

SECTION 1780 DEPARTMENT

closed

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Supt

MS. SERIES.

G. O. No. 915. Edm.

DATED. 20. 3. 1980.

(20)

Sub orphanage - St. Francis Xavier Anglo Indian
School orphanage payment of Grant as
for Anglo Indian orphanage orders.

~~~~~

TO THE HONOURABLE MINISTER OF EDUCATION, MADRAS.

HONOURABLE SIR

In the first place I wish to thank Your Honour most sincerely for the

very kind interview which Your Honour granted us on the 11th August 1949.

This representation is in regard to the recognition of the Orphanage attached to the St. Francis Xavier's Anglo Indian School. The opening of the Orphanage was necessitated by a large number of orphan and destitute children in this locality and by the transfer of the St. Columban's orphanage from George Town to Church Park, Tevnampet. It may kindly be noted that the orphanages in other parts of the city are already overcrowded and that our new orphanage is the only Anglo Indian Orphanage in North Madras. But for our orphanage, the orphan and destitute children whom we have admitted would have gone about without facilities for mental, moral or civic training. But for the urgent need to look after such children we would not have opened the orphanage at all.

When we applied for recognition we were asked whether we were willingly to be recognized under the Madras Education Rules with a maximum grant of Rs.8 per month per child. As we presumed that Government had passed orders in regard to new orphanages and in ignorance of the implications of recognition under the Madras Education Rules and considering that a half loaf was better than no bread, we accepted the condition. We deeply regret our mistake. The result of our mistake is as follows:-

- a) Ours will be the only Anglo Indian Orphanage to be recognised under the Madras Education Rules.
- b) Ours will be the only Anglo Indian Orphanage to be inspected and controlled by the D.E.O. and the Deputy Inspector while all the other Anglo Indian Orphanages are under the Inspectress for Anglo Indian Schools.
- c) Ours will be the only Anglo Indian Orphanage which will receive a grant of Rs.8 per month or less while all other Anglo Indian Orphanages will continue to get a grant of Rs.18 per month.
- d) Ours will be the only Anglo Indian Orphanage under the Madras Education Rules to be attached to a Anglo Indian School recognised under the Code of Regulations for Anglo Indian Schools.

a) Ours will be the only Anglo Indian Orphanage which will be forced to provide a lower standard of living conditions for the orphans as a result of the lower scale of grant.

In our anxiety to provide for the poor children and in our ignorance of the implications involved in the conditions proposed to us, we accepted those conditions. We now humbly appeal to your sense of benevolence to exempt us from those conditions. There is no prospect of any new Anglo Indian Orphanages cropping up in the future. Our orphanage was started before the previous Minister had even contemplated putting new Anglo Indian Orphanages under the Madras Education Rules. Hence we submit there is no justification for any discrimination against this Orphanage which is the only Anglo Indian Orphanage started in recent years.

On account of the effects of the last world war our Congregation which now gets very little help from Europe is struggling with depleted funds, to construct new buildings for Elementary, Secondary and Training Schools and Orphanages for Indian pupils at many centres, a large number of which are in South India. St. Francis Xavier's is the only Anglo Indian Orphanage under our care. It would be impossible for us to run the orphanage unless the Government were good enough to grant us the same rate of grant as is given to other Anglo Indian Orphanages.

It may kindly be noted that the resolution of the Provincial Board for European and Anglo Indian Education which was communicated to us runs as follows:-

"An application for starting a new Orphanage in Madras city was placed before the Board. The Hon'ble Minister was of opinion that all new orphanages may apply for grant to the Director of Public Instruction under the Madras Educational Rules, viz., 3/4 of the total expenditure subject to a maximum of Rs.8/- per child".

It only records the opinion of the then Honourable Minister for Education. The Board has not recorded its approval of the Minister's opinion and the Government have not, as far as we know, passed orders that all new Anglo Indian Orphanages should be recognised under the Madras Education Rules. Further the Government of India have given an assurance that European and Anglo Institutions will

3/

be given 10 years time to come into line with Indian Schools. May we therefore submit that there is no case to treat our new orphanage differently to the older institutions of the same kind which cater to the needs of the same type of poor children.

A From the actual working of the orphanage during the last 20 months we find that it is impossible to maintain an Anglo Indian Orphan on Rs. 8 per month. We also find that the control of the orphanage by Officers under the Madras Education Rules, while the school to which the orphanage is attached is under the Inspectress for Anglo Indian Schools is bound to cause a certain amount of confusion which is not desirable.

4 Under the circumstances explained above, I appeal to Your Honour for a sympathetic consideration of our case. We pray that you will be good enough to advise the Director of Public Instructions to recognize our orphanage under the Code of Regulations for Anglo Indian Schools to have it under the jurisdiction of the Inspectress of Anglo Indian Schools and to pay us the usual grant of Rs. 18 per month per child.

We thank you in anticipation for your favourable orders and we shall pray for your welfare.

I have the honour to be

Honourable Sir

Yours obediently and very respectfully

Sr. S. Bertha

Correspondent.

14-8-1949  
24-8-1949

4

5

GOVERNMENT OF MADRAS  
Education and Public Health Department  
Memorandum No. 65543-C1/49-1 Education, dated the 16th Sept. 1949

Sub:- St. Francis Xavier's Anglo-Indian School Orphanage - Grant.  
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A letter from the Correspondent, St. Francis Xavier's Anglo-Indian School Orphanage, Broadway, dated 24-8-49, is forwarded to the Director of Public Instruction for early remarks. He is requested to state whether there are any special reasons for treating this Orphanage different from other Anglo-Indian Orphanages.

To

The Director of Public Instruction (with the application in original to be returned with ~~plx~~ reply.

8/9 ore  
16/9/49  
R. P. W. S. S. S.

EDUCATION DEPARTMENT

FROM THE DIRECTOR OF PUBLIC INSTRUCTION, MADRAS

To The Secretary to Government,  
Education and Public Health Dept.,  
Madras.

Re.No.1861 El/48 dated 15-10-49

Sir,

Sub:--St. Francis Xavier's Anglo-Indian School, Orphanage-Grant.

Ref:--Government Memorandum No.65543-C/1/49-1 Edn.  
dated 16-9-49

In resubmitting herewith the letter dated 24-8-49 from the Correspondent, St. Francis Xavier's Anglo-Indian School, Broadway, I may state as follows:--

In July '48 the Management of the School applied for recognition and aid for the Boarding House opened by them for the benefit of Anglo-Indian pupils. The proposal was placed before the Madras Provincial Board for Anglo-Indian Education at its meeting held on 27-9-48. The following minutes were recorded.

"An application for starting a new orphanage in Madras City was placed before the Board. The Honourable Minister was of opinion that all new orphanages may apply for grant to the Director under the Madras Educational Rule viz., 3/4 in the total expenditure subject to a maximum of Rs.8/- per child"

2. In the Director's Proceedings dated 21-10-48 the Inspectress of Anglo-Indian Schools was asked to ascertain from the management of the School and report whether the management was willing to get the orphanage recognised under the conditions stipulated in the resolution. In her letter dated 3-11-48 the Inspectress reported that the management of the School was willing to get the orphanage recognised under the above conditions. In my letter Rc.No. 1861 El/48 dated 23-11-48 the Orders of Government were solicited on the application. In G.O.No.1282 Education dated 27-4-49, the Orphanage was admitted to aid along with other Indian Orphanages.

3. This Orphanage was not discriminated against on any grounds. The Management agreed to the terms proposed and so it has come under the grant-in-Code.

4. According to the new draft constitution of India same grants were promised as were made in the Financial year ending on the 31st day of March 1948. It does not appear that the protection applies to new institutions, and Orphanages started after 31-3-48. In future, all new orphanages even if intended for Anglo-Indians will get grant on the same terms as for Non-Anglo Indians.

5. The Orders in G.O.No.1282 Education dated 27-4-49 may therefore stand.

Yours faithfully,

*[Signature]*

For Director of Public Instruction

13.7.49

6  
Edu. SP. H. Dept 1011

Anglo Indian School Orphanage - St. Francis  
Xavier School Orphanage - Grant

From the SP. D. No 1861. E1/48 D. 15-X-49.

Memo. No. 65543 E/493 E1 D 6-1-50

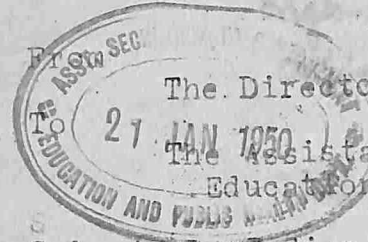
The SP. D. is requested to  
ascertain and report <sup>very urgently</sup> when the St. Francis  
~~San~~ Xavier School Orphanage was first  
started: It is stated by the Management

To

The SP. D. <sup>27/5/50</sup>

<sup>27/5/50</sup> that the <sup>27/5/50</sup> orphanage was started before 31<sup>st</sup> March 1948

POST COPY OF TELEPHINIC MESSAGE No. 9/ C1  
1861-E1/48 dated 18-1-1950.



The Director of Public Instruction, Madras.

The Assistant Secretary to Government,  
Education and Public Health Department, Madras.

Sub: Anglo-Indian School Orphanage - St. Francis Xavier's School Orphanage - Grant.  
Ref: Government Memorandum No. 65543-C1/49-3 Education dated 6-1-1950.

In enclosing herewith a copy of the Government Memorandum as received by me, I request you kindly to let me have a full copy of the Government Memorandum.

*h om h am am i s*

for Director of Public Instruction.

BR, 19-1.

Copy of Government Memorandum No. 65543-C1/49-3 Education dated 6th January 1950 of the Secretary to Government, Education and Public Health Department, Madras to the Director of Public Instruction, Madras.

Sub: Anglo-Indian School Orphanage - St. Francis Xavier School Orphanage Grant.

Ref: From the Director of Public Instruction, No. 1861-E1/48 dated 15-10-48

\*\*\*  
The Director of Public Instruction is requested to ascertain and report very urgently when the St. Francis Xavier School Orphanage was first started. It is stated by the management. . . . .

J.M. Lobo Prabhu,  
Secretary to Government.

True Copy

*h om h am am i s*

For Director of Public Instruction.

BR, 19-1.

EPH  
C

Anglo-Indian School Orphanage - St. Francis Xavier's School  
Orphanage - Grant

From the D.P.I. No. 1861-E/48 dated 18-1-'50

Memo no. 65543-C/49-4E dated 24-1-'50

The D.P.I. (with a copy of Memo on page 6 CF.) A full copy of Govt. Memo no. 65543-C/49-3E dated 6-1-'50 is furnished

CB  
24/1/50  
24/1/50

24/1/50

The Supd  
860 had  
been given the  
copy of the  
memo  
24/1/50

22

Letter from Mr. S. S. Bertha to the Hon. Minister, Education, Madras, dated 24-1-49.

Subject: Orphanage.

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03-1-49 Khab 94/3-108 on 1-1-49.

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K.M.

FROM THE CORRESPONDENT OF

ST. FRANCIS XAVIER'S E. SCHOOL  
Broadway

Madras, 1950.  
ASST. SECRETARY TO GOVERNMENT  
28 JAN 1950  
EDUCATION AND PUBLIC HEALTH DEPT.

TO THE HONOURABLE MINISTER  
20 JAN 1950  
GOVERNMENT OF MADRAS

of our letter dated 24-1-49, in which we requested the honour to request that as you have allotted Rs. 2500 for the orphanage, the same may be sanctioned for about 10 children. I shall be very glad to see that our orphanage is recognised as such as possible under the Code of Regulations of Anglo-Indian Schools. If possible kindly include it in 1950 - 51 budget, as the actual number of inmates is, so far 93. I thank you very much for your kindness. "God bless you".

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I have the honour to be  
Honourable Sir  
Yours obediently and very respectfully

Sr. S. Bertha  
Correspondent.

P.S.:— The orphanage was opened in January 1948 with 25 inmates. In 1949 the inmates numbered 73. At present the actual number of inmates is 93.

Sr. S. Bertha

10/COPY.

Copy of the Proceedings of the Director of Public Instruction, Madras,  
R.C.No. 1861-E.1./48 dated 12-8-49.

.....  
Government of Madras.  
Education and Public Health Department.  
G.O.No. 1282, Education dated 27th April 1949.

Abstract:- Grants - Teaching and Boarding - Indian Orphanages, Boarding  
Homes and Non-Government Special Schools - Provision in 1949-50. -  
Communicated.

Read:-

ORDER:-

The Director of Public Instruction is informed that additional  
provision has been made in the Detailed Budget Estimate of expenditure  
for 1949-50 for the grants specified below: --

1. Boarding grants to Indian Orphanages and Boarding  
Homes newly admitted to aid ... .. Rs. 23,800/-
2. Teaching grants to Non-Government Special schools. " 18,200/-.

The institutions newly admitted to aid are specified in the  
annexure to this order.

( By order of His Excellency the Governor ).

| <u>Annexure I.</u> |                                                                                 |                |
|--------------------|---------------------------------------------------------------------------------|----------------|
| <u>S.No.</u>       | <u>Name of the Orphanage.</u>                                                   | <u>Amount.</u> |
| 15.                | St. Francis Xavier's Anglo-Indian School<br>Boarding Home, George Town, Madras. | Rs. 2,300/-.   |

....  
Copy communicated to the Inspectress of Anglo-Indian Schools, Madras  
She is requested to state whether the Boarding Home is intended for  
boys or girls or both.

.....  
R.C.No. 128-A/49 Dated 31st August 1949.  
Communicated to the Correspondent, St. Francis' Xavier's Anglo-  
Indian Boarding Home, G.T., Madras, with the request to state  
whether the Boarding Home is intended for boy or girls or both.

Sd/- A. Suares. 31.8.49.

Inspectress of Anglo-Indian Schools, Madras.

To

The Correspondent,  
St. Francis Xavier's A.I.School, Broadway, Madras.

AN/29/8/

EDUCATION DEPARTMENT.

FROM The Director of Public Instruction, Madras.  
TO The Secretary to Government,  
Education and Public Health Department.

Rc.No.1861 E1/48 dated 11-2-50.

Sir,

Sub: Anglo - Indian School Orphanage - St. Francis  
Xavier's School Orphanage - grant.

Ref: Government Memo.No.65543 C1/49-4 Education,  
dated 24th January 1950.

The St. Francis Xavier's School Orphanage was  
first started on 7-1-1948.

2. With reference to the letter dated 24-1-50 from  
the Correspondent of the school addressed to the Hon'ble Minister  
for Education, I may state that a provision of Rs.2300/- exists  
in the Budget Estimate for 1949-50 for payment to the school  
under the Indian Orphanage grant. Please see G.O.Ms.No.1282 Edu-  
cation dated 27-4-1949.

Yours faithfully,

J. J. Lawrence

for Director of Public Instruction.

MB 13/2.88/137

See - 52w  
Balt 7, 1/17.  
What is this

FROM THE CORRESPONDENT OF

ST. FRANCIS XAVIER'S E. SCHOOL  
Broadway

Madras, 6th March 1950.

TO THE HONOURABLE MINISTER OF EDUCATION. MADRAS.

HONOURABLE SIR,

I beg to remind you of your kindness when we saw you. Since then we have seen the Director of Public Instruction who gave us to understand that there is no hope at all of our Orphanage being treated as an Anglo-Indian one. We beg to represent that our Orphanage should be judged by what it is and not by any classification government may like to make. No doubt we accept the classification made before, but in our distressed condition we were not in a position to refuse any help. This should not be a bar against. Our Orphanage was started in January 1948, and as such was guaranteed by the Constituent Assembly to enjoy all privileges open to Anglo-Indians for a period of ten years. This is the real test, and may not be allowed to be overlooked. We crave your personal attention.



I have the honour to be  
Honourable Sir,

Yours obediently and very respectfully,

Sr. S. Bertha  
Correspondent.

14  
Orphanages - St. Francis Xavier's Anglo Indian School Orphanage -  
Payment of grant as for Anglo Indian Orphanages - Ordered.

From the correspondent, St. Francis Xavier's Anglo Indian School dt-24.8.49.  
From the D.P.T. NO. 1861 E.1/48 dated 15-10-49 and 11-2-50  
PSCP P11CF

Order (Ms) No 915 Edu dated 20-3-50.

In <sup>partial</sup> modification of the orders in G.O. NO. 1282 Edu dated 27-4-49  
the Govt. direct that the Orphanage attached to St. Francis  
Xavier's Anglo Indian School, Beach Broadway be recognised  
under the Code of Regulations for Anglo Indian Schools  
and grants <sup>for these orphanages be</sup> assessed on that basis.

21  
The D.P.T. ✓  
The correspondent ✓  
St. Francis Xavier's Anglo  
Indian School  
Broadway, Madras  
The A.G. through Finance  
2. Spare Copies

RB  
17/3/50

OM  
17/3/50

18/3/50

St. Francis Xavier's Anglo-Indian School, Madras -  
Recognition as an European Orphanage.

From the Correspondent, St. Francis Xavier's Anglo-  
Indian School Boarding, dated 24-8-49.

Orphanages aided by Government are of two  
kinds, Indian and Anglo-Indian. Orphanages attached  
to Indian schools are termed 'Indian Orphanages'  
and they are recognised under the Grant-in-Aid  
Code. Pupils in such orphanages are given grant  
at the rate of Rs.8/- per pupil per mensem. Or-  
phanages attached to Anglo-Indian schools are  
termed 'Anglo-Indian Orphanages' and they are  
recognised under the Code of Regulations for Anglo-  
Indian schools. Pupils in such orphanages are  
given grants at the rate of Rs.18/- per pupil per  
mensem. In 1948 the management of St. Francis  
Xavier's Anglo-Indian School opened an orphanage  
attached to the school and applied for the boarding  
grant as for Anglo-Indian schools. The D.P.I.  
accorded recognition to the Orphanage as an Anglo-  
Indian Orphanage and recommended the payment of a  
boarding grant for the institution at the rate of  
Rs.18/- per pupil per month, the proposal being  
treated as a Part II scheme for 1949-50.

Subsequently the proposal was considered at  
the meeting of the Board for Anglo-Indian Education  
and the following resolution was passed:-

"An application for starting a new orphanage  
in Madras City was placed before the Board. The  
Hon'ble Minister (Sri T.S. Avinashilingam Chettiar)  
was of opinion that all new orphanages may apply  
for grant to the D.P.I. under the Grant-in-Aid  
Code, viz., three-fourth of the total expenditure  
subject to a maximum of Rs.8/- per child." Please  
see also the minute of the late H.M. (Edn.) on

CF

(P)

p34 of 80 No 1282  
27-11-49

p 36 lid

page 48 of G.O.No.1282-Edn., dated 27-4-49. According to these orders the proposal to give a grant to the orphanage was considered as a Part II scheme for 1948-49, the orphanage being treated as an Indian orphanage aided under the Grant-in-Aid Code.

The management of the orphanage now wants these orders to be reconsidered. This point was raised at the last meeting of the Board for Anglo-Indian Education and the H.M. stated that if the Director recommended the proposal he would not raise any serious objection. It seems therefore that the present application may first be sent to the D.P.I. for remarks. For orders.

Item 15, p 16  
CF

DM 15/9/49

Yes, add that if there are reasons for treating this orphanage differently from other D.I. orphanages, they may be stated

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9

Issue draft Memo below.

DM 16/9/49

(Issued as Memo No.65543-C1/49-1-Edn., dated 16-9-1949)  
From the D.P.I., No.1861-E1/48, dated 15-10-1949.

The D.P.I. does not recommend the request of the management of St.Francis Xavier's Anglo-Indian School for the following reasons:-

(1) That the management agreed to the terms proposed and came under the grant-in-aid code on its own accord.

(2) The guarantee provided in the Constitution of India for the continuance of the privileges now being enjoyed by the Anglo-Indian and European Communities for 10 more years will not apply to new institutions and orphanages

b4CF  
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b5CF, page 3

b5CF page

started after 31-3-1948. Attention is, however, invited to the orders of H.M.(E. & L.) on p.4 n.f. of Memo No.77419-C1/49-3-Edn., dated 12-10-49. It seems therefore that the privilege now enjoyed by all other Anglo-Indian Orphanages cannot be denied to this Orphanage.

For orders. Finance may see before circulation

R.J.S.  
19-12-49.

DM 19/12/49  
3 16

This orphanage was started at the end of 1947 (A page 3 of), that is before the dead line of 31st March 1948 specified in the constitution to which D.P.I. refers. It is an Anglo Indian orphanage besides, eligible to the current rules, which it is considered should be honoured. The mere fact that the management accepted terms specified for Indian orphanages cannot change the character of the institution or the cost of maintenance to which the grant should be related

ETP.H.V.O.  
No.65543-C1/49-2Edn

20-12-49



Fin/

120  
XII

Finance Exp.A.

Finance (Exp.A) Department.

Please see the notes on pp. 1-2 above.

In G.O.No.1282 Edn. dt. 27-4-49, St. Francis Xavier Anglo Indian School Boarding Home, George Town, Madras was admitted to aid under the Grant-in-aid Code, (and not under the Code of Regulations for Anglo Indian Schools). The effect of treating this Boarding Home differently from other Anglo Indian Orphanages is enumerated under items (a) to (e) on pp. 1-2 e.f. and the correspondent requests that the Boarding Home may be

Item 15 in Annexure  
p 16 of 48

recognised under the Code of Regulations for Anglo-Indian Schools. For the reasons given in this letter emp. 5 c.f., the D.P.I. considers that the orders in the above G.O. may stand. However, Secretary, E & P.H., ~~seems to~~ supports the request - please see his note emp. 3 above.

2. Attention is in this connection invited to the notes and orders in circulation on pp. 47-48 of G.O. No. 1282 Edn. dt. 27-4-1949 from which it will be seen that the Govt. were already aware of the guarantee in the Draft Constitution of India, but this being a new orphanage it was specifically decided that it should not be recognised under the old rules. This institution was admitted to aid only from 1949-50 and not earlier. This case is therefore different from those covered by the minute of H.M. (E. & L.) on p. 4 M.F. of Memorandum No. 77491-CL/49-3 Edn. dt. 12-10-49. In the circumstances Finance may agree with the D.P.I. and ~~advise~~ <sup>advise</sup> that the orders in G.O. No. 1282 Edn. dt. 27-4-49 may stand.

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3.1.50

Finance dept do not support request of the St. Francis Xavier's Orphanage for being recognised under the Code of Regulations for Anglo Indian Schools. ~~For orders whether the advice of Finance may be accepted.~~ The S.P.2 has stated that the Provision does not apply to new institutions and orphanages started after 31-3-48.

It is not known when exactly St. Francis Xavier's orphanage was started. If it had been started before 31-3-48, according to the S.P.2's statement at X as p 5 c.f. and according to A of the Finance Dept note above, that institution should be recognised under the old rules and made eligible for the grant under the Code of Regulations for Anglo Indian Schools. The S.P.2 may be requested to ascertain and report when the orphanage was started. A draft Memo is submitted.

P

P/48 of

4 - JAN 1950  
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C

para: 5, p. 5 c.f.

B.P.

3.1.50

C&K

3.1.50

p 5 c.f., para 4



Exp. H. U. O.  
No. 65543-C/49-5 Edu  
21.2.50.

p. 11 c.f.

X' above.

p. 118 of the Book (Madras Print).

[I issued as Memo No 65543-C/49-3 Edu dated 6-1-50]  
From the D.P.I. No. 1861 E/48 dated 11-2-50.

The D.P.I. states that St. Francis Xavier's School Orphanage was first started on 7-1-48. Even according to the statement of D.P.I. in para 4 of his letter on page 5 c.f., since the Orphanage was started before 31-3-48, it looks he treated as an Anglo Indian Orphanage and grants paid on that basis for 10 more years as guaranteed by the New Constitution. For orders. Finance may see again before c.f. 20/2/50.

This leaves no doubt of the claim of the institution to such privileges as were assured before 31-3-48.

Fin/

Fin (Exp. A)

(Previous Finance note on pp 3-4 above). The further notes of E & P.H. may be perused. It is stated that the St. Francis Xavier's School orphanage was first started on 7-1-1948. E & P.H. therefore consider that this fact leaves no doubt of the claim of the institution to such privileges as were assured before 31.3.48. The special provision with respect to educational grants for the benefit of Anglo-Indian community is laid down in Art. 337 of the Constitution of India. According to this article, during the first three financial years after the

Commencement of this Constitution, the same grants, if any, shall be made by the Union and by each State for the benefit of the Anglo-Indian Community in respect of education as were made in the financial year ending on 31-3-1948. The point at issue is whether the above provision gives protection to an institution admitted for purposes of grant-in-aid

only in 1949-50 - See para. 2 of this Constitution is also invited to the D.P.I.'s letter on p. 34 of the G.O. at (P). Defects note on p. 4 above. As the matter

is not quite free from doubt, F & P.A. may be requested to obtain the remarks of Legal on the point <sup>in the first instance</sup> before ~~the first instance~~.

~~HH (F) may see in case.~~  
1.3.50  
B 2.3.50 ADS

Article 337 of the new Constitution merely provides that the same grants as were made in the financial year ending 31-3-1948, shall be made to <sup>institutions</sup> Anglo-Indian\$. This provision will give protection only to the extent of guaranteeing the payment of grant on the same basis and scale as was given to a particular institution before the 31st March 1948. In the G.O. at (P), grant was sanctioned to the St. Francis Xavier's School Orphanage only under the Grant-in-aid Code, namely, ~~2/4th~~ 3/4th of the total expenditure subject to a maximum of Rs 8 per child.

The protection in Article 337 of the new Constitution will apply only to this extent and will not have the effect of entitling the institution to payment of grant on the higher scale admissible to Anglo-Indian institutions before the 31st March 1948. In this view

Finance will advise that the orders in the G.O. at (P) may stand and need no revision. Legal may see..



File No. 11971.A. Ex A-1  
2.3.50

547



Edu  
D.

The file may now be sent to Legal for remarks.

Edu v.o.

No. 65643-D/49-6

6/3/50

RB

4/3/50

6/3/50

ADM  
6/3/50

Legal

18

LEGAL DEPARTMENT.

Parag.4 of the Director of Public Instruction's letter at p5cf correctly interprets Art.337 of the Constitution.

According to this Article, the same grants as were made in the financial year 1947-1948 for Anglo-Indian community will be made for the first 3 years. This merely continues the grants actually made during 1947-48 and cannot apply to an institution to which a grant was not made during that year.

The effect would have been otherwise if the Article had used the expression "made on the same basis"--which occurs in the preceding Article. But that expression is not used in Art.337 and we cannot read that into the Article.

New institutions started after 31/3/1948 will be governed by Art.30(2), according to which education institutions established by minority communities will be entitled to the same aid as other institutions.



1137

Legal v.o. 3508  
2-3-50  
1-15 P.A.

E8P4

MD 7.350

Edn. Sept  
(CO)

This file relates to the question of the basis on which grant should be paid to the pupils in St. Francis Xavier's Anglo-India School Orphanage, Broadway, Madras. This institution was started on 7-1-1948. In his letter dated 16-9-48 the Director reported that the Correspondent of the institution had submitted an application for recognition of the boarding house and stated that it would be recognised by him. He also proposed necessary provision to be made under Part II of the Budget Estimate for 1949-50 for grant to the institution as for one for Anglo-Indian pupils, i.e., <sup>an</sup> the institution ~~was~~ recognised under the Code of Regulations for Anglo-Indian Schools. When the file was circulated to H.M. (Edn.) he <sup>P/48</sup>minuted that the institution should be recognised under the Grant-in-Aid Code, i.e., as an institution for Indian orphans. The question of making necessary provision for the institution along with others was considered as a Part II Scheme for 1949-50 and necessary provision was made in the B.E. for the current year, basis of grant for the institution being as <sup>P/16</sup>for ~~max~~ Indian pupils. This institution is eligible for grant ~~for~~ 1948-49. But it will be paid only as for an Indian orphanage.

The question has been considered whether with reference to the protection given in the Constitution to minority institutions this institution is eligible for grant as for an Anglo-Indian institution. This Dept. held the view that as the institution was started before 31-3-1948, it should be admitted to the privileges of an Anglo-Indian institution. Finance Dept. point out that the provision in the new Constitution will give protection only to the extent of guaranteeing the payment of grant on the same basis and scale as was given to a particular institution before 31st March 1948, and that as this institution was sanctioned grant only under the Grant-in-Aid Code the protection in the Constitution will apply to the institution only to this extent and will not have the effect of entitling the institution to payment of grant on the higher scale admissible to Anglo-Indian schools before the 31st March '48. The Legal Dept. agree with the Finance.

12/14/3  
(St. Francis Xavier's Anglo-India School Orphanage, Broadway, Madras. This institution was started on 7-1-1948. In his letter dated 16-9-48 the Director reported that the Correspondent of the institution had submitted an application for recognition of the boarding house and stated that it would be recognised by him. He also proposed necessary provision to be made under Part II of the Budget Estimate for 1949-50 for grant to the institution as for one for Anglo-Indian pupils, i.e., the institution was recognised under the Code of Regulations for Anglo-Indian Schools. When the file was circulated to H.M. (Edn.) he minuted that the institution should be recognised under the Grant-in-Aid Code, i.e., as an institution for Indian orphans. The question of making necessary provision for the institution along with others was considered as a Part II Scheme for 1949-50 and necessary provision was made in the B.E. for the current year, basis of grant for the institution being as for Indian pupils. This institution is eligible for grant for 1948-49. But it will be paid only as for an Indian orphanage.)

P/48

P/16

p 5 ante

p 6 ante

p 7 ante

For orders whether the view of the Finance and the Legal Departments will be accepted and the request of the Correspondent for grant as for an Anglo-Indian Institution will be negated.

10  
13/8/50 S

Under the letter of the law this institution will not be entitled to being given grant on the basis of being an Anglo-Indian Institution. But seeing that it was started on 7-1-48 & it is being run for Anglo-Indian Orphans, the institution may, as a matter of grace, be perhaps recognised and treated as an Anglo-Indian orphanage & paid grant on that basis. For info.

13.3.50

H.M. (E.L.) What does the D.P. say?  
H.M. (Fin.)  
14/1

Please see the letter of the D.P. on page 5 CF. He considers that the institution need be paid grant only as for Indian orphanage.

14/3/50

This institution has a case for this H.M. (E.L.) request having been started before 3-4-48. Let me know what the financial implication of this is.

The grant for an orphanage in an Indian orphanage is Rs 8 a m

65543/49 11

D E

While that in an Anglo-Indian  
orphange is Rs 18 a month. There  
were 24 boarders in the 2nd orphange  
in 1948-49 and the grant for  
the year will be Rs. 5200 if it is  
treated as Anglo-Indian orphange  
and Rs 2,300 if it is treated as  
an Indian orphange. The  
present strength of the orphange  
is stated to be 93.

p 34 of (P)

5200  
2300  
1900

9 CF 16/3

MM  
15/3/50 8  
16.3.50

No change need be made H.M. (E.L.)  
They may be paid on an  
Indian orphange basis. H.M. (Fin.)

Discussed with H.M. (Fin.) 16/3  
Their request may be granted  
at Anglo Indian rates

Let us be liberal 17/3  
to these girls.



A draft order is submitted. Finance and Legal may see after

17/3/50  
17/3/50

MM  
17/3/50  
S. 1880

[I cannot do  
dated 20.

Fin (A.L.)  
Fin (Exp A)

Edn vs. No  
65543-D/49  
22-3-50

(Finance last saw on 14.5.50 - Tante.)

Orders in circulation above + Go. No. 915-Edn  
26.3.50 may be passed  
25/3/50



Out away  
25/3/50