above. This deptt. is not in a position to answer the query at A above. The file may be passed on to Firka Devt. Deptt.

It would appear that the boy should be considered to belong to the community to which his father belongs, provided the marriage is a regular one. Anyhow this is a matter in which Legal will have to give an opinion.

15.4.50

J.D.

Missent. Firka Devt no.

Firka (Ex/pe)

has  
19450

19/4/50

F.D.

Firka Devt no.

27299

20.4.50

18352



3.4.50

Pl see the notes of Education and Public on page 1 ante. The question is whether a person whose parents are either the father or the mother <sup>happens to be</sup> a Harijan, can be treated as Harijan for purposes of concessions under rule 92 of the M.E.R. The case under reference is that a caste Hindu who has married a Harijan woman, has claimed <sup>for his boy</sup> concessions for his boy admissible to Harijan students under 92, M.E.R. This Dept may agree with the views of A.S. Public Dept on 1st Mar page 1 ante and the case passed on to Legal Dept.

25/4/50 It would seem better that the views of the D.H.W. are invited in this matter before arriving at a decision. This Dept. may be allowed to see the case again after the reply of the D.H.W. is received. The case may be passed on to Legal Dept.

has  
19450

Legal



F.D. no. 18352  
F.D. no. 18352

Legal Department.

A marriage between a male of a higher caste and a female of a lower caste is called an Anuloma marriage. The status of children born of Anuloma marriages is stated thus by Mulla:-

"When intermarriages were permitted by ancient Hindu law, children born of mixed marriages were termed Anulomajas, that is, offspring of Anuloma marriage, and their caste was neither that of their father nor that of their mother. They belonged to an intermediate caste higher than that of their mother, and lower than that of their father. Thus a son begotten by a Brahman upon a Kshatriya wife is a Murdhavasikta, upon a Vaisya wife is an Ambashta, and upon a Sudra wife is Nishada or Parasava. A son begotten by a Kshatriya on a Vaisya wife is a Mahishya, and upon a Sudra wife an Ugra. A son born of a Vaisya by a Sudra wife is a Karana". --see pp524--525 of Mulla's Hindu Law(1946 Edition)). This view is supported by the decision in I.L.R.12 Mad 72 and this was followed in I.L.R.41 Allahabad 629.

2. The marriage between a male of a lower caste and a female of a higher caste is called a prathiloma marriage. The status of children born of prathiloma marriages is described as follows by the late Sri S.Srinivasa Ayyangar in the 1938 Edition of Mayne's Hindu Law & Usage:-

"Sons born of marriages, between women of superior castes and men of inferior castes(prathilomajas) were placed on the same footing as sons of a Brahman by his Sudra wife". (page 176). An enumeration of the among prathilomajas and the mixed castes, castes springing from further intermixtures will be found in the footnotes on p83 of I.L.R.12 Madras.

3. It thus appears that, according to the strict legal view, a person, either of whose parents only is a Harijan, cannot be treated to be a Harijan but as belonging

to a caste higher than that of a Harijan. The Hindu Marriages Validity Act, 1949 (Central Act XXI of 1949) merely removes the invalidity of marriages between Hindus on the ground that the parties thereto belonged to different religions, castes, sub-castes or sects. That Act does not deal with the status of children. Attention is in this connection invited to Article 46 of the Constitution of India, which lays down, as a directive principle of State policy, that the State should promote with special care the educational and economic interests of the weaker sections of the people. If the pupils referred to by the Director of Public Instruction on page 1 c.f. can be deemed to belong to the "weaker sections of the people", then the State can help them in their educational development. If Education consider it necessary or desirable, the position may be clarified one way or the other by a suitable amendment of the Madras Educational Rules.

This raises a very difficult question, the law on which cannot, by any means, be said to be certain or even clear. It is, therefore, desirable to make specific provision for the case in our rules, as suggested by Additional Deputy Secretary in his note above.

A Harijan who is the child of parents one of whom is a Harijan and the other is not, may, I suggest, be treated as a Harijan for the purpose of the fee concessions in the Madras Educational Rules. The Rules may be amended accordingly.

KVR. 11/5/50.

The notes of Public, F. & A. Dept. and Legal Departments on pages 1-4 above may be perused. The Secy., Legal Dept., suggests that a Harijan who is the child of parents one



'X' above

one of whom is a Harijan and the other is not may be treated as a Harijan for the purpose of the fee concessions in the Madras Educational Rules and that the rules may be amended accordingly. The suggestion of Legal Secy. may be supported in this sept. and the file sent to F. & A. for remarks.

18/5/50.

Before accepting the remarks of Secretary Legal Dept. this may be sent to F. & A. Sec. with the request that with reference to 'A' of this note on p. 2 ante they may obtain the views of the S.H.W. in the matter.

19/5/50

22/5/50

25/5/50

F. & A. Dept.

Edn. R.O. No. 4038/50-2D.

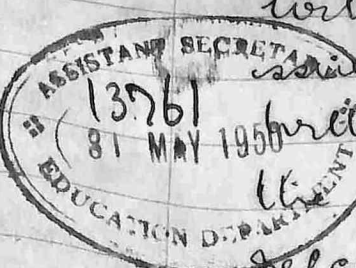


(This Dept. last noted on p. 2 ante)

Pl. see the notes of Legal & Education Depts from page 3 ante. ~~There is a draft memo to the Secy. of Education Dept. have suggested that this Dept. may issue a reference to the D.H.W. with reference to this Dept's note at 'A' on p. 2 ante. Subst.~~

that as the question in this file is amendment of Rule 92 of M.E.A. is one for Education Dept., that Dept. may themselves issue a reference to D.H.W. with these remarks the case may be returned to F. & A. Sec.

With refce to Rule 66 of the Secretariat Instructions, the reference to the D.H.W. with refce to 'A' on p. 2 above should be issued by Education, and not by this Dept. These remarks the file may be returned to Education Dept. for issuing necessary refce to the D.H.W.



F.D. No. 24092  
F.D. No. 141-305

26/5/50

30/5/50

Education

Please see the note of Firka  
Dept. Sept. on page 5 ante. A draft  
Memo to the D.H.W. is subd. for approval.

6/6/50.

1/4  
7/6/50

Edm.  
D  
Issued as Memo. No. 4038/50-2. D. Edm., d., 8-6-50. P. 5 d. 7.

From the D.H.W., D. Dis. A1-17741/50, d., 14-6-50. P. 7 d. 7.

The D.H.W., who was consulted  
in the matter, considers that the student  
under reference <sup>in this case</sup> should be treated  
deemed to be a non-Harijan, as the  
father of the student happens to be  
a non-Harijan. Thus the opinion given  
by the D.H.W. is at variance with  
that given by the Legal Secretary.  
Legal may see again. The file may  
be sent to legal dept. thro' Firka Dept. P. 5 d. 7.  
P. 7 d. 7.  
P. 3-4 ante

25/6/50.  
C.C.A.  
24.6.50

1/4  
26/6/50.

Firka Dev  
Dept.  
Firma Dev. Dept

The further note of Legal Dept. above  
may be perused. No spl. remarks are called for.  
now. <sup>Education</sup> Dept. will no doubt send the case again  
to this Dept. after the reply of the D.H.W.  
is received. With the above remarks, the file may  
be passed on legal Dept.

Edm. No. 4038-4D.  
26-6-50.

29610  
ADDITIONAL ASSISTANT SECRETARY TO GOVERNMENT  
27 JUN 1950  
FIRKA DEVELOPMENT DEPARTMENT

ASSISTANT SECRETARY  
9909  
28 JUN 1950  
LEGAL DEPT

F.D. No. 29610  
F.D. 150.1 d. 27/6/50

P.T.O.

Legal Department

Education is not correct in saying that this  
Department and Director of Harijan Welfare differ  
in their opinions. In this Department's note at  
pages 3 and 4 ante it was pointed out that according  
to law the issue of marriages in which one of the  
partners is not a Harijan would belong to a caste  
higher than that of a Harijan and if they could be  
deemed to belong to the "weaker sections of the people"  
within the meaning of Article 46 of the Constitution  
the State can help them.

In this view an amendment of the Educational Rules  
was suggested as a matter of policy to provide for  
Educational Concessions <sup>also</sup> to pupils only one of whose  
parents are Harijans.

Whether it should be done or not is a matter  
primarily for Education to decide.

Leg. No. 9909/50-1  
J. T. Sd.

18654  
6/7/50

1/5.7

Conclusion

Please see the note of <sup>Legal Development</sup> ~~Firka Development~~ at the  
bottom of page 6 ante and the note of Legal Department  
above. The note of this Department in the middle of  
page 6 ante was based on the opinion expressed by Legal  
Department at the portion marked 'X' in their note on  
page 4 ante and on the opinion given by the Director of  
~~Public Instruction~~ Harijan Welfare at the portion marked  
'R' in his letter on page 7 c.f. From the Legal Depart-  
ment's note above, it appears that <sup>that</sup> Department is of the  
view that the boy in question may be considered to be a  
Harijan for purposes of fee concessions, though he  
should legally be considered to be a non-Harijan. The  
views of Legal Department in the matter may be accepted  
in this Department. A draft Memo to the D.P.I. is  
submitted for approval.

2. With reference to the note of Firka Development

Department at the bottom of page 6 ante, it is submitted that the D.H.W.'s reply to the Memo at page 5 c.f. has already been received and it will be found on page 7 c.f. and that no other reply is due from the D.H.W. ~~XXXXXX~~ <sup>Rural Welfare Dept.</sup> ~~XXXXXX~~ may see again. Public (Services) and Fin. may also see for remarks, if any.

28/7/50.  
11/8/50  
Public (S)  
2.8.50



Pub(s)  
Fin

Edu. W.O. No.  
4038-5D.  
2-8-50.

Pub (Sec) Dept

(Previously seen on p 1 above)

The notes from p 3 above may be perused. No special remarks seem called for in this Dept. The file may be passed on to Finance.

5.8.50  
5.8.50

7/8/50  
Fin

Fin (Accts)

Public Service  
No. 2955/50-1  
7/8/50.

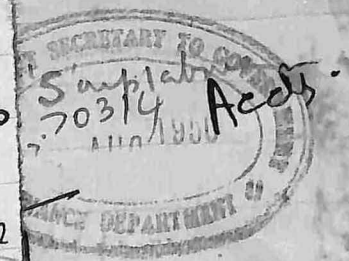
The file deals with the point whether a child, one of whose parents is a Harijan and the other a non-Harijan ~~can be~~ can be treated as a Harijan for the purpose of the grant of fee concessions under Rule 92 of the Madras Educational Rules. The Legal Dept's view is set out in their notes on pp 3-4 and 7 above. Education propose to amend the M.E.Rs providing for the grant of fee concessions to pupils one of whose parents ~~is a~~ is a Harijan.

The draft memo below may be accepted (Such cases may be few and the loss of ~~revenue~~ or extra cost to Govt. may be small)

16.8.50  
17/8/50

17/8/50

Edn Fin. W.O. 703/4 Accts.  
17.8.50



Please see the notes of Public Depts. on page 8 ante. Those depts. agree to the proposal of this dept. that a child only, one of whose parents is a Harijan, may be treated as a Harijan for purposes of fee concessions. R.W. dept. also may see before issue of the draft below, as already suggested at 'X' on page 8 ante.



18/8/50.

19/8/50.

22/8/50 R.W.

Rural Welfare

Edu. W.O. No.  
4038-6D.  
2-3-8-50.

39167

(This Dept. sent noted on p 6 ante)

The further notes from page 7 ante may be perused. The note of Education Dept. above also perused. The draft below may be accepted and the case returned to Edu. No.

24/8/50.

24.8.50

26.8.50.

R.W. No. 39167/50-1  
26.8.50.

Issue & record the papers

27/8/50

Abstract.

Order 2453. Edu. d., 31-8-50.  
M.R.

M.E.R. - Rule 92 -  
Grant of Fee Concessions -  
concessions to pupils whose one of the parents is a Harijan - Admissibility of fee concessions - Papers recorded.

1222

10-10-10