

Law (192 6) Department.
(Education)

Ordinary SERIES.

G.O. No. 125

DATED 27-1-1926

[Despatch Abstract.]

Elementary Education.

Pay and qualifications of supervisors employed by local
bodies--orders passed.

BACK PAPERS.

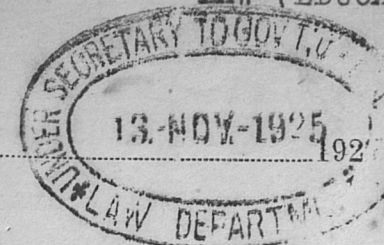
G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

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

C.F. 30

LAW (EDUCATION) DEPARTMENT.



Received

Registered

192

Subject.

Entertainment of a Supervisor - Municipal Council,
Bezwa.

ENCLOSURES.

No.

Spare copies

R.C.No. 2310-B/25.

Station Madras. Dated the 11--11--1925 192

From (Name) R. Littlehailes, Esquire, M.A.,
(Designation) Director of Public Instruction,
Madras.

To The Secretary to the Government of Madras

Law (Education) Department.
Fort Saint George.

Sir,

In submitting herewith a copy of the letter R.C. No.51/25-Gl., dated 21-10-1925 from the District Educational Officer, Kistna, I have the honour to state as follows:-

2. There are 34 Municipal Elementary schools within the Municipality and their strength is 1725. About 15 per cent of the boys and 61 per cent of the girls of school age have yet to be brought under instruction and the Municipality has not yet introduced compulsion. If therefore funds are available for expenditure on education it would appear that the provision of educational facilities for the children not at present undergoing instruction, which

is an obligatory expenditure under the Madras District Municipalities Act, should have priority over expenditure on the appointment of a Supervisor which is discretionary expenditure under the said Act. If the Municipality were to introduce compulsion it would be desirable to have a Supervisor appointed. As it is, while it may be desirable to have the services of a Supervisor ~~app~~ with 34 schools, it is not essential until additional facilities for elementary education are afforded and until the Municipality introduces compulsion especially in view of the fact that a Government inspecting agency already exists and is able to assist the Municipality in its work of inspection. If, however, the action of the Municipality in creating a post of Supervisor of schools is not taken exception to, the person to be appointed should be one who is trained and who has experience in educational work and it is desirable that the Educational Department be consulted first on the qualifications required for the post and secondly on the person appointed. The present incumbent is not professionally qualified. — *For the post offered viz Rs 45+5 it may not be possible to get a professionally qualified person*

3. This question may also be viewed from an administrative point of view. There is a legal aspect involved in a treatment of this case upon which it is desirable for Government to obtain an authoritative ruling from its law officers. Sub sections (2) of Section 33 of the Elementary Education Act of 1920 lays down that all expenses incurred on elementary education by the local authority concerned shall be paid out of the elementary education fund. The cost of the employment of a Supervisor of Elementary schools is to be debited against the elementary education fund. There is no option given which would allow a local authority to ~~incur~~ ^{incur} expenditure on elementary education and debit it against some other fund. It appears therefore that section 70 of the Madras Districts Municipalities Act of 1920 which permits the Council to sanction a schedule setting forth the designations and grades

of the officers and servants of the Municipality is limited by sub-section (2) of section 33 of the Elementary Education Act of 1920 which requires that the cost of employment of a Supervisor of elementary schools should be debited against the elementary education fund. This fund is subject to the control of Government under sections 38 and 39 of the Madras Elementary Education Act of 1920 with the result that unless Government sanction the inclusion in the Elementary Education budget of the cost of a Supervisor of elementary schools for the Municipality, the Municipality would be acting ultra vires in appointing and paying for such a Supervisor from the elementary Education fund. Nor does it appear to be permissible for the Municipality to meet the cost of the appointment from its general funds.

4. In the above circumstances the case is submitted to Government for instructions.

I have the honour to be,
Sir,
Your most obedient servant,

A Rama Rao
12/10/25
For Director of Public Instruction.

D.H.P. 11-11.

RM
11.11

But the pay is met from the general municipal revenues & not the D. Municipalities Act the Council it will be a saving the post of a Supervisor. Sir A. M. P. 4.11.25

was right in creating the post of a Supervisor and in paying him from Municipal funds. If the Municipality was wrong, instructions are solicited as to what action I have to take in the matter.

(True Copy)

A Rama Rao
12/10/25
For Director of Public Instruction

Rk
12.11.25

Law (Education) Department

(C.No. 4352-A) From the D.P.I., No. 2310 dated 11-11-25.

[Subject: - Employment of a supervisor of schools by the Municipal Council, Bezwada.]

p 2 CF

In para 3 of his letter, the D.P.I. raises the question whether it is open to the Municipal Council to employ ~~as~~ a supervisor of schools and debit his pay to the general funds of the Municipality instead of to the Ely. Edn. Fund. The D.P.I. is of the opinion that the pay of the supervisor should be debited to the Ely. Edn. Fund with reference to the provisions of sub-sec(2) of s. 33 of the Elementary Education Act. He points out that, in such a case, Government will have power to approve or disapprove of the appointment when passing orders on the budget estimates of the fund.

2. In the linked file, the Examiner of Local Funds has raised the question whether the pay of supervisors of elementary schools employed by local bodies should be debited to the Ely. Edn. Fund. or to the general funds of the local body. The file is lying over pending receipt of the Advocate General's ~~opinion~~ views as to the interpretation of s. 33(2) of ~~the Ely. Edn. Act~~ the Ely. Edn. Act.

3. For orders, whether this file may lie over till the receipt of the Advocate General's opinion. If considered necessary, U.S (Drafting) may be consulted on the question whether the existing enactment would allow a local body to debit the pay of supervisors of elementary schools ~~to~~ ^{employed by it} to the Ely. Edn. Fund or to the general funds at its discretion.

We may await the Adv's opinion on the main question.

Remind him
V.TK

V.TK

7.12

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Vice-Chairman B
14-12-25 at
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The Advocate-General is now of the opinion that expenditure connected with the course of instruction which the Government have declared to be elementary education, may be met from the elementary education fund, and that the elementary education fund is included in the 'Municipal Fund' and the 'Taluk Fund', though it is kept apart and is used for educational purposes. It therefore appears that expenditure on the employment of supervisors of schools may be met either from the general funds of the Municipal Council or from the elementary education fund. In the present case, the Municipal Council, Bezwada, is meeting the pay of the supervisor employed by it from its general funds and no objection can be taken to the procedure. The D.P.I. points out that there are still a number of boys and girls ^{of school age} to be brought under instruction in the Municipality and that the provision of educational facilities for such pupils, which is an obligatory item of expenditure, should have priority over expenditure on the appointment of a supervisor, which is discretionary expenditure under the District Municipalities Act. It is doubtful whether the Govt. can interfere with the action of the Municipal Council on this ground. Submitted that no action appears to be necessary. The papers may be recorded with the concurrence of L.S.G.

21/1/26
NH
21/1/26

V.T.K.

V.T.K.

It is not illegal to meet the cost of employing a supervisor of E.L.S. from the general funds of the Municipality. It only amounts to ~~for~~ the payment of a contribution to the extent of such cost from the general funds to the E.L.S. fund: and these contributions are perfectly legal. The A.G. has now opined that expenditure connected with E.L.S. is also lawful.

22-1-26

As orally instructed by the Secretary, the question whether any qualifications have been prescribed for supervisors of schools employed by local bodies has been examined. No such qualifications are laid down either in G.O. No. 1901 L.M. of 28-8-23 (appointment of Municipal servants) or in G.O. 4654 L.M. of 21-12-25 (appointment of local board servants)

2. Qualifications are prescribed for teachers in schools under the control of local bodies and the Chairman or the President is required to consult the inspecting officers of the Dept. in regard to the appointment of teachers not possessing the prescribed qualifications. If an unqualified teacher is appointed ^{when trained man is available} it will be open to the D.E.O. or the D.P.I. to withdraw recognition

3. To prevent the employment of unqualified men as supervisors of schools, it appears desirable to rule that supervisors of schools employed by local bodies should hold at least trained teachers' certificates of the secondary grade and that the consent of the District Educational Officer should be obtained to their appointments. It will not be sufficient to lay down that local bodies should consult the D.E.O. in regard to such appointments, as there is no remedy in case the advice of the inspecting officers of the Dept. is ignored. Besides a rule requiring previous consent will prevent unnecessary expenditure in inspection by local bodies.

4. L.S.G. may be requested to consider the desirability of framing rules on the lines suggested above.

I am somewhat doubtful whether we should go beyond the existing rules for teachers and prescribe so far as supervisors are concerned "Consent" of the D.E.O. instead of "Consultation". The former may be resented by local bodies.

Jul 1901
the for...
with...
was...
pull...

We cannot put the rule this the budget. We can if necessary cut out the provision in the budget (if necessary) 2/27

The D.P.I. may be informed that it is not illegal for the Council to meet the ~~cost~~ ^{exp} on the sup^r & his staff from the general funds.

2. I think a rule should be framed prescribing the qualifications of supervisors. They should possess at least trained teachers' certificates of the secondary grade. So long as this is insisted on, consultation with D.E.O. will do. His consent need not be insisted on. This ^{question} may go to L.S.G.

VTK
26-1

Draft order Submitted. After issue, the file may be sent to L.S.G. with reference to para 2 of the Secretary's note above

(x) issued as
G.O. 125 L.S.G. 27-1-26
Sent to Record

26/1/26
26/1/26

27-1-26

L.S.G. (after issue)

204352 A-1
29-1-26
1-2-26

2982



Local bodies which employ Superintendents or Supervisors of schools are not very many. Only Municipal Councils which have introduced compulsory education generally find a need for them and employ them.

Some have been debiting the Cash to the general funds and some others to the S.S. fund.

Law (Eon) have ~~reported~~ recently decided that the Cash may be debited to the S.S. fund if prior approval of Govt is obtained for the appointments. In cases where the Cash is met from the general funds no such approval need be obtained. In these cases it is necessary that there should be some control over the appointments which can be exercised only through a rule as suggested by the Law (Eon) Secretaries.

2. It appears from the note of Law (Eon) in another file relating to the appt of Supervisors under the Vilayath and Mehar Taluk boards in the Madras district that they have under consideration a proposal to strengthen the subordinate inspecting agencies. They accordingly propose to inform the P.T.Bs of Mehar & Vilayath that the question of the strengthening of the subordinate inspecting agencies is under consideration and that, pending orders thereon, they are unable to approve the employment of these boards of a separate Supervising Staff. They have also proposed to direct the services of the Supervisors now in the employ of the boards should be dispensed with from the beginning of the next year.

Taken from the notes referred to in para 2 below

cf. Rule 52 (i) in Sch. IV of the L.R. Act 1920 & Rule 1 B (3) in Sch. V of the L.R. Act 1920.

Returned to Law (Eon) on 19/2

3. In case the subordinate inspecting agency is strengthened as it is now proposed to do local bodies ^{will} have no need to employ in addition their own Supervisors. It seems better therefore to await the decision on the general question before steps are taken to fortify the qualifications of Supervisors. The file may be returned to Law (Eon) with these remarks.

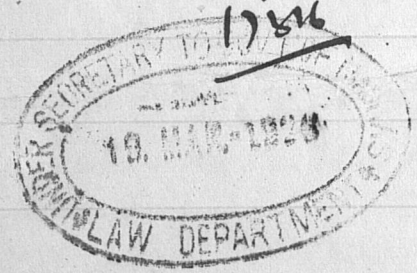
Law (Eon) 17/2/26

The general question of strengthening the subordinate inspecting agency may take a long time to be settled. In the meantime ~~therefore~~ it is necessary to have some control over the appointments of Supervisors by local bodies at the cost of their general funds, if such appointments are to be permitted at all.

This Deptt may therefore agree to the issue of a rule as suggested by the Law Secy in para-2 of his note on 6.4.26.

The case may be returned to Law (Eon) with the request that an extract of these notes may be sent to this Deptt for further action.

I am unable to let this be done by Law (Eon) 17/2/26



Law 11362 19/2/26
2982-1 km 18/2/26
Extracts sent 20/4/26

14.3.26
1926
Law (Eon)

	Date.	Initials.
When received for Fair-copying.		
When copied	27/11	
When examined		
When signed	28/11	
When despatched		

Law (Es.) DEPARTMENT.

Elemⁿ education

Pay & qualifications

Supervisors employed by local bodies -
orders passed

READ AGAIN G.O. No., dated 192 .

" " " " " 192 .

READ ALSO:-

C. No. 4352A From the, No., dated 192

" " " " " 192

" " " " " 192

ORDER.

No. 125, dated 27-1-1926.

CF & N-F
Sent to LER
with a/c no
4352A-1
29.1.26

The D.P.D. is informed that it is not illegal for the municipal Council, Belgada, to meet the pay of the Supervisor of Schools employed by it from its general revenues

DESPATCHED

28 JAN 1926

26/1/26

27/1/26

The D.P.D. (with ref to his letter no 2310-A/ps of 11.11.25)

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

192

READ AGAIN G.O. No. _____
192

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT

STATEMENT WITH DITTO

PAPERS NOT FILED OF, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B.—

A = Copy in full.
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