

Government of Madras

LAW (EDUCATION) DEPARTMENT

G.O. No. 790-A, 24th May 1921

Madras Elementary Education Act.

Election of Presidents of District Educational Councils—rules—confirmed.

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Government of Madras

LAW (EDUCATION) DEPARTMENT

G.O. No. 790-A, 24th May 1921

Madras Elementary Education Act.

Election of Presidents of District Educational Councils—rules—confirmed.

Order—No. 790-A, Law (Education), dated 24th May 1921.

No objection or suggestion having been received to the draft rules for the election of Presidents of District Educational Councils published under G.O. No. 511, Law (Education), dated 2nd April 1921, the rules are now confirmed.

2. The following notification will be published in the *Fort St. George Gazette* :—

NOTIFICATION.

Under sub-section (1) of section 5 and section 56 of the Madras Elementary Education Act, 1920, the Government (Ministry of Education) are pleased to make the following rules for the conduct of elections of Presidents of District Educational Councils :—

RULES FOR THE ELECTION OF PRESIDENTS OF DISTRICT EDUCATIONAL COUNCILS.

I. A candidate for the office of President must be proposed by one member and seconded by another. The names of all the candidates proposed and seconded shall be read out by the presiding member.

II. (1) If there is only one duly nominated candidate, there shall be no ballot and he shall be deemed to have been elected.

(2) If there are two or more candidates the votes of the members present at the meeting shall be taken.

III. Every member wishing to vote shall be supplied with a slip of paper. He shall forthwith proceed to the place set apart for the purpose and there write on the slip so supplied the name of the candidate for whom he wishes to vote. He shall then fold up the slip so as to conceal his vote and deposit the same in a ballot box placed in the view of the presiding member and so constructed that the paper may be placed therein but not extracted therefrom without the box being opened. The presiding member shall then open the box and count the votes in the presence of the members and declare the result of the election in accordance with the following instructions :—

(i) If there are only two candidates, the one who secures the larger number of votes shall be considered to have been elected.

(ii) If there are more than two candidates the one who obtains the fewest votes shall be eliminated and the votes taken again. If there is an equality of votes among all the candidates or if two or more candidates lowest on the list have obtained an equal number of votes, the member presiding shall ascertain by casting lots in the presence of the members which of them shall be eliminated. The elimination shall be repeated until two candidates only are left whose votes shall be taken for the last time and the candidate who secures the larger number of votes shall be considered to have been elected. In the event of there being an equality of votes at a final stage between the two remaining candidates, the presiding member shall ascertain by casting lots in the presence of the members which of the two shall be considered to have been elected.

IV. No candidate whose name has been proposed and seconded shall take part in a ballot, but a candidate may withdraw at any stage and after so withdrawing he may take part in any ballot. Similarly a candidate who has been eliminated at any stage under rule III (ii) may take part in any ballot at subsequent stages.

V. Any voting paper which contains the signature of any of the voting members or on which more than one name is entered shall be invalid.

VI. Immediately after the meeting the presiding member shall forward the name of the person elected as President to the Government.

VII. (1) The presiding member shall then seal up the ballot papers whether counted or rejected and note on each packet the number of papers it contains and the election to which it relates.

(2) These packets shall not be opened and their contents shall not be inspected or produced except under the orders of Government.

(3) The packets shall be retained in safe custody in the office of the District Educational Council for a year and shall then, unless otherwise directed by the orders of Government, be destroyed.

VIII. The validity of any election may be contested by a petition signed by at least three members of the District Educational Council by which the election was held, and not otherwise, provided that such petition shall reach Government within eight days from the date of the election and shall allege specific grounds for setting aside the election on account of material irregularity in the conducting thereof or for other sufficient cause. The Government may order an inquiry thereon by any officer they nominate if they consider it necessary to do so.

IX. On the receipt of the report under rule VI and after the perusal of the petition, if any, presented under rule VIII or the report of inquiry, if any, ordered under rule VIII, the Government shall pass such orders as they may think fit provided that no such orders are passed within nine days after the receipt of the report under rule VI and all such orders shall be final.

(By order of the Government, Ministry of Education)

R. RAMACHANDRA RAO;
Secretary to Government.

To the Director of Public Instruction.
" all Collectors.
" the Local Self-Government Department.
" the Inspector of Municipalities.
" the Superintendent, Government Press, for publication of notification.
" the President, Corporation of Madras.
" the Publicity Officer.
" the Commissioner of Labour.
Gazette.

Madras Elementary

Ed. Act.

~~For election~~
of Presidents of Dist.

Ed. Councils.

rules - confirmed

1227 Ed. 25/3

First to Asst Secy (Draftsman)

for remarks if any

21/7/21

Ed. W/025-13/A-1

23.5.21

Order 790-A, d/24.5.21
P.S.

No objection or
suggestion having been
received to the draft rules
for the election of President
of Dist. Educational Council
published under G.O. No.
511 (Law) Ed. W/ d/ 2nd April
1921, the rules are now
confirmed.

The following
notification will be published
in the Fort St. George
Gazette:-



To the DP & J
all Collectors
D. S. & D. P.
Inspectors of Municipalities
S. B. P. & P. Public
P. C. M. & P. Notary
Publicity Officer
Commissioner of Labour
Gazette

published

4.5.21

18.5.21

Notification

APPENDIX.

NOTIFICATION.

Under sub-section (1) of section 5 and section 56 of the Madras Elementary Education Act, 1920, the Government (Ministry of Education) propose to frame the following rules for the conduct of elections of Presidents of District Educational Councils; any objections or suggestions in respect of these rules will be considered if received before the 6th May 1931 :-

RULES FOR THE ELECTION OF PRESIDENTS OF DISTRICT EDUCATIONAL COUNCILS.

I. A candidate for the office of President must be proposed by one member and seconded by another. The names of all the candidates proposed and seconded shall be read out by the presiding member.

II. (1) If there is only one duly nominated candidate there shall be no ballot and he shall be deemed to have been elected.

(2) If there are two or more candidates the votes of the members present at the meeting shall be taken.

III. Every member wishing to vote shall be supplied with a slip of paper. He shall forthwith proceed to the place set apart for the purpose and there write on the slip so supplied the name of the candidate for whom he wishes to vote. He shall then fold up the slip so as to conceal his vote and deposit the same in a ballot box placed in the view of the presiding member and so constructed that the paper may be placed therein but not extracted therefrom without the box being opened. The presiding member shall then open the box and count the votes in the presence of the members and declare the result of the election in accordance with the following instructions :-

(i) If there are only two candidates, the one who secures the larger number of votes shall be considered to have been elected.

(ii) If there are more than two candidates the one who obtains the fewest votes shall be eliminated and the votes taken again. If there is an equality of votes among all the candidates or if two or more candidates lowest on the list have obtained an equal number of votes, the member presiding shall ascertain by casting lots in the presence of the members which of them shall be eliminated. The elimination shall be repeated until two candidates only are left when votes shall be taken for the last time and the candidate who secures the larger number of votes shall be considered to have been elected. In the event of there being an equality of votes at the final stage between the two remaining candidates, the presiding member shall ascertain by casting lots in the presence of the members which of the two shall be considered to have been elected.

IV. No candidate whose name has been proposed and seconded shall take part in a ballot, but a candidate may withdraw at any stage and after so withdrawing he may take part in any ballot. Similarly a candidate who has been eliminated at any stage under rule III (i) may take part in any ballot at subsequent stage.

V. Any voting paper which contains the signature of any of the voting members or on which more than one name is entered shall be invalid.

VI. Immediately after the meeting the presiding member shall forward the name of the person elected as President to the Government.

VII. (1) The presiding member shall then seal up the ballot papers whether counted or rejected and note on each packet the number of papers it contains and the election to which it relates.

(2) These packets shall not be opened and their contents shall not be inspected or produced except under the orders of Government.

(3) The packets shall be retained in safe custody in the office of the District Educational Council for a year and shall then, unless otherwise directed by the orders of Government, be destroyed.

VIII. The validity of any election may be contested by a petition signed by at least three members of the District Educational Council by which the election was held, and, not otherwise, provided that such petition shall reach Government within eight days from the date of the election and shall allege specific grounds for setting aside the election on account of material irregularity in the conducting thereof or for other sufficient cause. The Government may order an inquiry thereon by any officer they nominate if they consider it necessary to do so.

IX. On the receipt of the report under rule VI and after the perusal of the petition, if any, presented under rule VIII or the report of inquiry, if any, ordered under rule VIII, the Government shall pass such orders as they may think fit provided no such orders are passed within nine days after the receipt of the report under rule VI and all such orders shall be final.

Government of Madras

LAW (EDUCATION) DEPARTMENT

G.O. No. 511, 2nd April 1921

Madras Elementary Education Act, 1920

Draft rules for election of Presidents of District Educational Councils — Published.

Order—No. 511, Law (Education), dated 2nd April 1921.

The appended notification containing the draft of the rules for the election of Presidents of District Educational Councils is published in the *Fort St. George Gazette*.

(By order of the Government, Ministry of Education)

R. RAMACHANDRA RAO,
Secretary to Government.

To all Collectors,
the Director of Public Instruction,
the Local Self-Government Department,
the Inspector of Municipalities,
the Superintendent, Government Press, for publication of notification,
the Publicity Officer,
the President, Corporation of Madras.

Appendix.

Scott. 11-1-17.

ORDINARY.

PRESS SLIP.

PREFERENCE.

URGENT (a).

Current No. dated 191

G.O. No. 790A dated 2.4.5. 1921

Number of MS. pages sent
(a) Correspondence 2 (Two)
(b) Notes 2 (Two)
sent to be printed
sent to be printed
with original

Brief subject

(c) Number of copies required when struck off (not including copies for volumes and editors' table which are retained in the Press).	(d) E. T. copies to supply requisitions for purchase by the public.	Complete correspondence and orders.	Notes.
For Record:			
Madras Records	4		
City Records			
For filing with original			
Total			

Letter only.	Complete G.O.	Special issue copies (b) G.O.	Notes.
		No. Papers.	
Signature copies	6		

India Office	Dept.		
Govt. of India	Dept.		
Revenue Department			
Public Works Department			
Local and Municipal Department			
Educational Department	Dept.		
Public Dept.			
Judicial Dept.			
Political			
Financial Dept.	Total		
Marine Dept.			
Ecclesiastical Dept.			
Total			

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Copies distributed on (Press Clerk).
† Copies distributed on (Press Despatcher).
To be initialled and dated.

INSTRUCTIONS FOR THE SECRETARIAT.

(a) If a paper is marked to be printed urgently, the Superintendent of the section concerned should sign the Press slip. The Superintendent should exercise a careful discretion in the matter.

(b) Each letter, memorandum, or order, or set of orders, in the file of correspondence should be headed in succession with the Roman numeral I, II, III, etc., the number being written in red ink or blue chalk above the item. The particular papers to be printed in the special issue-copies should be indicated by the Roman numeral (I, II, etc.) by which that item has been headed in the correspondence file. All matter, including marginal remarks or references, to be printed should be written in ink and matter which should not be printed should be encircled. Initials and signatures that are not quite legible should be re-written distinctly.

(b) For rules regarding printing of notes, see rule 315 of the office Manual.

(c) The number of copies and the details of distribution should be filled in by the Superintendent or Reference concerned.

(d) In the absence of special instructions to the Press to keep matter standing for a specified period, ordinary papers of 8 pages and under will be kept standing for one week, and larger papers for two weeks only. The type of notes and of all confidential papers is distributed immediately after striking.

(e) This slip, properly and completely filled in, should accompany every paper sent to Press; it will be returned by the Press when proofs are furnished; it should be sent to the Press when a call is made for revised proofs or when a corrected proof is sent for striking. When finally returned by Press it should be filed with the original order or letter.

INSTRUCTIONS FOR THE PRESS.

(a) If, in the opinion of the Superintendent of the Press, a paper has been marked urgent unnecessarily, he should send the Press slip to the Registrar with a remark to that effect.

(b) Unless a note to the contrary is made against the matter, pencil entries should not be printed. The Superintendent of the Press may bring to the notice of the Registrar any instance of incomplete or careless editing.

(c) Signature copies of letters to the Secretary of State or to the Government of India should be printed on hand-made paper.

(d) This slip should be returned by the Press to the Secretariat when proofs are furnished; it will be sent back to the Press when proofs are returned corrected and should be finally returned to the Secretariat when struck-off copies are supplied.

(e) The names of the Secretary and Members 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.

TO PRESS, MADRAS COTY.

Please send proof in duplicate. The papers have been carefully edited.

Proof returned corrected. Please strike off and send number of copies as indicated.

Type may be released after usual interval at once.

Referencer.
Clerk.

Referencer.
Clerk.

Supdt.

Supdt.

SPECIAL INSTRUCTIONS.

C

As the matter is clear script and has been carefully edited, proof need not be sent. Please print and supply number of copies as indicated.

Type may be released after usual interval.

Referencer.
Clerk.

Supdt.

Seott. II - 8 (A) - 29,004 - 19-1-17.

NOTES.

Page

Law (Education) Department.

MADRAS ELEMENTARY EDUCATION ACT

Draft Rules for election of Presidents of District Educational Councils, confirmed.

First to Assistant Secretary (drafting section) for remarks, if any.

M.R.R. 21-5-1921

Law (Legislative) Department.

A.S.

Draft Rules I to VI are in order.

Rules VII and VIII. These may be considered together.

In Rule VIII the words 'and not otherwise' are significant in so far as the intention seems to be to preclude the ordinary civil courts from taking cognizance of suits impeaching the validity of elections under the Act. This view is borne out by the fact that Rule VII does not provide, just as Rule VII in G.O.No.1601 M dated 1-12-20 does, for the inspection of the packets containing the ballot papers by the Civil courts. If it be the intention, it is submitted that the jurisdiction of the courts cannot be ousted by rules under an Act; for, a distinct and an unequivocal enactment is required for the purpose of adding to or taking from the jurisdiction of civil courts. - vide x p.127 of Statute Law by Craies. [The validity of elections under the Local Boards or Dt.

TO BE FILLED IN BY THE PRESS.

Diary.		Initials of Press official.		
Received in Press on.....		1/6/21		
First proof furnished on.....				
Call for revised proof received on.....				
Revised proof furnished on.....				
Corrected proof received for striking on.....				
Final copies supplied on.....				
Account of copies.	Complete copies.	Notes.	Issue copies.	Special E.T. edition.
Supplied to Secretariat for Record.....				
" " " Issue.....				
" " " for Extra E.T. copies to supply requisitions for sale to the public.				4
For Volumes.....				
For supply to newspapers and institutions admitted to the privileges of the E.T.				
Total ...				

not publish

W
Municipalities Act may be questioned before a court of Law.] It is therefore suggested that words ^{and} "not otherwise" in line 2 of draft rule VIII may be omitted and Rule ~~VIII~~ VII drafted on the lines of rule VII in G.O.No.1801 M dated 1st December 1920, by adding the words 'or a competent court' at the end of draft Rule VII(2) and by inserting them between the word 'Government' and 'be destroyed' in draft rule VII(3).

Rule IX The proviso in this draft rule apparently means that orders must not be passed within 9 days after the receipt of the report referred to in draft Rule VI. If so, the proviso does not appear to bring forth the meaning quite clearly. For orders whether the rule may run as follows, omitting the proviso;-

"After the expiry of nine days from the receipt of the report under Rule VI and after the perusal of the petition -----"

It may be noted that the orders under Rule IX will be final only as regards petitions submitted to Government are concerned, but ~~it~~ ^{will} ~~not~~ not preclude parties having resort to courts.

Done
25.5.21

|| The rules are in order &
may be confirmed.
The election of the
President without how
Carries with it no right

as in the Case of
Elections under the
L B. Act & the D. in
Act. This Election of
the President of the
Educational Council
is Subject to the
approval of the
Governor in Council
The provisions ^{which exclude any} of Council
the validity of such an
Election on some
grounds & Calling inquiring
~~into~~ ^{with} the same being
made are intended
solely to satisfy the conscience
of the Election Case
be approved or not.
They should not be
construed to fetter
the discretion vested
in the Governor in Council
of either approving
the Election or
rejecting it. In such
circumstances no question
of acting or proceeding

of any Court arises. The discretion
to appoint an Election
is a last State. The Enquiry
made for purpose of
satisfying the conscience
need not assume the
form of a regular Judicial
Enquiry. It may not be
necessary to rule that
an order passed on
the Election petition
constituting an Election is
final. But I see no
legal objection to it.

|| The rules may be confirmed

27/5/21

Lacey

29/5/21

The draft may issue under
date 24.5.21.

B
31.5.21

CR
31/5/21

LB
22/5/21