[L. & M.
9,000-8-3-96.]

Local & Munl. (1896) Department.

MISCELLANEOUS.

G.O., No. 2039 L

DATED 30-10-96

INDEXED.

[Despatch Abstract.]

Law charges

Sanctioning the payment of — amounting to Rs 50 incurred by the Bellary District Board.

BACK PAPERS.

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

FURTHER PAPERS.

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

Local & Munl. (1896) Department.

CURRENT No. 2482 L

From The President
District Board
Bellary

CR No. 1301

Dated 9-9-96

Received 10 SEP 96

Registered 11/9

Enclosures /

Spare copies

SUBJECT.

~~Submitting for~~ Requesting ~~[illegible]~~ for payment of the law charges amounting to ~~[illegible]~~ of Rs 50 to a Vakil for ~~[illegible]~~ prosecuting a Vaccinator, ~~with Board's Resolution in the matter~~

Ref 1117
~~Order~~ 29/9/96

The President is requested to report as required in Government Memorandum No. 356 dated 6th June 1890, the circumstances which led to the prosecution of the vaccinator and the result of it.

P.R.
21/9/96

WBd
23-9-96

M.A.
29.10.96

* See next page

To

The President, Dt. Board, Bellary.

Despd. 29/9/96

Cur. Nos. 2482 & 2838 L

C.S.

Order No. 2039 Lml. d/ 30-10-96

A 21/9
16/9

The payment of the law charges

charges amounting to Rs.50 is sanc-tioned.

V.R.
24/10/96

A. H.
28/10/96

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

To

The President, Dt. Board, Bellary

PJO

Desp 30/10/96

Lo. Municipal Dept.

PROCEEDINGS OF THE DISTRICT BOARD, BELLARY.

Dated 4th September 1896.

PRESENT.

R. H. Campbell Esquire, President

Official Members.

1 J. T. Lever Esquire Vice President
2 C. G. Spencer Esquire President, Taluk Board, Hospet.
3 M. R. Ry. S. Ramu Iyer avergal President, Taluk Board, Adoni.
4. " Rao Bahadur P. Subbaraya Modeliar averga Tahsildar of Alur.
5. " Rao Bahadur M. V. Chellapathi Naidu garu Tahsildar of Bellary.
6 " T. Kothandarama Naidu garu Tahsildar of Ado
7 " K. Venkoba Rao garu B.A. Tahsildar of Harapanahalli
8. " S. V. Malagiri Rao garu Sub Assistant Inspect of schools, Bellary range.

Non Official Members.

9. M. R. Ry. C. Hanumantha gowd garu
10 " A. Bheema Row garu
11 " G. Venkoba Rao garu
12 " Siddana gowd garu
13 " H. Rangana gowd garu
14 " H. Narayana Reddi garu
15. " J. Seenambhat garu

16 Mr. R. Ry. J. Serappapah garu.

17 " D. Kristama Charlu garu

18 " P Nagappa garu

19 " Siddabasavana gowd garu

20 " Sette Siddaramappa garu

21 Mater Honnur saheb

22. N. Dada saheb

23. Mahamed Shah saheb

24 Mahamed Abdul Lateef saheb.

Resolution No 6

Read Bill for Rs 50 presented by Mr. R. Ry. K. Venkoba Rao garu High Court Vakil, for having conducted the prosecution of the case against Govinda Rao, Vaccinator Kanekallu range for approval and submission to Government for Sanction under G. O No. 2294 L dated 8th September 1890.

The Sanction of Government will be obtained.

/signed/ R. H. Campbell
President

Local & Municipal Dept.
No. 2482 L

/ True copy and extract /

Submitted to the Chief Secretary to Government Local and Municipal Department, Madras for favor of Sanction.

Dist Bd's Office
Bellary
8.9.96

8/9
Vice Presdt.
For President

Local & Munl. (1896) Department.

CURRENT No. 2838 L

From R. H. Campbell Esquire
President, District Boa
Bellary.

Order.

C. R. **No.** 1301

Dated
Received 16 OCT. 96
Registered 16/10
Enclosures 4.
Spare copies

SUBJECT.

– Law Charges –

Reporting the circumstances under which the sanction of Government was sought for ______ of Rs 50 in curred by the Board.

Awa/10
23/10

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

No. 316/24.1.96.

Office of the Dist Medical and Sanitary
Officer.

Bellary, 24th January 1896.

From

Surgeon Major J. W. Evans.
Dist Medical and Sanitary Officer
Bellary

To

The President, Dist Board, Bellary.

Sir,

I have the honor to request early orders on the attached correspondence.

2 When at Kanekal on 12th December/95 I found vaccinator Govinda Rao was not living there but at Raidrug.

I wrote to the Apothecary to send me his registers &c., and some time between 12th and 16th the Apothecary asked him for his registers &c., but he refused to give them saying there were arrears to be written up.

On 18th December I telegraphed to the Apothecary to send him that day to Bellary (as I wished the Dy Sanitary Commissioner to see him.)

He is reported to have left Raidrug that day but did not appear here until January 6th.

I have had his case enquired into with

1/2838h/96

the.

the following result.

No such man to be found at Kanakall as Poojari Timappa & the Vaccinator's Statement is attached.

The following discrepancies have been found in his Register.

Village	Name	Register	as verified
Maleam.	Fakuruddeen	4 - vesicles	1.
Kanakal.	Kheagamah	6 - Do	4.
	Mahaboobee	6 - do.	4.
	Nanaboobee	6 - Do	4.
	Bhagamah.	6 - Do	4.

Hirekera — Srinkah. — result not marked - Said to have been vaccinated 2 years ago.

Rutharammah — Entered as vaccinated on 2d December/95, but people say died 6 months ago.

The Reddi says the Vaccinator did not visit the village in December/95, but Vaccinator Syed Ebrahim did in June/95.

Nallampalli — 3 cases entered as vaccinated on December 3rd, but Reddi States no vaccination in December/95.

Gopalapuram — 4 cases entered in register but ~~same~~ Same Reddi States no vaccination in December/95.

Yerragutta — Results of Several cases entered wrong. Date in register 29.6 and 7.9.95 but Reddi States 10 cases vaccinated 26th July/95 but vaccinator has entered in register 10 cases for 29th June & 6 cases for September 9/95.

No. Disposal N — 2.10.96

In addition to above falsification 4 cases viz.

1. Hanoomakah

1. Doogamah

Hanumoonthadoo

Yellamah.

Stated as vaccinated on September 9. were found to be ~~found~~ old cases vaccinated by Syed Ebrahim on 25th August 1894, and the people say they were not revaccinated.

I request some one may be ordered to take up his prosecution at as early a date as possible.

I have &c.

(sd) J. W. Evans.

Dist Medical & Sanitary Officer

Bellary.

/ True Copy /

13/10.

Vice Presidt.

For Presidt.

No 12 Taluk Board Office, Bellary

En: (2) Dated 14th February 1896

Despatched 15° - 2 - 96

From M. R. Ry.
T. Rama Rao Garu
President, Taluk Board,
Bellary.

To

The President, District Board
Bellary

Sir,

Adverting to your No $\frac{156}{29.1.96}$ I have the honor to state that the vaccinator Govinda Rao of Kanakal referred to in the District Medical and Sanitary Officer's letter No $\frac{316}{24.1.96}$ may be prosecuted for making false entries in his vaccination register. I have in consultation with Dr. Evans seen the registers &c. There is in my opinion sufficient evidence in the following cases.

Village	Name of Child	
Hulekera	Sunka	This ~~Chal~~ Child is entered in the register as having been vaccinated in December 1895. This is false, as the village magistrate says the vaccinator did

2/2838 L/96

did not visit the village that month. It is said that the ~~vaccinator~~ Vaccination took place two years ago. The parents of the child may be cited as witnesses besides the village Magistrate.

Hulekera – Ruthramamma – Entered as vaccinated on 2nd December last but the child is said to have died some 4 or 5 months before that date. The parents may be cited as witnesses besides the village Magistrate. The village death register may also prove this fact.

Yerraguntla – Hammamakka
Durgamamma
Hanumantadu
Yellamma

These are shown as having been vaccinated on 9th September 1895. But it has been ascertained that they ~~[illegible]~~ were vaccinated on 25th August 1894 by some other Vaccinator (Syed Ebrahim) and that they have not been revaccinated. This fact may be proved by the evidence of the parents of the Children concerned and the vaccinator Syed Ebrahim and the village Magistrate and by the registers maintained by the latter two officers.

2 It may not be possible to secure a Conviction in the remaining cases. In regard to the discrepancies in the number of Vesicles, it may be said that the number was correct at the time of Vaccination but that some of them did not prove successful ~~are~~ and are therefore not visible now. The evidence of the parents may not be very satisfactory on this point. So too in regard to the difference of a few months between the date of vaccination and the date entered in the register as seems to be the case in respect of the entries relating to the villages of Nallampalli and Gopalapuram.

3. I have gone through the registers &c. with the Deputy Inspector of Vaccination too and beg to recommend that Sanction may be accorded for the prosecution of the vaccinator for an offence falling under Section 177 I. P. C. The Deputy Inspector of Vaccination may be instructed to conduct the prosecution. In similar cases I convicted two or three vaccinators in the Cuddappa District and the conviction was upheld ~~in~~ on Appeal.

4. The District Medical and Sanitary Officer's letter together with its Enclosures is herewith resubmitted.

I have &c.

(Sd) T. Rama Rao
Presidt

| ~~True copy~~
13/10.
Ag Vice Presidt
For Presidt

Form I, — Calender and Judgement

(For use in cases where there is only one accused person)

Bellary District

Calender cases tried by the 2nd class Magistrate of

Bellary Taluk

	Date of			Explanation of delay & remarks
Offence	Report or Complaint	Commencing trial	Sentence or Order	
7-5-95 1.12.95	2-3-96	8.4-96	1-6.96	

Judgement

In calender case No. 86 of 1896 on the file of the Stationery sub Magistrate of Bellary
Complainant Regina Empress

Name of Accused	age	Father's name
Govinda Rao	32	Jaswantha Rau

Caste or religion	Calling	Residence	Taluk
Maharatta	Vaccinator	Raidrug	Raidrug

Offence. Knowingly furnishing false information to a public Servant under section 177 I.P.C.

Finding. Not guilty.

Sentence. Discharged under sec 253 C.C.P.

(sd) R. Vencdeacharry
S. S. Magistrate

3/2838b/96

With the Sanction of the President Dist Board the Deputy Inspector of Vaccination complained against the accused, a vaccinator of the Raidrug Taluk, that he had falsely entered the names of children whom he had not vaccinated in his register as having been vaccinated by him. Mr Kolar Vencoba Rao High Court vakil conducted the prosecution.

2. From the register of the accused exhibit B. it appears that he vaccinated Hanumantha and Yellama children of Lingadu of Yerragunta on 7th September 1895 and that he vaccinated Simha son of Nese Basappa of Hulikera on the 1st December following. But from the register kept by the reddi of Yerragunta it appears that the two children had been vaccinated on the 25.8.94 by another vaccinator Syed Ibrahim. Syed Ibrahim examined as the 7th witness states that he vaccinated these ~~chi~~ children on the 25.8.94 and that the vaccination was successful. The reddi examined as 1st witness says that he was in the village on the 7th September 1895, that ~~he~~ he did not see the accused in the village on that day and that he did not take him to vaccinate any children as is usually done if a vaccinator comes to the village. The reddi of Hulikera 4th witness says that he was in his village on the 1st December

last

last and that the accused did not go there. Bellary Lingadu & Nese Basappa examined as the 3rd & 5th witnesses state that the children had been previously vaccinated but that they were revaccinated by the accused. One Swaminatha Pillai Hospital Assistant of 14 years service who had been a Superintendent of vaccination for 2 years examined the children Simha and Yellama in Court and stated that the marks on the arms of children showed that they had been vaccinated more than a year before and not so recently as is entered by the accused in his register. The accused is a second class vaccinator and under the orders in force he had to vaccinate 75 cases in the months of September and December. This was the ~~maximum~~ minimum. Any cases under this number would have made him liable to a fine while each case above that number would under the rules at least have entitled him to a reward of 2 annas for each case. The register shows that he has vaccinated 105 cases in September and 20 cases in December. So far as the evidence goes it seems to be established that the accused did not vaccinate the children of Yerragunta on the date he mentions and that the entries in his register are untrue. But there is no satisfactory evidence about the case of the boy in Hulikera.

There

There is no record to show that the boy had been previously vaccinated. The only question to be considered is whether these facts in the first case of Yerragunta constitute any offence under the Penal Code. Under the recent decision of the Madras High Court in Queen Empress versus Appayya (I.L.R 14 Madras 484) these facts do not constitute an offence under sec 177 I.P.C. The accused was not legally bound to keep a correct register in the sense in which that phrase is used in sec 4 I.P.C. His failure to do so is not an offence and cannot be made the ground of a civil action. The case of Verasawmy Modeliar VS the Queen I L R IV Madras (& 4 Weir p 65) he as a case which was on all fours with the present one. The accused in this case is an Officer in the Salt Department had been punished for having made a false entry in his diary and the conviction had been upheld by the High Court. But this Case had been overruled by ~~Em~~ Queen Empress VS Appayya above quoted Another section which may be considered as ~~bearing~~ bearing on the case is that of cheating or of an attempt to do so. The essentials of a case under this Section are the inducing any person to deliver any property or to change his position. to ~~his~~ has

No. [illegible] 2.10.98

his disadvantage. Did the act of the accused cause any of these effects or did he intend or attempt to cause any of them. Did the accused make these false entries with the object of earning a reward. The vaccination Dy Inspector whom I examined as the 8th witness deposes that that he does not give a reward except in special cases though it is provided for in the rules, and that during the 6 years he has been in office he has only recommended a reward in 3 cases one in each of Hospet, Alur, & Adoni Taluks. That no rewards have been granted to the vaccinators in Rayadrug Taluk and none to the accused. How can it then be stated that the accused had this object in view when he entered the fictitious names. The order fixing the minimum at 75 cases states that from March to September 2nd. class vaccinators have to vaccinate 105 cases and from September to March 75 cases. This leaves the matter uncertain as to whether in September they had to show 75 or 105 cases. The Accused I think thought that he had to show 105 cases and so made up the number. I do not think he did this with any intend to ~~check~~ cheat or deceive. One other section which might apply to the case is section 477 A of the I.P.C, but as the accused as shown above had no fraudulent intention in making the entries.

I

I do not think he can be charged under that section. I therefore find that he has not committed any offence under the Penal Code and ~~[illegible]~~ discharge him under sec 253 C. C. P. x

x Discharge of the accused when no case has been made out

(sd) R. Vencobachary
S. S. Magistrate 1. 6. 96

(True copy)

13/10.

Vice President
for President

No. [illegible] 2. 10. 96

ENCLOSURES.

Proceedings of the President District Board, Bellary,

Dated 28. 9. 1896.

READ the following papers:—

1. Letter No 316 dated 24. 1. 96 of the District medical and Sanitary Officer Bellary stating that Vaccinator Govinda Ra when asked at Raidurg some time between 12th and 16th December/9 to hand over his Registers, refused to do so, stating that they were with one Pujari Timmappa, that on enquiring ther was no person by the name of Pujari Timmappa that he neglected from 18th December/95 to January/96 to appear at Bellary and report himself to him (District Medical and Sanitary Officer, Bellary) though ordered to do so by a telegram, that the following discrepencies were found between the entries in his Register and the number fo out on actual verification:-

~~ORDER THEREON.~~

Village	name	as per Register	as verified
Maliam	Fakruddin	4 Vesicles	1
Kanakal	Khajammah	6 do	4
	Mahaboobee	6 do	4
	Nanaboobee	6 do	4
	Bhagamma	6 do	4

that the Register showed that a certain child by th name of Somka was vaccinated at Halikery though the was no

TO

THE

4
2838 L / 96

Obeying

marked, but that on enquiry it was ascertained that the Child was vaccinated 2 years ago, that in the Register One Rudramma was shown to have been vaccinated on 2.12.95, but on enquiry it was ascertained that the child died 6 months ago; that the Register showed that the Vaccinator visited the village of Thilikera in December/95 whereas the Reddy said that he never visited the Village, but another Vaccinator by name Sayyed Ibrahim did so in June/95, that 3 cases were entered as vaccinated in Nallampalli Village on 3.12.95, but the Reddy of the village stated that there was no vaccination in his Village in December/95, that 4 cases were entered as vaccinated in December/95 in Gopaula-purani village, whereas the Reddy of the village stated hat there was no Vaccination in his village in December/95 at the Results of several cases in Yerragunta were tered wrongly, that 4 cases entered as having been ne by him in December/95 were proved on enquiry have been done by his predecessor on 25.4.94.

2. Letter No. 12/15.2.96 from the President Taluk nd Bellary Stating that Vaccinator Govinda Rao ighe prosecuted for making several false entries

in

in his Vaccination Register.

3. Also his defence statements Stating that he Worked according to the entries in his dairy, that he visit the village of Thilikera and Yerragunta as stated in his dairy, that the Reddis of the villages were then absent, that on the 7th September/95, he halted at Yerragunta and vaccinated the children of Golla Linga &c, that when he was ordered to appear before District Medical and Sanitary Officer, he went to Bellary to see him on the 27th December/95 but was told that the Officer was on circuit and that As he was ~~on circuit~~ ill he did not do any work in Dec/95

4. Also letter No. 848 dated 27.8.96 from the District Medical and Sanitary Officer Bellary stating that the Vaccinator has not lived at his Station (Kanekal) and ~~also~~ inviting the attention of the President to the remarks of the Stationery Sub Magistrate Bellary (viz) that Govinda Rao did not vaccinate the Children of Yerragunta on the date he mentions and that his Entries in the Register are untrue and recommending that, in view of the above remarks, his false statements to Civil Apothecary Xavier and his delay in

Obeying

obeying his orders to come to Bellary, he may be dismissed.

Order thereon

It is clearly proved by the evidence in this case that Vaccinator Govinda Rao made a false return to the effect that he on the 7th September 95 had vaccinated Hanumantha and Yellavva two children belonging to the village of Yerragunta. The evidence shows that Govinda Rao was never at Yerragunta on the 7th September 1895 and that the two children referred to were vaccinated by another vaccinator. Apart from the above case the District Medical and Sanitary Officer's report No 848 dated 27.8.96 shows that Govinda Rao did not reside in his proper head-quarters, that he failed to give his Vaccination Registers to the Rayadrug Apothecary (giving a false excuse for the omission) and that he has also neglected for nearly a month to appear at Bellary and report himself to the District Medical and Sanitary Officer,

though,

though ordered to ~~do so~~ appear by Telegram. He has no proper defence against any of the above Charges. The District Medical and Sanitary Officer recommends his dismissal and I accept this recommendation. As the man has proved himself utterly untrustworthy. He is hereby dismissed.

(Sd) J. J. Lever
Vice President
for President.

(True Copy)

13/10.
Vice President
for President

E

BELLARY DISTRICT BOARD OFFICE.

No.

Dated 13th } October 1896

From

R. H. Campbell Esquire

COLLECTOR AND PRESIDENT DISTRICT BOARD,
BELLARY.

Local & Municipal Dept.
CURRENT No. 2838 L

To

THE CHIEF SECRETARY TO GOVERNMENT,
LOCAL AND MUNICIPAL DEPARTMENT,
MADRAS.

SIR,

In reply to Government Memorandum No 1117 dated 29th September 1896 I have the honor to state that the circumstances which led to the prosecution of the Vaccinator Govinda Rao, are that he made several false entries noted in the enclosed Proceedings, knowing them to be such, in his Vaccination Register which were disclosed when his Registers were examined in December/95 and that he also knowingly furnished false information to the District Medical and Sanitary Officer at the time of inspection.

His prosecution, under section 177* I.P.C was sanctioned by me on the strength of a report received from the President Taluk Board Bellary which was called for on

* Furnishing false information as true

on a letter from the District Medical and Sanitary Officer Bellary regarding the above entries. The copies of these letters are enclosed. The Case was enquired into by the Stationary Sub magistrate of Bellary. The accused was discharged as the Magistrate found that the acts Complained of did not amount to an offence under the Penal Code. A copy of the Judgment is also submitted for reference.

I have the honor &c.
Sir,
Your most obedient Servant
13/10.
Vice President
for President

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given for copying
copied 189 .
examined
signed, 30/10
30/11

G.O., No. DATED

No.

TO C. No.

OF GOVERNMENT .. .. .. A A A A A A A

OF GOVERNMENT.

WITH DITTO.

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