

E.&.P H

(194 9) Department.

SERIES.

G.O. NO. Ms.1797 Edn.

Dated

31-5-49

closed

W

Supdt.

Sc

9

[Despatch Abstract.]

Schools - Secondary - Aided - St. Antony's Girls' High School, Mysapore

Irregularities - Papers recorded.

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Memo	63006	B.1/48 Edn.	5-10-48				

Further Papers.

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

18 DEC 1948

Letter: R.O.

Madras, Dated 16th

The Director of Public Instruction,
Madras.

To

The Secretary to Government,
Education and Public Health Department.

Sir,

Subject: Schools - Secondary - Aided - St. Antony's Girls
High School, Mylapore - Irregularities.

R e f: Government Memo.63006 B.1/48 Edn dated 5-10-48

I have the honour to submit herewith a copy of letter No.3833 dated 9-12-48 from the Government Solicitor, Madras with reference to para 2 of the above Memorandum. It will be seen therefrom that prosecutions can lie under certain circumstances. In some cases, the Solicitor suggests that the management are the best fitted to prosecute and in some this Department can take the initiative. As it may not be possible to persuade the managements to do anything in this, the orders of prosecution will have to be undertaken by the Department itself. Such a course would turn out very costly and it may not be possible to follow it in every case. But Government perhaps agree to the launching of one or two 'select' cases as a sort of warning in general to others.

Yours faithfully,

K. S. Narayana

for Director of Public Instruction.

RVR 17/12/-

Copy of letter No.3833 dated 9th December 1948 of the Government Solicitor, Madras to the Director of Public Instruction, Madras.

Schools - Secondary - Aided - St. Antony's Girls High School, Mylapore, Madras - Irregularities - Action to be taken against the management.

Referring to my letter No.3762 of the 6th instant I have now had the advantage of perusing the records concerning the above school shown to me by the Superintendent of your office who saw me yesterday in this connection.

The school appears to be under the management of the Franciscan Congregation of our Lady of Bon Secours. The Correspondent of the School is the Mother Superior and during the relevant period in question one, the Rev. Mother Mary Purification, was the Correspondent. During the same period the Headmistress was one, Sister Mary Isabel. Under rule 10 of the Grant-in-aid Code the management of the school is answerable for the maintenance of the institution and the fulfilment of all the conditions of recognition and aid, etc., and the Correspondent is to transact the current business of the school with your Department.

In or about June 1947 certain irregularities appear to have been brought to the notice of your Department, mainly by a letter written

...some of the
the Correspondent and
school were debarred by your Department from
the respective posts and the grants to the school for the
year 1947-48 have also been withheld.

The point on which I have been asked to advise your Department is whether a criminal prosecution can be instituted in respect of these irregularities and, if so, against whom. Some of the irregularities complained of are falsifications of attendance registers, getting acquittances for amounts not disbursed, debiting the school with the salary of a clerk when no such clerk was in service etc. So far as these irregularities are concerned they are certainly offences punishable under one or other of the sections of the Indian Penal Code, for example, cheating, forgery, mis-appropriation, etc. but in my opinion the proper persons ~~to~~ to launch prosecutions appear to be the immediate employers of the culprits, namely the management of the school.

The other charges against the school are of fabricating income certificates, changing the records of caste or community of pupils in the register and making irregular claims in respect of war concession. These fraudulent and dishonest false entries in the registers were made apparently with the intention of inducing your Department to make grants which the school would not otherwise be entitled to receive. In my opinion these facts, if proved without doubt, will amount to cheating within the meaning of section 415 of the Indian Penal Code which reads as follows:-

"Whoever, by deceiving any person, fraudulently or dishonestly induces the person so deceived to deliver any property to any person, or to consent that any person shall retain any property, or intentionally induces the person so deceived to do or omit to do anything which he would not do or omit if he were not so deceived, and which act or omission causes or is likely to cause damage or harm to that person in body, mind, reputation or property, is said to "cheat".

It must, of course, be ascertained who was responsible for the falsification of the registers and sending to Government the false statements complained of. In this case I think an officer of your Department can be the complainant and a prosecution may be launched against the persons responsible.

On going through the file I find that Sister Mary Boniface, who was an assistant in the school, had sent you a statement dated 1st June 1947 purporting to be from the auditor and signed by him. In her letter of the 20th June 1947 also addressed to yourself she admits having made a false report in the name of the auditor "to avenge herself of the Headmistress of the school". It is not clear why no action was taken by your Department all this time to prosecute her, who, on her own admission, appears to be guilty of the offence of forgery.

(TRUE COPY)

K. Sankaranarayanan

for Director of Public Instruction.

9/7/48

3
E & P.H. (B.I.)

Schools - Secondary - Aided - St. Antony's Girls High School,
Mylapore - Irregularities in administration.

From the B.P.G. Rec. No. 620. B 4 / 47. d / 16-2-48.

(Confol)
Memo No 95115B1 / 48-3 Ed d. 17.3.49.

The B.P.G. is requested to lay the papers in this case before the Commissioner of Police, Madras so that he may investigate the case and gather all necessary materials which may then be placed before the Public Prosecutor, who will be in charge of the prosecution if one is launched.

To
The B.P.G.
Commissioner of
Police, Madras.

By
4/3/49
4/8/49

5-3-49

4
POLICE DEPARTMENT.

From
Sri A.V. Patro., I.P.
Commissioner of Police,
Bengaluru, Madras.

To
The Director of Public Instruction,
Madras.

R.C.No. 11803/P/49 dated 20th May 1949.



Sub:- Falsification of Registers - St. Antony's Girls' High School, Mylapore - Compliant regarding.

Ref:- Your letter Rec.No.620-D.4/47 dated 1-4-49.

not received

39541
SUN A case in Central Crime Station Cr.No.78/49 section 420 and 511 I.P.C. was registered and investigated into. Investigation disclosed that no criminal offence has been made out to launch a prosecution against the management. The Chief Assistant Crown Prosecutor is of opinion that the few irregularities which alone are proved are purely of a departmental character and do not constitute a criminal offence.

In these circumstances, the case is being treated as one of ~~mista~~ mistake of fact.

As. Secy
19/5/49
Commissioner of Police.

Copy to:✓

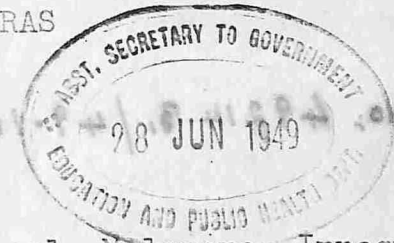
The Secretary to Government,
Education and Public Health Department,
Madras with reference to Government Confidential Memo.No.95115
B.1/48-3 dated 17-3-49.

p 3 ante

POST COPY OF THE TELEPHONIC MESSAGE DATED 25th June '49

FROM THE DIRECTOR OF PUBLIC INSTRUCTION, MADRAS

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



Sub:--St. Antony's Girls High School, Mylapore--Irregularities
Police Investigation.

4921A

Ref:--Endt. No.41437 B1/49-1 Edn. dated 3-6-49 sent in origin

Kindly furnish me with a copy of G.O.No. Ms.1797 Education dated 31-5-49 referred to in the above endorsement as the same does not appear to have been received in the Director's Office.

5/5/49

For Director of Public Instruction

Clb.25-6-49

25/6
2/20/49

Education & Public Health.

(B.) Department.

Endt. No. 49214 B, / 49.1 Edn. d. 2.7.49.

Furnished.

The Director of Public Instruction is informed that in view of the Police report no action was considered necessary and the papers were recorded in G.O. M.S. No. 1797 Edn d/ 31.5.49. A copy of the G.O. is furnished here with.

O/c.

30/1/49

After 16.01.49 the papers may be filed with the G.O. at

95/27

2/27

55 of (Y)

To The D.P.G.

with a copy of the G.O. at p 548 of (Y)

E & P.H. B.

No. 95115 B, / 48.

Schools - Secondary - Aided - St. Antony's Girls High School, Mylapore - Irregularities in Administration.

p14

From the D.P.G. RoC. No. 620 B, / 47. d/ 16.2.48.

(b)

In connection with the question of the action to be taken on the management of the St. Antony's Girls High School, Mylapore for irregularities in administration, the D.P.G. was requested to consider in consultation with the Govt. Solicitor whether prosecutions may be launched in such cases. vide Memo 63006 B, / 48-2 Edn dated 5.10.48.

pp 3-4 of (B)

pp 1-2 of

But let
Crown also
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Government
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case

ASSISTANT SECRETARY
20 JAN 1949
LEGAL DEPARTMENT

The D.P.G. is requested to consider the suggestion of the D.P.G. for launching of prosecutions in view of the irregularities in the management of the school. The D.P.G. is requested to consider the suggestion of the D.P.G. for launching of prosecutions in view of the irregularities in the management of the school.

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645

E & P.H. U.O. No. 95115 B, / 48-1 Edn. 19/1/49.

2. The D.P.G. has now submitted a copy of the letter from the Govt. Solicitor who states that prosecutions lie under in certain circumstances. The Govt. Solicitor is of the opinion that the managements of the school are the best fitted to launch the prosecutions as they are the immediate employers of the persons guilty of cheating, forgery, misappropriation etc. He states that in respect of certain other charges like fabricating of income certificates, changing the records of caste or community of pupils in the register and making irregular claims in respect of War concession etc. Govt. may launch prosecutions under Section 415 of the I.P.C. The D.P.G. recommends the latter procedure as it may not be possible to induce managements to take legal action against the employees. The D.P.G. suggests that Govt. may take legal action in one or two select cases as an eye-opener and warning to other institutions. Attention is invited to the minutes of H.M. (Edn) at p 2 of Memo No. 63006 B, / 48-2 Edn dated 5.10.48, it is submitted that the suggestion of the D.P.G. may be accepted. The file may be circulated to H.M. (Edn) for consideration. The launching of prosecutions will involve additional expenditure under law charges and may throw additional work. The other method of cutting the teaching grant payable to the institution for proved irregularities will be simpler and not expensive. Finance and Legal may see for remarks if any prior to circulation.

18/1/49

S. J. / 17/1/49

within the purview of sections 198 and 199 Criminal Procedure Code. It is therefore open to any person and not merely the aggrieved person to set the criminal law in motion. If therefore sufficient materials are available with the Government to show that an offence has been committed, there is no objection to Govt. taking necessary steps to bring the offenders to book. It may however be observed that some of the offences e.g. cheating, misappropriation are compoundable offences and under section 345 Criminal Procedure Code, the person who has suffered the loss may compound the offence with the permission of the court, though he is not the complainant. But this procedure is open to the management even should it be induced to take the necessary steps against its employees. Some of the acts would amount to cheating of some officers of the Education Department who were responsible for disbursement of grants and in those cases at least there can't be any fear of the case being compounded.

The Director of Public Instruction may be asked to lay the papers before the Commissioner of Police as suggested by Secretary, E. & P.H.

B. 25.1.49

Home

Home Dept.

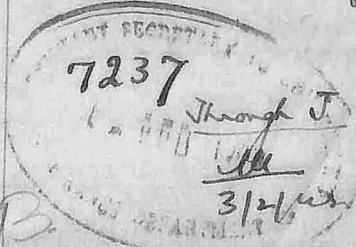
Note from P. 1 above may be perused. The file has apparently been sent to this department as it is proposed to ask the Commissioner of Police to take necessary action in the matter. The Legal department's suggestion in para 2 of their note may be accepted and the file may be passed on to the Finance department.

h.o.

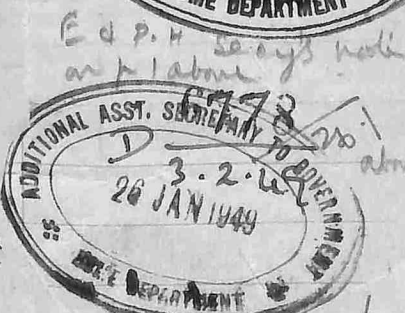
B. 25.1.49
2.2.49
B.

Handwritten signature/initials

Handwritten notes: 21.1.49, 2.2.49



Home no. 6778 D/49-1
5.2.49



Handwritten notes: read for, 5.2.49

Handwritten: RW 128, 10.2.49

10511
12 FEB 1949

Handwritten initials/signature



Please see the notes on pages 1-2. Finance may agree with E. & P.H. that proceedings may be launched in respect of all irregularities and the S. 9. asked to lay the papers before the Commissioner of Police. The view of E. & P.H. that cutting the teaching front will be in addition to the above may also agree to.

Handwritten: 8.2.49

Handwritten: 9/1/49

Handwritten: E. & P.H.

E. & P.H. (B.)

The notes from pages 1-2 above may be perused. Legal, Home and Fin. Depts have agreed with this Dept's proposal to launch prosecutions in respect of the irregularities committed by the management of the St. Antony's Girls High School, Mysore. The file may now be circulated to H.M. (Edn) for orders whether the S. 9. may be asked to lay the papers relating to the case before the Commissioner of Police as advised by the

Handwritten: 12/2/49, 13.2.49

Handwritten: 14.2.49

Handwritten: S. 9. (B. & P.H.)

We must first satisfy ourselves that there is proper evidence forthcoming to prove these allegations. If the Legal Dept. is satisfied that those proofs are forthcoming, then surely the prosecution may be launched.

A case has come to my notice recently where prosecution was launched and the candidate was acquitted. This may create further demoralisation and so, let us be more careful even from the very beginning.

Handwritten: 15.2.49, 23.2.49

Please see the minutes of H.M. (Edn) above. The file

may be sent to legal for ^{remarks} advice with reference

24/2/49
26-2-49

Legal

Legal Department.

As already pointed out by this Department at X on page 2 ante if sufficient materials are available to show that an offence has been committed, then the offenders may be brought to book. The papers in the file do not show whether or not there is proper evidence to prove the allegations. The police may in the first instance be asked to investigate the case and gather all necessary materials, which may then be placed before the Public Prosecutor, who will be in charge of the prosecution, if one is launched.



A

16469
S.V.M.

18/3.3.49

84PH
8xPH
E & P.H. (B.)

Legal U.O. 2400/49-A
3.3.49

Please see the remarks of legal Dept. above.
With reference to 'A' above, a draft memo is submitted for approval. For orders to be given.

24/3/49
4-3-49

TSA
17.3.49

[Issued as Memo No. 95115 B, /48-3 Edn d/17.3.49] p3cf
C. No. 39541 from the commr. of Police to the D.P.G. - p4cf

The commissioner of Police has reported to

the D.P.G. that the chief Asst. Crown Prosecutor is of the opinion that no case has been made out to launch a prosecution against the management of the St. Antony's Girls' High School, Mylapore and that therefore the case is being treated as one of mistake of fact. In these circumstances no further action is called for. The papers may now be

2/3/49

1797 Edn. dated 31.5.49

"Recorded".

Sub.:
Schools - Secondary - Aided.
St Antony's Girls' High School,
Mylapore - Irregularities -
Papers recorded.

25/5/49
27.5.49

355
31/5

P.T.O

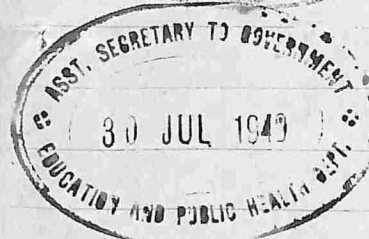
94.2.18

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2/2/18

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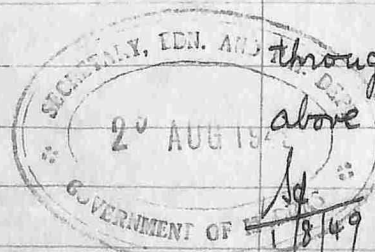
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Sum

M-1-2 of (B)

M-3-4 of (B)

M-1-2 of (W)

p 4 of (W)
and p 5 of (W)



Box.

28/2/18

(108)

Secretary, E. & P.H.

I would like to see the file connected with the R.C.No.620-D.4/47 d. 28-10-48 Proceedings of the D.P.I. declaring the Headmistress of St. Anthony's Girls' High School, Mylapore unfit to hold the post of Headmistress of any recognised Secondary or Training School.

H.M. (Food & Fisheries)

M-1-2 of (B)

E & P.H. (B.)

On receipt of a detailed report from the D.P.I. on the irregularities committed by the management of the St. Anthony's Girls' High School, Mylapore, the matter was examined and orders were issued in Memo No. 63006 B, /48-2 Edn d / 5-10-48 that the Director might take action as detailed below:-

- (1) Removal of the management by declaring the Correspondent unfit to hold the post;
- (2) Declaring the Headmistress to be unfit to hold the post;
- and (3) Withholding the payment of grant for the year 1947-48 in addition to the compensation amount for 1946-47 already withheld.

2) The question whether any prosecution should be launched against the management was also considered but after detailed investigation by the Police it was dropped as the Asst. Crown Prosecutor was of the opinion that there was no case for adopting such a measure.

3. The file may be circulated to H.M. (Food) through H.M. (E & L) with reference to the former's minutes above.

2/8/48
J. N. (Food) 29/8
S 10/8
2/8/48
10/8

It is presumed that H.M. (Food) does not require any

W

$$\begin{array}{r} 29849 \\ 16025 \\ \hline 219149 \end{array}$$

३१५४

1943

The first of these is the fact that the
 Government has been unable to secure
 the necessary funds to carry out its
 policy of non-interference in the
 internal affairs of the country.

1) Removal of the arrangement of obtaining the
Conferment right to take the post;
(2) Because the administration is not to take the post;
on 13/11/1940, the payment of grant for the year for 1940
in addition to the conferment on amount for 1940-41
withheld

[illegible]

(last) H.H. at latitude of your old alt
at same bearing all the way - also (1890) H.H.

命

11

2