

Law (1925) Department.
(Education)

Ordinary SERIES.

G.O. No. 1092

DATED 25-6-1925

[Despatch Abstract.]

Bicycles -

Supply - Director's powers to sanction - Orders passed.

BACK PAPERS.

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

FURTHER PAPERS.

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

C.F. 30-41,000-8-9-24.

Law (Education)

DEPARTMENT.

Received



192

Registered

12.1.1925

Subject.

Requesting Director's power to sanction the initial supply of bicycles to offices.

ENCLOSURES.

No.

R.O.C.

No. 424 A/24

Spare copies

Station Madras, Dated the 12th January 25 192

From (Name) R. Littlehales, Esq., M.A.,
(Designation) Director of Public Instruction.

To The Secretary to the Government of Madras,
Law (Education) Department.

Sir,

Under the powers delegated to the Director in clause (1) rule (4) of G.O.No. 961 Fin., dated 20th December 1919, sanction has been accorded by me to the first supply of bicycles to the offices noted in the margin.

1. Office of the D.E.O. Ramnad
2. The Accountant General
3. Office of the D.E.O. Kurnool
4. Office of the D.E.O. South Arcot.
5. Office of the D.E.O. Coimbatore.
- however holds that under the
- above delegation, I am competent
- to sanction only the second ^{and} subsequent supply of bicycles
- and that under sub para 3 of item 18 of appendix F to Vol.II
- of the Madras Treasury Manual, sanction of Government

2
is necessary for the initial supply of bicycles.

3. I take it that sub para 3 of item 18 of appendix F to Vol. II of the Madras Treasury Manual relied on by the Accountant General is based on G.O.No. 509 Fin., dated 31st July 1917. Since the issue of this order, Government have in their order No. 961 Fin., dated 20th December 1919 empowered the Director to sanction, subject to certain conditions, the local purchase of bicycles for his office or for the offices of the Inspectors and Inspectresses and it seems to me that G.O.No. 509 Fin. dated 31st July 1917 has been superseded by G.O.No. 961 Fin., dated 20th December 1919 so far as the supply of bicycles to the offices of the Director, Inspectors and Inspectresses (whether initial or subsequent) is concerned, as otherwise there is no need to lay down in the second of the G.O's quoted above that such supply can be sanctioned if there is budget provision or if funds can be provided by reappropriation without reference to Government. Besides it was open to Government, while sanctioning the delegation under G.O.No. 961 F dated 20th December 1919 power to lay down that the power so delegated did not involve the power to sanction the initial supply of bicycles.

4. In these circumstances, I request that Government will kindly give me a ruling in the matter. I further request that if Government do not agree with my view, they will be pleased to ratify my action in having sanctioned the initial supply of bicycles to the offices mentioned in para 1 supra.

I solicit the favour of early orders on this communication.

I have the honour to be,

Sir,

Your most obedient servant,

W. C. Smith

P.V.S. 15/1.

for Director of Public Instruction.

Subject.

Supply of bicycles-
Powers of the D.P.S.

283/1 (3) Law (Edn)
C. 183/c, from the D.P.S.; R.O.C. 424/24, 121

From the remarks against item (iv) in the tabular statement at p. 2 of notes to G.O.No. 961 Fin., d/ 20th December 1919 it ~~will~~ appeared that it was intended to place the D.P.S. on a par with the Board of Revenue, the Collectors of Districts and the Director of Agriculture in the matter of the purchase of bicycles. These authorities have the power to sanction the ^{initial} supply of bicycles to their own & their subordinate officers. It follows that the D.P.S.

4. from 2 of G.O. 509.

(W) 31.7.17

can also exercise the power. In

p. 2, c. f. other words, as pointed out by the

(W) D.P.S. the orders in G.O.No. 509 Fin.,

So far as the D.P.S. is concerned, he is to be taken to have been superseded by

(E) the delegation in G.O.No. 961 Fin., d/ 20th Decr. 1919. Finance may be requested to say if the A.G. may be informed accordingly.

Law Edu No. 183C. 1/25

23.1.25

25.1.25

2834 (f-1)

Finance



Finance (G.O.)

From the remarks against (iv) in the tabular statement at page 2 of the notes to G.O. no 961. (E)

Feb. 20. 12. 19, it would appear that it was the intention to empower the D.P. I. not only to sanction the local purchase of bicycles but also to sanction the initial supply. The draft order sanctioning the delegation was sent to the A.G. for remarks, but he had then no remarks to offer on the point. (Vide his remarks at pp 12. 13 of the notes to G.O. 961 Finance, Feb. 20. 12. 19.)

The notes were not sent to the A.G. and he apparently understood the "power to sanction the local purchase" as an item 4 (v) in the annexure to G.O. 961 Feb. 20. 12. 19. in the restricted sense: authorised by G.O. no 509 Finance, dated 31. 7. 1917. (E)

A

(E)

cf para 1 of the note at p 13 of the notes. (E)

para 2 of the concluding portion of para 2 of (W).

2. ~~In para 3 of the notes~~ A reference is in this connection solicited to the note of Sir Alexander Cardew. at pp. 3-4 of the notes to G.O. 509, 31. 7. 1917. He specially referred to the case of D.P. I. and other heads of departments who had powers to sanction the local purchase of ~~European~~ articles of European manufacture up to a certain money limit and considered that ~~they~~ the powers of sanctioning the initial supply of bicycles should not be extended to them. With reference.

(W)

to the above order, the delegation to the D.P. I. to sanction the initial supply of bicycles should have been discussed in detail and orders obtained from the Govt. obtained. In the absence of any discussion and clear orders on the point and in view of the fact that the G.O. no 509 Feb. 31. 7. 1917, has neither been read in the G.O. nor referred to in the order, the delegation in that Govt. order. G.O. 961 Feb. 20. 12. 19, can be understood only in the restricted meaning allowed by para 2 of G.O. no 509 Feb. 31. 7. 1917.

3. In the above circumstances, it is submitted that Law (Edw) may be asked to ratify the action of the D.P. I. in regard to the purchase already made and instruct him to apply to Govt. in future for sanction to the initial supply of bicycles.

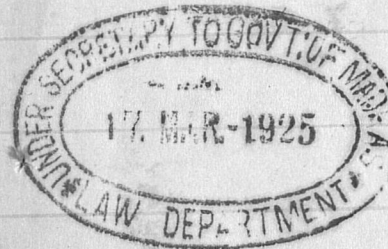
(W)

(E)

(E)

(W)

Law Edw 908C 17-3-25



Finance L.H.
W.O. 283444-1
16/3/25.

Don 15-3-25

The power of initial supply may have been exercised by the Hon. the Member - who has remarks on P. 15 of Notes to (E)

In any case D.P. I. does not possess the power.

Law Edw

Law (Edn) Sept

The 'power to sanction the initial supply of bicycles' was not excised by the Honble member ^{not did it find a place in the original draft} please see the original of Govt 961 Finance & 20.12.1919. (N)

2 The Finance department contends that Govt 961 Finance & 20.12.1919 did not confer any new powers on the Director in regard to the local purchase of bicycles. As admitted by that dept itself, the intention para 1, p. 2 ante of the Government was to empower the Director not only to sanction the local purchase of bicycles but also to authorise the initial supply of bicycles, the latter power being restricted to the supply for his own office and for the Officers of Inspectors and Inspectresses of Schools. The Govt of 1919 states that 'further powers' are delegated to the Director. (E)

It may be observed that the terms "local purchase of bicycles" and "supply of bicycles" are used in the same sense in the first two sentences of paragraph 2 of Govt no 509 Financial & 31.7.11, which refer to the powers of Collectors and the Director of Agriculture. There is no reason why the term 'local purchase' used in the annexure to Govt no 961

item (1) against 4 on p. 2 of Govt 961 20.12.19 (E)

(E) 961 & 20.12.1919 should be given a restricted sense when applied to the power conferred on the D.P.I. Sub paragraph 2 under item 18 of Appendix F to the Madras Treasury manual, Vol II, read with sub-paragraph 7, should apparently be taken to mean that the Director is competent to sanction the initial supply of a bicycle for his own office and for the offices of Inspectors and Inspectresses and that, in other cases, the sanction of Government is necessary. (Now D. E. 68)

Attention is also solicited to the portion marked 'K' on page 2 of the current file.

3 Four orders wherein the Finance department's interpretation of the rules will be accepted.

Interpretation accepted 23.3.25
23.3.25
24.3.25

12007 (L.A.)

Law Edn 183C-2 Perhaps Finance will reconsider in the light of the above remarks 26.3.25

V.T. 26/3 Finance u.o

Finance (G & P)

Previous Finance note on pp 2-3 ante.

As pointed out by Law (Gon) the Hon Member (Sir Charles Tothunter) has not made any modification in the original draft (para: 4 of the annexure flag (N)), in respect of powers delegates to the D.P.I. in the matter of local purchase of bicycles. The Audit officer has, however, interpreted G.O. 961 Fin & 20-12-1919 to mean that the delegation made therein does not cover the case of initial supply of bicycles.

In the absence of any discussion and clear orders of Govt on the point and in view of H.M.'s (Sir Alexander Cardeu's) notes at pp. 3-4 of notes to G.O. 509 Fin & 31.7.17, Finance may suggest that the D.P.I. should be asked to make out a case for the delegation of the power in regard to the initial supply of bicycles and the orders of Govt obtained separately. And that, in the meantime, the action of the D.P.I., in having sanctioned the initial supply of bicycles to the offices noted on p. 1.C.F. may be ratified.

Law (Edn)

4: 'A' at p. 2 ante

B

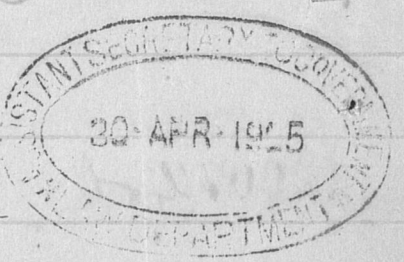
4: 'K' at p. 6 ante

N para: 2, p. 1 of

J

This was written in 1917 & we are dealing with an order of 1919

L. En 1338 30/4/25



File No. 12007 L.H.-1 28/4/25

The Finance Department concedes that the intention while issuing G.O.N.O.961 Financial, dated the 20th December 1919 was that the Director of Public Instruction should be given the power to sanction the initial supply of bicycles to the offices specified. If that was the intention five years ago, there is no point in asking the Director of Public Instruction "to make out a case" now for the delegation of the power to him. If the Accountant General has not interpreted the orders correctly, Finance may now amplify their first order and take the opportunity to ratify, if necessary, the sanction already accorded by the Director. This will seem to offer a simpler solution of the question.

36.4.25 1.5.25 2.5

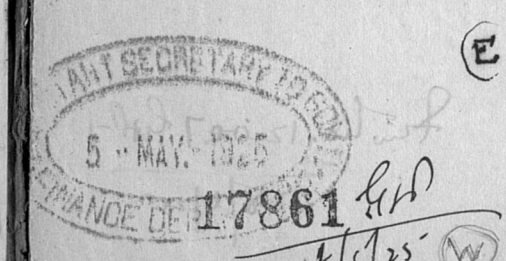
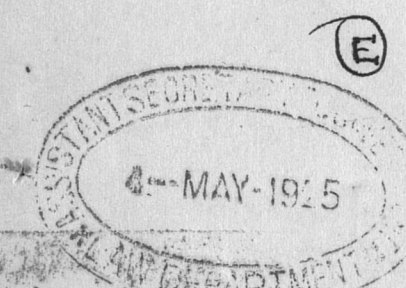
Law (Gon) 183c-3 5-5-25

Finance u.o

Finance (G & P)

Portion "B" above. This Department have not conceded that the intention while issuing G.O. No. 961 Finance, dated 20-12-19 was that the D.P.I. should be given the power to sanction the initial supply of bicycles. What is stated at "A" on p. 2 ante is that the remarks against (iv) in the tabular statement at p. 2 of the notes to G.O. No. 961, Finance, dated 20-12-19 would appear to indicate that there was such an intention.

In 1917 when the question of laying down rules regulating the initial supply of bicycles to offices was examined, the Hon'ble Sir A.G. Cardeu



17861 L.H. 6/5/25 31.7.17

23.4.25 23.4.25

Portion "A" on p. 7 ante. The Accountant General has interpreted the orders in G.O. 961, Finance, dated 20-12-19, as they stand, correctly. But as already pointed out, in the face of the express orders of the Hon'ble Sir A.G. Cardew referred to above, it would ~~not~~ be necessary for the D.P.I. to make out a case if he wants the power delegated to him; and the specific orders of Government, ^{will have to be} obtained. The D.P.I. has only asked the Government to give a ruling on the A.G's interpretation

of the orders in G.O. 961, Finance, dated 20-12-19 and to ratify his action in having sanctioned the initial supply of bicycles to certain officers, if Government agree with the Accountant General, ^{withholding} that he has no power to sanction the initial supply. It may also be remarked that other heads of departments like the High Court, the Board of Revenue, the Director of Industries, the Surgeon General &c., do not at present exercise the power. It is therefore submitted that ~~this present~~ is not a case for amending the orders in G.O. 961, Finance, dated 20-12-19; but for the issue of a fresh order sanctioning the delegation of a new power.

In the above circumstances, the Law Department may be requested to take action as suggested at "K" on p. 6 ante.

K.R.

para 4, p-2cf

The only point in issue is whether the A. G.'s interpretation of Seco 261 Finance & 20. 12. 19 is correct. It would seem sufficient if the Government gave a ruling on this point. The Finance Dept. holds that the A.G.'s interpretation is correct. The Director does not ask for a delegation of the power to sanction the initial supply of bicycles and it seems unnecessary to ask him to make out a case for

h-L 1553C
2/5/25



para: 4, p. 2. cf.

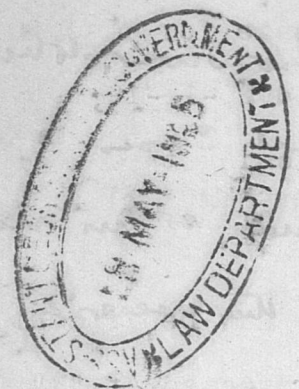
for such a delegation. It may be left to him to come up with proposals if necessary.

10/15

A draft order is submitted.

In his letter disposed of in G.O. No. 428 Ed.,

21.5.25



d) 26.3.25. The D.P.S. asked whether he was not competent to sanction the renewal of a

bicycle to a college. The Finance Dept. did not give a ruling on the matter but presumably agreed with the A.S. that the Director was not. The position now amounts to this - viz: that the Director's powers in the matter of the supply of bicycles is limited to the officers of D.E.O.S. & Inspectresses and that too only when a second supply is involved. Even cases of second supply when colleges or schools are involved should come up to Government. Finance may be asked if there is the interpretation of the order. If so a paragraph as at 'A' above will have to be added to the draft so as to serve as order to give a reply to the D.P.S. general enquiry contained in the letter.

(6)

p. 4 of (6)

'A'

20381



Slip (6)

26/7/25

27.5

Finance U.O

Law Edus 183C 4 29.5.25

Fin and (G.O.)

The Law (Edus) Dept. propose to issue an order that all cases of renewals of bicycles in schools and colleges should be sent up to Govt. for sanction. As the rules stand at present, the D.P.S. does not appear to be competent to sanction the renewals. There seems however, to be no point in requiring such cases to be sent up to Govt. for sanction, when once the Govt. have considered the necessity for a bicycle for the school or college and sanctioned the initial supply.

Item 18 - p 41 of Appendix F. Madras Manual Vol II

Schools and colleges were not apparently included in the rule as the use of bicycles in such institutions was not then very extended as in the case of the officers of the Inspectors and Inspectresses of schools. The Law (Edus) Dept may be requested to incorporate a paragraph in the draft to empower the A.P.S. to sanction renewals of bicycles in such cases where the initial supply has been sanctioned by Govt.

L. Ed. 189C 19/6/25



20381

Fin No. 12007 G.O. 3

19.6.25

15.6.25

Law (Ed)

⑦

in which
where the initial supply has been already
approved by the Government.

To

The D. P. I.

" A. G. thro' Finance.

Copy to the Finance Deptt.

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16 JUN 1925

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192

READ AGAIN G.O. No.

192

DATED

CURRENT No.

ENCLOSURES to G. No.

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A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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