26.5.08 ✓

Local & Munl. (1896) Department.

PRINTED.

G.O., No. 2268 L

DATED 1-12-96

INDEXED.

[Despatch Abstract.]

L.F. Rules

Declining to reconsider G.O. No. 1669L dt. 16.9.96 and stating that it was not the intention of Govt. that the President of the Distt. Board should have general authority to interfere with the servants of a taluk board, and that the wording of No. 72 of the — will be altered when these are next revised.

BACK PAPERS.

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

FURTHER PAPERS.

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

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Government (1896) of Madras.

LOCAL AND MUNICIPAL.

Proof for approval.

Recd.
Regd. } 1896.

Enclosures
Spare copies

G.O., No. 2268 L., 1st December 1896.

DECEMBER.

Local Fund Rules.

Declining to reconsider G.O., No. 1669 L., dated 16th September 1896, and stating that it was not the intention of Government that the President of the district board should have general authority to interfere with the servants of a taluk board and that the wording of No. 72 of the — will be altered when these are next revised.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

Read—the following paper :—

From A. E. CASTLESTUART STUART, Esq., President, District Board, South Arcot, to the Secretary to Government, dated Cuddalore, 3rd November 1896, Ref. on Cur. Regr. No. 1115 (*a*)-D.B.

With reference to G.O., Mis. No. 1669 L., dated 16th September last, I have the honour to respectfully submit the following remarks for the favour of consideration and such further orders as Government may be pleased to pass, as I venture to think that, on reconsideration, the original order may be modified.

2. In the proceedings referred to, it is observed that I had no original jurisdiction and that my action in having dismissed the late headmaster of the Tiruvéndipuram local fund school was therefore *ultra vires*. In order to make this representation as clear as possible, I quote below the rule laid down by Government as regards *appeals* :—

G.O., No. 918 L., dated 25th April 1889.

> "Subject to the provisions of section 42 (3) of the Act, the President of a local board shall have power to fine, suspend or dismiss any servant of such board. But an appeal shall lie to the President of the district board in the case of all servants of taluk boards fined in sums exceeding one rupee, suspended, or dismissed by the President of the taluk board; *an appeal shall also lie to the district board in the case of all servants of the district board, and of all servants of a taluk board on Rs. 50 or upwards, against suspension or dismissal inflicted or confirmed by the President of the district board, &c.*"

(I have underlined * the latter portion as it relates wholly to the present case).

3. The first portion of the above extract is clear enough. It is in connection with the latter portion that I desire to invite particular attention. My interpretation of the latter portion is that all district board servants have the right of appeal to the district board against suspension or dismissal inflicted by the President of the district board; that taluk board servants on Rs. 50 and upwards have, besides the right of appeal to the President of the district board against fines exceeding one rupee, suspension or dismissal inflicted by the Taluk Board President, the right of a further appeal to the district board against suspension or dismissal inflicted by the Taluk Board President; and that they have the right of a similar appeal (appeal to the district board) against suspension or dismissal inflicted by the District Board President and against suspension or dismissal inflicted by the Taluk Board President and confirmed by the President of the district board. (I leave district board servants out of account as they are not concerned in this reference.) If it was meant that the President of the district board should have no power to inflict the punishments of suspension or dismissal on taluk board servants, the rule would, I venture to think, read differently. It would probably run in some such lines as the following :—

> "An appeal shall also lie to the district board in the case of all servants of the district board against suspension or dismissal inflicted by the President, district board. A similar appeal shall lie in the case of all servants of a taluk board on Rs. 50 and upwards against suspension or dismissal confirmed on appeal by the President of the district board."

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* Printed in italics.

If it was intended by the legislature that the District Board President's power to inflict punishments should be confined to the servants of the district board, I respectfully beg to submit that the wording and punctuation of the rule as it stands do not bear out such intention. Further, if the President of a district board has power to punish taluk board servants on Rs. 50 and upwards, it is only, I submit with great respect, reasonable to suppose that he has power, in case he finds necessity for the exercise of such power, to punish taluk board servants *on less than Rs.* 50. This view seems to me to be correct, and I venture to hope that Government will be pleased to adopt it.

4. In this connection I beg to add that the rule as it stands—I proceed on the correctness of my contention—is, in my opinion, hard, as it does not give taluk board servants on less than Rs. 50 the right of an appeal to the district board against punishments inflicted by *the President of the district board.*

5. Apart from the above interpretation of the rule under reference, it is not in any way improbable that District Board President may have to deal with cases which require to be met by *immediate* punishment. In such cases it would be detrimental to the public interest if the District Board President's hands should be tied and he should be left without power to act promptly for the public good. It would, I submit, be subversive of discipline if the District Board President, who is the chief executive officer of the Local Fund Department, should not have the power to punish servants of taluk boards whenever and wherever he finds such punishments necessary for the purposes of efficient administration. It is not difficult to conceive cases in which a taluk board servant might commit serious offences—offences of which the Taluk Board President concerned had no knowledge but which the District Board President had discovered. If the rule should be that the District Board President's powers as regards punishments should extend no further than district board servants, I would ask Government to consider what amount of mischief might not be expected if matters requiring summary disposal should have to wait until the Taluk Board President came upon the scene or took cognizance of offences committed by taluk board servants. The head of a district administration should, I submit, have at least all the powers which his subordinates are invested with, and if this principle should not apply to the case in question the President of the district board should not, I respectfully submit, be held responsible for the *general local fund administration* of the district. In practice, almost all orders of Government requiring execution are addressed to the *District Board President* as the chief executive officer in the local fund administration of the district, and as such I would respectfully urge it is not only reasonable but also absolutely necessary that he should be invested with powers to act wherever he considers his interference necessary—I mean wherever local fund interests are concerned—in the same way as he is empowered to act in matters in which the interests of the district board are directly involved.

6. In the case of the Tiruvéndipuram local fund school, I may state that I had intimation of certain grave irregularities which had been going on in that school unnoticed for some time past either by the then Taluk Board President or the then Sub-Assistant Inspector of Schools, who in fact was implicated. As I had already serious misgivings as to the proper working of the educational branch of the local fund service in this district, I moved in the matter directly. I had sufficient data to act upon, and my personal enquiries more than fully justified the suspicion I already entertained. But for want of the necessary leisure to embark on a protracted enquiry involving examination of many witnesses, &c., having regard to my other duties which could not be allowed to suffer by time being taken up in such departmental enquiry, I requested the Taluk Board President to make the further necessary enquiries and report the result. The reasons for my subsequent action in dismissing the headmaster and one of his assistants are fully recorded in the accompanying copy of my proceedings. I moved in the matter first and finally disposed of it myself, not because I had the slightest personal interest in it, but solely because I had cause for grave suspicion that local fund money had been mis-spent and mis-appropriated. In the course of my personal enquiries, grave irregularities on the part of the then Sub-Assistant Inspector of Schools were brought to light, for which I have reported him to

the Director of Public Instruction. No orders on this reference have yet been received, but the Sub-Assistant has meantime been transferred. It will thus be seen that my whole procedure in the case of the Tiruvéndipuram school was fully justified by the facts disclosed by the enquiries partly made by myself and partly made by the then Taluk Board President, and that I acted in the matter from a sense of public duty from beginning to end and in the due exercise of the power which I considered, and still venture to consider, justly and reasonably belonged to me as the President of the district board under the rules in force.

7. Pending the final order of Government on this reference, I have retained the order, which in any case could not be disposed of by the Taluk Board President without the connected papers which are with the Director of Public Instruction with reference to the case against the late Sub-Assistant Inspector. The Director has been asked to dispose of that case and to return the papers. Before asking Government to be pleased to reconsider the ruling in question, I deemed it necessary to consult all the Government Orders from 1886, in which year the taluk boards were formed, and this research has necessarily taken some little time.

ENCLOSURE.

Proceedings of the President, District Board, South Arcot, dated 29th March 1896.

ORDER—No. 2268 L., dated 1st December 1896.

The Government sees no reason to reconsider its Order, No. 1669 L., dated 16th September 1896.

2. It was not the intention of Government that under No. 72 of the local fund rules the President of the district board should have general authority to interfere with the servants of a taluk board, who, under section 45 of the Local Boards Act, are under the control of the President of that board. The wording of the rule, however, is obscure and will be altered as follows when the rules are next revised:—

> "72. Subject to the provisions of section 42 (3) of the Act, the President of a local board shall have power to fine, suspend or dismiss any servant of such board. But all servants of a district board suspended or dismissed by the President of that board shall have a right of appeal to the district board. An appeal shall also lie to the President of the district board in the case of all servants of taluk boards fined in sums exceeding one rupee, suspended or dismissed by the President of the taluk board, and a further appeal shall lie to the district board in the case of servants of taluk boards on Rs. 50 and upwards whose suspension or dismissal has been confirmed by the President of the district board. Lastly, an appeal shall lie to the Governor in Council against dismissal in the case of all servants whose appointments require the sanction of Government under rule 71 * * * *".

(True Extract.)

Secretary to Government.

To the President, District Board, South Arcot.
„ all other Presidents of District Boards.

Exd. A. Raitt.

700—6-4-96.

LOCAL AND MUNICIPAL DEPARTMENT.

Papers to be read in Proceedings:—

~~Again G.O., dated 189 , No.~~

Current No. 3076L of 1896, dated 3rd November from the President, District Board, outh Arcot.

~~Current No. of 189 , dated from the~~

P.S.

Order. W. 2268 L d/ 1-12-96

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"72. Subject to the provisions of Section 42 (3) of the Act, the President of a Local Board shall have power to fine, suspend or dismiss any servant of such Board. But all servants of a District Board suspended or dismissed by the President of that Boar
shall

shall have a right of appeal to the District Board. An appeal shall also lie to the President of the District Board in the case of all servants of Taluk Boards fined in sums exceeding one rupee, suspended or dismissed by the President of the Taluk Board, and a further appeal shall lie to the District Board in the case of servants of Taluk Boards on Rs 50 and upwards, whose suspension or dismissal has been confirmed by the President of the District Board. Lastly, an appeal shall lie to the Governor-in-Council against dismissal, in the case of all servants whose appointments require the sanction of Government under rule 71. × × × ×"

(From orders)

V.R.
26/11/96

To

The President District Bd. South Arcot,
(with 11 enclosures returned)
All other Presidents of District Boards.

Despd. 18/12/96

Local & Munl. (1896) Department.

CURRENT No. 3076 L

2268
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From

The President,
District Board,
South Arcot.

L.f. on Regr. No. ~~142~~ 1115(a) of 1896
D.B

Dated 3rd November 1896

Received

Registered

Enclosures One + 11 since received

Spare copies.

SUBJECT.

Requesting that orders passed in G.O $\frac{1669 L. Mis}{16-9-96}$ may be reconsidered.

Misc. **Order** H.M.

The Government sees no reason to reconsider its order No 1669 L of 16th September 1896. The President is mistaken in supposing that under No. 72 of the Local Fund Rules he has power to punish even Taluk Board servants on Rs 50 and upwards. The ~~executive~~ Pt of each Local Board is entrusted under S. 45 of the Act ~~the~~ with the control of its own servants.

V.R.
17/11/96

H.M.

17/11/6

As this is an appeal against the former orders passed in the case, I submit it.

The Pt. D. Bd. however appears to be clearly wrong. His contention wd. strike at the roots of local self govt., which allows, subject to such limitations as are specifically enacted, each local Bd. to manage its own affairs. The latter Bd. has its own Executive & the Pt. of the D. Bd. has no general authority to meddle with its servants

17/11

To
The Presdt., Dist. Bd., S. Arcot

17/11. In my opinion, as the rule stands, Mr. Stuart is right. It may well be that* it was intended that it should have the meaning attributed to it in G.O. $\frac{1669 L}{16.9.96}$ but on looking into G.O. $\frac{918 I}{25.4.89}$ I cannot find any hint of such an intention; and I think that if the intention existed the rule should have been differently worded. The least that could have been done would have been to add commas after the words "inflicted" and "confined", and to insert the words "as the case may be," after "confined". Even so, the meaning would have been obscure. But a more extensive alteration of the wording would make the case still more clear. The Presdt. D.t Bd. had better be informed of the meaning attached to the rule by Govt., and steps be taken for the amendment of the rule. Submit rule as amended.

20/11/96

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

~~1/3076L/96~~

Proceedings of the President, District Board, South Arcot, dated 29. 3. 1896.

Read the following:—

1. Petition dated 6. 2. 95 from Gopala Chari of Srimushnam.
2. Cuddalore Sub Assistant Inspector's letter No. 54 dated 17. 2. 95.
3. Assistant Inspector's letter No. $\frac{988}{10.4.95}$.
4. Attendance and Fee Register of 1894.
5. Statement given by E. Kuppusami Aiyangar, Ag. H. Master of the Srimushnam School.
6. Do. by Srinivasa Varada Chari, Head master of the Srimushnam School.
7. Cuddalore Taluq Board President's letter No. 208 dated 10. 7. 1895.
8. Do. Do. No. 291 d/ 22. 8. 95.
9. Endorsement No. 764 S dated 7. 9. 95 of the Inspector of Schools on the Assistant Inspector's letter No. 2324 d/ 30. 8. 95.
10. Cuddalore Taluq Board President's letter No. 381 dated 1. 10. 95.
11. Assistant Inspector's letter No. 3314 d/ 20. 12. 95.

Order

These papers refer to alleged fraudulent conduct of certain teachers who were in the Srimushnam Local Fund School.

2. The facts are fully set forth in the reports read above and they need not be recapitulated. The charge is

12
3076L/96

is that the late Headmaster of the School – who is now at Nellikuppam and the 2nd master entered on the rolls of the School the names of boys who did not attend, the teachers paying the fees themselves the object being to gain grants fraudulently.

3. There is positive proof that three boys Kuthiam, K. Devanayagam and Arunachari – apart from the case of others, were marked as though they attended the School, whereas they were in fact absent. I agree with the Taluq Board President that the Headmaster at the time must be held primarily responsible for these false entries, though I cannot concur in his special pleading which is apparent throughout his report. I direct that this individual who is now the Headmaster of the Nellikuppam Local Fund School be forthwith dismissed.

4. The Conduct of Varada Chari requires to be dealt with next. This individual stated to me distinctly that on 21st April 93 he went to Villupuram and not to Chidambaram. Subsequently he deposed to the same effect before the Deputy Collector. But the Dy. Collector's report shows that this statement was false. His Conduct otherwise as disclosed by these papers was eminently unsatisfactory and he has shown himself to be totally untrustworthy. I direct that he too be dismissed. The public funds cannot be allowed to be wasted in paying such teachers.

5. It only remains for me to bring to the notice of the Director of Public Instruction the apparent misconduct of M. R. Ry. S. Devasikhamani Mudaliar Avl. when Sub-Assistant Inspector of the Cuddalore Range. An anonymous petition bringing to notice the gross irregularities at the Local Fund School, Tiruvendipuram, has been mysteriously lost in the office of the Sub. assistant who in his letter No. 1065 dated 17-4-94 wrote as follows to the Assistant Inspector:–

" I examined the Tiruvendipuram Local Fund School on the 9th December last and two subjects remained unexamined in the 3rd Standard for want of time. I had necessarily to start on the following day to attend the Primary School Examination at Tirukoilur, Kallakurichi and

Ulundurpet.

undurpet. After returning from the Examination Centres I examined the 3rd Standard in those two subjects and also a few boys that could not attend my examination on the first day on account of smallpox underwent examination. From what I know of the School and of the teachers and of their integrity (sic) and work and from the capacity of answering among the boys, I can safely vouch for there having been no malpractice such as false personation and fraud. The anonymous petition is the result of envy, malice and also of party spirit and as such the unauthenticated document deserves no notice."

The following facts would appear to require explanation on the part of Mr. N. Devasikhamani Mudaliar. His diary contains the following entries:—

1893 - 9 Decr - Grant examination of the Tiruvendipuram School.
" 10, 11 + 12 " " - Cuddalore.
" 28 " - Journey to Cuddalore + office work.
" 29, 30 + 31 " " - Xmas Holidays.

1894 - 1 + 2 ~~[illegible]~~ Jany - Cuddalore. Office work.
" 3rd " " - Do. and Journey to Panruti.
" 4, 5 + 6 " " - Panruti.
" 7 " " - Cuddalore and Office work.
" 8 " " - Cuddalore.

The Examination referred to was, according to the permanent Head master held — irregularly on two dates, by 9th December 1893 and 2nd January 1894. The diary shows that the Sub Assistant held a grant examination on 9th December but it also shows that he remained at Cuddalore on the following and two succeeding days. Either the entries in the diary are incomplete, false and misleading, or the report officially made by the Sub assistant is incorrect. The diary does not show that the Sub assistant again went to Tiruvendipuram on 2nd January.

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It shows that on that day he was at Cuddalore, doing office work. The late Head quarters Dy. Collector seems to have believed that the second visit to Tiruvendipuram might have been paid on 2nd January 94. but that the fact may have been deliberately omitted from the diary "probably because it was irregular." A Sub. Assistant capable of such conduct is in my opinion unfit for his position and yet this officer is now an Assistant Inspector. The papers read above show what value is attachable to the Sub. Assistant's testimony to the "integrity" and "work" of Schoolmasters shown to have acted fraudulently and dishonourably. The result of the enquiry shows also the work of the Sub Assistant's "vouching" for the absence of malpractices in a School which were simply scandalous. I must pass on to another point. In a letter

dated

dated 6th June 1895, No. 1637 to the Inspector of Schools, Mr. Devasikhamani Mudaliar made statements regarding what he alleged had been said by me to him on the previous Saturday, one of which was a misrepresentation. He wrote: "Speaking of this note book Mr. Cail Stuart Stuart observed that he had to transfer it to the President, Taluq Board, Cuddalore as its contents were not such as were described by Mr. Krishnamachariar." (The underlining is mine). No such statement was made. The papers including the book referred to were transferred to the Taluq Board President for full enquiry and report and for no other reason.

Having heard what both Messrs Krishnama Chari and Devasikhamani Mudaliar had to say regarding the gross irregularities at the Tiruvendipuram School, I am constrained to observe that the information furnished by Mr. Krishnama Chari was by far the most reliable. It was quite evident that these two Educational Officers were not on amicable terms, each being anxious to disclose what might be to the discredit of the other – but so far as the public interests are concerned there can be no doubt that Mr. Krishnama Chari performed useful work in bringing to light the irregularities not only at Tiruvendipuram but also at Local Fund Schools in the Tirukoilur and Kallakurichi Taluqs.

Sd/ A. E. Cathcart Stuart
President D. B.

(True Copy)

Cuddalore
7-11-96

for President, D/Bd.

DISTRICT BOARD PRESIDENT'S OFFICE

SOUTH ARCOT. Ref. on Regr. No. ~~142~~ of 189
CUDDALORE. 3rd November 1896.

From,
A. E. Cathcart Stuart, Esquire,
President, District Board,
SOUTH ARCOT.

To, 3076
The Chief Secretary to Government,
Local and Municipal Department,
MADRAS.

Enclosure.

Lm 2268 L 8/1/12

SIR,

With reference to the order of Government dated 16 Septr. last No. 1669 L. M., I have the honour to respectfully submit the following remarks for the favour of consideration and such further orders as Government may be pleased to pass. I venture to think that on reconsideration the original order may be modified.

2. In the Proceedings referred to it is observed that I had no original jurisdiction and that my action in having dismissed the late Headmaster of the Tiruvendipuram Local Fund School was therefore

ultravires. In order to make this representation as clear as possible I quote below the rule laid down by Government as regards appeals:-

G.C. 918L / 25.4.'89

"Subject to the provisions of Section 42(3) of the Act, the President of a Local Board shall have power to fine, suspend or dismiss any servant of such Board. But an appeal shall lie to the President of the Dist. Board in the case of all servants of Taluq Boards fined in sums exceeding one Rupee, suspended or dismissed by the President of the Taluq Board; An appeal shall also lie to the District Board in the case of all servants of the District Board, and of all servants of a Taluq Board on Rs 50 or upwards, against suspension or dismissal inflicted or confirmed by the President of the District Board. &c."

(I have underlined the latter portion as it relates wholly to the present case).

3. The

3. The first portion of the above extract is clear enough. It is in connection with the latter portion that I desire to invite particular attention. My interpretation of the latter portion is that all District Board servants have the right of appeal to the District Board against suspension or dismissal inflicted by the President of the District Board, that Taluq Board servants on Rs 50 and upwards have, besides the right of appeal to the President of the District Board against fines exceedings one Rupee, suspension or dismissal inflicted by the Taluq Board President, the right of a further appeal to the District Board against suspension or dismissal inflicted by the Taluq Board President, and that they have the right of a similar appeal (appeal to the District Board) against suspension or dismissal inflicted by the District Board President and against suspension or dismissal inflicted by the Taluq Board President and confirmed by the President of the District Board.

(I leave District Board Servants out of account as they are not concerned in this reference.)

If it was meant that the President of the District Board should have no power to inflict the punishments of suspension or dismissal on Taluq Board servants the rule would, I venture to think, read differently. It would probably run in some such lines as the following:—

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If it was intended by the legislature that the District Board Presidents' power to inflict punishments should be confined to the servants of the District Board I respectfully beg to submit that the wording and punctuation of the rule as it stands do not bear out

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such intention. Further, if the President of a District Board has power to punish Taluq Board servants on Rs 50 and upwards it is only, I submit with great respect, reasonable to suppose that he has power, in case he finds necessity for the exercise of such power, to punish Taluq Board Servants on less than Rs 50. This view seems to me to be correct and I venture to hope that Government will be pleased to adopt it.

4. In this connection I beg to add that the rule as it stands—I proceed on the correctness of my contention—is, in my opinion hard as it does not give Taluq Board servants on less than Rs 50 the right of an appeal to the District Board against punishments inflicted by the President of the District Board.

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punishment. In such cases it would be detrimental to the public interest if the District Board President's hands should be tied. And he should be left without power to act promptly for the public good. It would, I submit, be subversive of discipline if the District Board President who is the Chief Executive Officer of the Local Fund Department should not have the power to punish Servants of Taluq Boards whenever and wherever he finds such punishments necessary for the purposes of efficient administration. It is not difficult to conceive cases in which a Taluq Board Servant might commit serious offences - offences of which the Taluq Board President concerned had no knowledge but which the District Board President had discovered. If the rule should be that the District Board President's powers as regards punishments should extend no further than District Board Servants I would ask Government to consider what amount of mischief might not be expected if matters requiring

Summary

4B

Summary disposal should have to wait until the Taluq Board President came upon the scene or took cognizance of offences committed by Taluq Board Servants. The head of a District Administration should, I submit, have at least all the powers which his subordinates are invested with. And if this principle should not apply to the Case in question, the President of the District Board should not, I respectfully submit, be held responsible for the general Local Fund Administration of the District. In practice almost all orders of Government requiring execution are addressed to the District Board President as the Chief executive Officer in the Local Fund Administration of the District. And as such I would respectfully urge it is not only reasonable but also absolutely necessary that he should be invested with powers to act wherever he considers his interference necessary - I mean wherever Local Fund interests are Concerned - in the same way as he is empowered to act in matters in which the interests of the District Board are directly involved.

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ask E.D

in the Case of the Tiruvendipuram School was fully justified by the facts disclosed by the enquiries partly made by myself and partly made by the then Taluq Board President. And that I acted in the matter from a sense of public duty from beginning to end. And in the due exercise of the power which I considered - and still venture to consider justly and reasonably belonged to me as the President of the District Board under the rules in force.

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I have the honour
Sir,
Your most obedient Servt
J. L. Cox
President

M

was
gener
of the

Government (1896) of Madras.

LOCAL AND MUNICIPAL.

Recd.	1896.	*Enclosures*
Regd.		*Spare copies*

G.O., No. 2268 L., 1st December 1896.

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2. In the proceedings referred to, it is observed that I had no original jurisdiction and that my action in having dismissed the late headmaster of the Tiruvéndipuram local fund school was therefore *ultra vires*. In order to make this representation as clear as possible, I quote below the rule laid down by Government as regards *appeals* :—

G.O., No. 918 L., dated 25th April 1889.

> "Subject to the provisions of section 42 (3) of the Act, the President of a local board shall have power to fine, suspend or dismiss any servant of such board. But an appeal shall lie to the President of the district board in the case of all servants of taluk boards fined in sums exceeding one rupee, suspended, or dismissed by the President of the taluk board ; *an appeal shall also lie to the district board in the case of all servants of the district board, and of all servants of a taluk board on Rs. 50 or upwards, against suspension or dismissal inflicted or confirmed by the President of the district board, &c.*"

(I have underlined * the latter portion as it relates wholly to the present case).

3. The first portion of the above extract is clear enough. It is in connection with the latter portion that I desire to invite particular attention. My interpretation of the latter portion is that all district board servants have the right of appeal to the district board against suspension or dismissal inflicted by the President of the district board ; that taluk board servants on Rs. 50 and upwards have, besides the right of appeal to the President of the district board against fines exceeding one rupee, suspension or dismissal inflicted by the Taluk Board President, the right of a further appeal to the district board against suspension or dismissal inflicted by the Taluk Board President ; and that they have the right of a similar appeal (appeal to the district board) against suspension or dismissal inflicted by the District Board President and against suspension or dismissal inflicted by the Taluk Board President and confirmed by the President of the district board. (I leave district board servants out of account as they are not concerned in this reference.) If it was meant that the President of the district board should have no power to inflict the punishments of suspension or dismissal on taluk board servants, the rule would, I venture to think, read differently. It would probably run in some such lines as the following :—

> "An appeal shall also lie to the district board in the case of all servants of the district board against suspension or dismissal inflicted by the President, district board. A similar appeal shall lie in the case of all servants of a taluk board on Rs. 50 and upwards against suspension or dismissal confirmed on appeal by the President of the district board."

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* Printed in italics.

If it was intended by the legislature that the District Board President's power to inflict punishments should be confined to the servants of the district board, I respectfully beg to submit that the wording and punctuation of the rule as it stands do not bear out such intention. Further, if the President of a district board has power to punish taluk board servants on Rs. 50 and upwards, it is only, I submit with great respect, reasonable to suppose that he has power, in case he finds necessity for the exercise of such power, to punish taluk board servants *on less than Rs.* 50. This view seems to me to be correct, and I venture to hope that Government will be pleased to adopt it.

4. In this connection I beg to add that the rule as it stands—I proceed on the correctness of my contention—is, in my opinion, hard, as it does not give taluk board servants on less than Rs. 50 the right of an appeal to the district board against punishments inflicted by *the President of the district board.*

5. Apart from the above interpretation of the rule under reference, it is not in any way improbable that District Board President may have to deal with cases which require to be met by *immediate* punishment. In such cases it would be detrimental to the public interest if the District Board President's hands should be tied and he should be left without power to act promptly for the public good. It would, I submit, be subversive of discipline if the District Board President, who is the chief executive officer of the Local Fund Department, should not have the power to punish servants of taluk boards whenever and wherever he finds such punishments necessary for the purposes of efficient administration. It is not difficult to conceive cases in which a taluk board servant might commit serious offences—offences of which the Taluk Board President concerned had no knowledge but which the District Board President had discovered. If the rule should be that the District Board President's powers as regards punishments should extend no further than district board servants, I would ask Government to consider what amount of mischief might not be expected if matters requiring summary disposal should have to wait until the Taluk Board President came upon the scene or took cognizance of offences committed by taluk board servants. The head of a district administration should, I submit, have at least all the powers which his subordinates are invested with, and if this principle should not apply to the case in question the President of the district board should not, I respectfully submit, be held responsible for the *general local fund administration* of the district. In practice, almost all orders of Government requiring execution are addressed to the *District Board President* as the chief executive officer in the local fund administration of the district, and as such I would respectfully urge it is not only reasonable but also absolutely necessary that he should be invested with powers to act wherever he considers his interference necessary—I mean wherever local fund interests are concerned—in the same way as he is empowered to act in matters in which the interests of the district board are directly involved.

6. In the case of the Tiruvéndipuram local fund school, I may state that I had intimation of certain grave irregularities which had been going on in that school unnoticed for some time past either by the then Taluk Board President or the then Sub-Assistant Inspector of Schools, who in fact was implicated. As I had already serious misgivings as to the proper working of the educational branch of the local fund service in this district, I moved in the matter directly. I had sufficient data to act upon, and my personal enquiries more than fully justified the suspicion I already entertained. But for want of the necessary leisure to embark on a protracted enquiry involving examination of many witnesses, &c., having regard to my other duties which could not be allowed to suffer by time being taken up in such departmental enquiry, I requested the Taluk Board President to make the further necessary enquiries and report the result. The reasons for my subsequent action in dismissing the head-master and one of his assistants are fully recorded in the accompanying copy of my proceedings. I moved in the matter first and finally disposed of it myself, not because I had the slightest personal interest in it, but solely because I had cause for grave suspicion that local fund money had been mis-spent and mis-appropriated. In the course of my personal enquiries, grave irregularities on the part of the then Sub-Assistant Inspector of Schools were brought to light, for which I have reported him to

the Director of Public Instruction. No orders on this reference have yet been received, but the Sub-Assistant has meantime been transferred. It will thus be seen that my whole procedure in the case of the Tiruvéndipuram school was fully justified by the facts disclosed by the enquiries partly made by myself and partly made by the then Taluk Board President, and that I acted in the matter from a sense of public duty from beginning to end and in the due exercise of the power which I considered, and still venture to consider, justly and reasonably belonged to me as the President of the district board under the rules in force.

7. Pending the final order of Government on this reference, I have retained the order, which in any case could not be disposed of by the Taluk Board President without the connected papers which are with the Director of Public Instruction with reference to the case against the late Sub-Assistant Inspector. The Director has been asked to dispose of that case and to return the papers. Before asking Government to be pleased to reconsider the ruling in question, I deemed it necessary to consult all the Government Orders from 1886, in which year the taluk boards were formed, and this research has necessarily taken some little time.

Enclosure.

Proceedings of the President, District Board, South Arcot, dated 29th March 1896.

Order—No. 2268 L., dated 1st December 1896.

The Government sees no reason to reconsider its Order, No. 1669 L., dated 16th September 1896.

2. It was not the intention of Government that under No. 72 of the local fund rules the President of the district board should have general authority to interfere with the servants of a taluk board, who, under section 45 of the Local Boards Act, are under the control of the President of that board. The wording of the rule, however, is obscure and will be altered as follows when the rules are next revised:—

> "72. Subject to the provisions of section 42 (3) of the Act, the President of a local board shall have power to fine, suspend or dismiss any servant of such board. But all servants of a district board suspended or dismissed by the President of that board shall have a right of appeal to the district board. An appeal shall also lie to the President of the district board in the case of all servants of taluk boards fined in sums exceeding one rupee, suspended or dismissed by the President of the taluk board, and a further appeal shall lie to the district board in the case of servants of taluk boards on Rs. 50 and upwards whose suspension or dismissal has been confirmed by the President of the district board. Lastly, an appeal shall lie to the Governor in Council against dismissal in the case of all servants whose appointments require the sanction of Government under rule 71 * * * *".

(True Extract.)

G. S. FORBES,
Secretary to Government.

To the President, District Board, South Arcot.
,, all other Presidents of District Boards.

Exd. A. Raitt

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