

4
Law (192 /) Department.

(Education)

Ordinary SERIES.

G.O. No.

1287

DATED

13-8-21

[Despatch Abstract.]

Legislative Council-second session---Resolution-Discretion
to local bodies regarding educational administration
Notes Recorded.

BACK PAPERS.

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

FURTHER PAPERS.

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

L. & M. (iv) 9-599-4-3-21.

LEGISLATIVE COUNCIL OFFICE.



Edn 3384 A
207-21.



Resolutions on matters of General Public Interest.

SUBJECT No. 65

for the meeting of the Legislative

Council to be held on the 1st August-1921.

SUBMITTED that two copies of this Resolution may be forwarded to the Law (Edn) Department with reference to Nos. (1) and (4) of the rules regulating Secretariat procedure in dealing with these Resolutions in the Legislative Council. The Resolution has been admitted.

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U.O. No 1933-3, dated 17-7-21

To

The Law (Education) Department

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2
Council Office,

4th July 1921.

Resolution.

Rao Bahadur T. Balaji Rao Nayudu.

THE LAW (EDUCATION) DEPARTMENT.

65. That this Council recommends ^{to the Government} that the Educational Rules ~~shall~~ be so modified ^{as} to give full discretion to the local bodies to select teachers, to fix their salaries, ^{to fix} holidays for schools, to build school-houses without reference to any type designs in ^{the} way most convenient and economical and to alter the courses of instruction whenever found necessary.

KHV.

Law (Education) Dept.

Selection of teachers

Rule 10 of the Educational Rules prescribes only the qualifications of teachers employed in elementary schools, while the qualifications of those employed in secondary schools are laid down in rule 23. These rules do not fetter the discretion of local bodies in the selection of individual teachers for particular posts. Under instruction No. 79 on page 33 of the Local Boards Manual and article 24 of the Municipal Account Code, Presidents of Local Boards and Chairmen of the Municipal Councils have to consult the appropriate officers of the Educational Department before appointing teachers to posts in schools under their control. Rule 64 of the Local Boards Manual also ^{limits and} defines the powers of ~~the~~ local ~~boards~~ boards in regard to the appointment of persons to offices under them, while, under article 24 of the Municipal Account Code, previous sanction of Govt. is required in respect of appointments to posts carrying ~~of~~ a maximum salary of Rs100 and upwards.

2. Fixing the salaries of teachers.-

Under section 67 of the Madras Local Boards Act and ^{under} section 70 of the Madras District Municipalities Act, Local Boards and Municipal Councils have full power to fix the salaries of teachers in their employ. Rule ~~64~~ 82 of the Madras Educational Rules ~~has~~ in consequence ~~been~~ become inoperative. The previous sanction of Govt is however necessary to the alteration of ~~the~~ ^{the pay} of establishments paid wholly or partly from provincial funds vide rule 58 of the Local Boards Manual

3. Holidays for schools- Rule 107 of the Local Boards Manual ^{lays} ~~lays~~ down ^{that} ~~for~~ all local fund elementary and secondary schools shall be administered according ^{to} the principles of management adopted for State schools. No regular list of holidays ~~has~~ been drawn up for elementary schools. Rules 20 of the Madras Educational rules ^{merely} ~~lays~~ down that due regard should be paid to local circumstances, especially in rural schools where school hours and vacations should be suited to agricultural conditions. Para 160 of the Madras ^{Inspection} ~~Code~~ Code enjoining that the total number of holidays recommended by the inspecting officers, when consulted by the local boards and municipal councils regarding holidays for the elementary schools under their management, should not exceed the number prescribed for Govt. schools. This para in no way fetters the discretion of the Presidents or Chairmen to fix the holidays for elementary schools according to their judgment. Holidays and vacations in secondary schools under the management of local bodies should conform to ~~the rules laid down in~~ rule 88 of the Madras Edcn Rules. It is open to a local body to substitute any local holiday for any other holiday mentioned in the list with the previous consent of the Inspector of schools.

4. Type designs for schools - No type designs have been prescribed by Govt. in respect of any class of buildings. As regards elementary schools, rule 13 of the Madras Edcn rules ^{provide} ~~provide~~ that the building used for the school should be suitable, should be kept clean and should admit sufficient light and air. Under rule 33 of

the Madras Eden Rules, buildings for secondary schools are ordinarily ~~expected~~ to meet the pedagogic, sanitary and hygienic requirements in appendix (I-A) of the Grant-in-aid Code. Provided these essential requirements are satisfied, it is open to a local body to adopt any style of building for schools under ~~its~~ ^{its} control.

5. The remarks of the D.P.I. may be invited.

29/7/21 On the resolution.

29.7.21

J.P. ho

28
30/7/21

U.O. Reply No. 339/21
4-8-21

The Mover of the resolution by 'Educational Rules' may mean either the Madras Educational Rules ---and this is what one ordinarily means by Educational Rules---or he may mean the rules and orders regarding educational administration which are found in the Madras City Municipal Act, the Madras District Municipalities Act, the Madras Local Boards Act, the Elementary Education Act, the Municipal Account Code and the Local Boards Manual.

To select teachers. If the Mover desires rules 10 and 23 of the Madras Educational Rules modified it would appear that he desires that Local Boards should have the power of appointing teachers who are unqualified. I do not consider that this ~~part~~ ^{power} should be granted. If he desires that local bodies should be able to appoint teachers without consultation with the officers of Government or without in the case of higher appointments the approval of

Government, it will be necessary to modify the Municipal Account Code and the Local Boards Manual. I do not think that the advice of the Inspecting officers should be done away with but I am of opinion that it is a matter for consideration as to whether Government sanction should be required for the appointment of teachers on a salary above Rs.100 per mensem or whether this figure might not be raised.

Fixing the salaries of teachers. I doubt whether the Secretariat is absolutely correct when it states that Rule 82 of the Madras Educational Rules has become inoperative. Section 67 of the Madras Local Boards Act is quoted but that section must be read in conjunction with section 112 (ii) of the same Act wherein we find that the funds of a Local Board shall be applicable to the purpose mentioned in section (i) within the area of the Local Board, ~~any~~ rules in schedule V and any further rules which may be prescribed. Government have not prescribed any further rules but, I believe, that under the General Clauses ^{Act} the existing rules are applicable until Government does prescribe further rules. The rules which were formerly prescribed by Government are contained in the Local Boards Manual under which, I believe, the sanction of Government is necessary for fixing the

The note was written in consultation with LHM

Subject to the

Only if they are similar to the provisions in the Act

pay of teachers. Similarly with regard to section 70 of the Madras District Municipalities Act. It must be read in conjunction with the similar sections of that Act to those in the Madras Local Boards Act and with reference to ^{the} Municipal Account Code. This is, however, a legal point upon which legal advice is necessary. It would appear if my view is correct that Article 50 (ii) on page 24 of the Local Boards Manual and Article 16-A(2) on page 6 of the Municipal Account Code should be modified. I agree that they ought to be modified and a much freer hand given to local bodies in fixing the salaries of their teachers than they at present have.

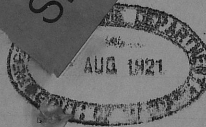
In the case of secondary schools no scales of salaries are laid down in the Madras Educational Rules.

Holidays for schools. Local bodies already have full discretion as regards holidays in elementary schools. If the existing elasticity provided in Rule 88 of the Madras Educational Rules for holidays in secondary and special schools is not sufficient the Department of Public Instruction will be pleased to consider any modification of Rule 88 which is suggested by the mover of the resolution or by anyone else interested in educational administration.

the subject of study and the standards of instruction are to be prescribed by Government under Section 3(v) and under section 56(2)(a) of the Elementary Education Act of 1920. Any representation which the mover would like to make regarding courses of study in elementary schools would most suitably be made in the first instance to the District Educational Councils of the area with which he is concerned. All local bodies have representatives on the District Educational Councils and the views of a local body can be brought before the District Educational Council through its elected representative.

In the case of secondary schools, the courses of instruction which may be prescribed under Rule 67 of the Madras Educational Rules, are so prescribed in consultation with responsible and representative committees such as the Secondary School Leaving Certificate Board. The Director of Public Instruction has already addressed Inspectors of schools with a view to widening the courses of study in secondary schools and the introduction of vocational courses of study. Ultimately the Director hopes to submit to Government proposals for the modification of the secondary school course so as to allow of greater elasticity and wider selection of subjects than at present. He will be only

SPECIAL



En 2697 A
C.E.M.

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too glad if local bodies would take the initiative
in endeavouring to introduce wider courses of
study and in seeking departmental advice as to
how these courses might most suitably and in the
best educational interests of the pupils ^{be} framed
and taught.

ll
4.8.21

Law (Edn) Dept

The case may now be put (us)
to L.S. for remarks with reference to
the powers of local bodies to fix the salaries
of teachers in their employ.

NY
4.8.21

That Dept^l may be asked
to state whether ^{the question} the position
~~may~~ ^{is} being explained to
the M.C. in council
it ~~is~~ being ^{also} stated that
the question of granting
further powers will be
examined. If they agree

L.S. 21

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4.8.21

the file ^{the} may be sent to H.3 R.H.
for order. It has to be determined
as to who will take charge of the
Resⁿ.

Al
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though L.S. 21

Fixing of salaries of Teachers in the Schools under the Control of local bodies.

Under Sec 67 of the Madras Local Boards Act, 1920 and under Sec. 70 of the Madras District Municipalities Act 1920, local boards and municipal councils are competent to sanction the creation of any establishment required by them and to fix the salaries of their officers and servants, excepting the Health officer and the Engineer, whose salaries should be fixed by the Govt. in Consultation with the local body. The

exercise of this power is however subject to the condition that the establishment concerned is paid wholly from local or munl. funds. The sanction of Govt. should be obtained in regard to establishments paid wholly or partly from local funds or employed in institutions of which Govt. cost is met from Govt. funds.
- cf. rule 58 of the L.B. Manual

2. ^{regard to the} Part in filling up of the appointments ^{capas} of the appointments, the powers of local bodies ^{are} ~~have been~~ limited. Under Sec. 70 of the L.B. Act ¹⁹²⁰ and Sec 73 of the Madras M. Act ¹⁹²⁰, all servants of local bodies, except the Health officers and the Engineer, shall be appointed by the president of the local board or the Chairman of the Municipal Council in accordance with any rules the Govt. in Council may have made in this behalf. So far as local fund servants are concerned, under rule 64 of the Local Boards Manual issued under

Post.
Rule 2 of
the Madras
Local Board
Act, 1884

In the case of such appointments the Chairman should consult the Govt. in regard to salary. If the salary is less than Rs 50 per mensem & the holder of the post is a teacher, the salary should not be less than Rs 100 per mensem, the Govt. in regard to teachers in the L.B.

Rule 2 p. 2 of 1884
and the

Sec. 44 of the Madras Local Boards Act of 1884, the sanction of the Govt. is required to the appointment of persons to offices, the maximum salary of which is over Rs 300 p.m. In regard to M.L.Cs, the rule issued under Sec. 42 of the Madras District Municipalities Act, 1884, requires that the sanction of the Govt. should be obtained to posts carrying a maximum salary of Rs 100 and upwards. These rules, though issued under the old Acts are not inconsistent with the new Acts and therefore continue to be in force until they are cancelled or modified. In the new rules framed under Sections 73 and 75 of the Madras District Municipalities Act 1920, the Chairman should consult the Sub-District Inspector of Schools before appointing masters in elementary schools and the Inspector of Schools before appointing masters in colleges and secondary schools to posts carrying a maximum salary of not less than Rs 50. Under these rules, the sanction of Govt. will not be required in any case. These new rules have not yet been confirmed. It is also under contemplation to revise the provisions in the L.B.

Manual on the same lines.

This Dept. may therefore agree to the position being explained to the M.L.C. ^{as above} and to its being stated that the question of granting further powers will be examined.

Cert.
4-8-21

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4-8-21

Secy

This is a question of modifying the Educational Rules & I hope the Ed. Dept. will take charge of the matter as it is purely a matter of educational policy. Subject to the approval of M., this Dept. is willing to abide by the decision of the Educational Dept. in the points raised. I do not at present see the nature is a movement off a foot-
to "primary school" the existing secondary school (Hornsea) & then a district cadre (which will probably include municipalities) is, it is proposed, to be given a trial (see

Submitted by
- Res. no. 66

13
page 100 of the F.R.C. Report.
Service under local bodies
is given very unpopular
for various reasons, & unless
security of tenure can
be ensured, the scale of
salary must go up. At
present the only way for
a local body to get rid of
a man it does not approve
of is to dismiss him & to
dispose with the services of
a school master who does
not like his employer
must resign. But indegredity
and a cadre wd. fees
provided for, wd. solve many
difficulties it'd arise

Law (Ed) in 1/28

Submitted for order

AR
6-8-21

M3

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684

The resolution has been withdrawn.

(by order)

AR
13/8/21

Discretion to local bodies as regards their educational administration.

"65. That this Council recommends to the Government that the Educational Rules be so modified as to give full discretion to local bodies to select teachers, to fix their salaries, to fix holidays for schools, to build school houses without reference to any type designs in the most convenient and economical way and to alter courses of instruction whenever necessary."

Rao Bahadur T. BALAY RAO NAYUDU:—"Mr. President, after having had an interview with the Hon'ble the Minister and the Director of Public Instruction, I do not want to move this resolution at present."

The resolution not being moved was deemed to have been withdrawn.

The notes may be
29/1

Order No. 1287 of 13/2

Recorded

29/1/21

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10. p. 8
M
49/11

members need not attend...

When given for copying _____
 When copied _____
 When examined _____
 When signed _____

192 .

READ AGAIN G.O. No. _____
 102 .

DATED

GOVERNMENT No. _____

ENCLOSURES TO G. No. _____

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT. _____

STATEMENT WITH DICTO. _____

PAPERS NOT FILED UP, BEING MEANT FOR DEPARTURE
 IN ORIGINAL.

N.B.—

- A = Copy in full.
- B = Not to be copied.
- P = Copy abstract only.
- Q = Copy heading only.