

CHAPTER I
INTRODUCTION
(Paragraphs 1 to 10)

1. The Tamil Nadu Government in G.O.Ms. 1179, Public (Law and Order-F), dated 20th July, 2004 appointed this Commission of Inquiry to inquire into the causes and circumstances leading to the fire accident that occurred in the premises of Sri Krishna Aided Primary School at Kasiraman Street, Kumbakonam, Thanjavur District, on 16.07.2004, under the Commissions of Inquiry Act, 1952. The notification was published in the Tamil Nadu Government Gazette Extraordinary dated July 20th, 2004.

2. The terms of reference of the Commission of Inquiry are as follows:

- (i) To inquire into the causes and circumstances leading to the fire accident that occurred in the premises of Sri Krishna School, Kumbakonam, Thanjavur District, on 16th July, 2004;
- (ii) To suggest all reform measures needed to ensure that such incidents do not recur.

3. The Commission was asked to complete its inquiry and submit its report, to the State Government, within a period of four months from the date of publication of the notification in the Tamil Nadu Government Gazette. (The G.O. is Annexure A-1 to this Report.)

4. In G.O.Ms.No.1180 Public (Law & Order-F) dated 20.07.2004 the Government directed the constitution of a Panel of Experts, to assist the Commission of Inquiry in going into all aspects of reforms, needed to prevent the recurrence of fire incidents in future, with a woman social worker with experience in education, an expert in fire safety and an eminent child psychologist. The Secretary to Government, Municipal Administration and Water Supply Department, Chennai-9, and the Chief Engineer (Buildings), Chennai-5, were made Ex-officio Members of the Panel. The Secretary to Government, School Education Department, Chennai-9, was made the Convenor of the Panel. (The G.O. is Annexure-2 to the Report.)

5. In G.O.Ms.1272 dated 16.08.2004, the Government directed that the following persons be appointed as Members of the Panel of Experts constituted in G.O.Ms.No.1180 – (i) Dr. Rani Kandhaswami, Former Principal, Lady Willington Institute of Advanced Studies in Education, Chennai(ii) Thiru S.K. Saxena, B.E. (Fire Engineering), Fire Officer, Madras Atomic Power Station, Kalpakkam, (iii) Thiru K. Vijayan, Institute of Mental Health, Chennai, and (iv) Thiru P.A. Annamalai, Retired Headmaster, Cheyyar, Tiruvannamalai District. The last named was later added to the Panel while settling the list. (The G.O. is Annexure-3 to this Report.)

6. The Commission assumed office on August 1, 2004. It visited the site of the accident on various dates, to have first hand knowledge of the situation of the school, to find out how the accident occurred. The Commission appointed Mr.N.

Chandrasekharan, Advocate, as its counsel to assist in the inquiry. It conducted enquiry at Thanjavur and at Chennai, marked documents and examined witnesses.

7.The details of the enquiry into the causes and the circumstances leading to the fire accident and the conclusion reached will form the first part of this Report.

8.The second limb of the terms of reference required extensive spot inspection of schools in the various districts in the State, to be made. The Commission had a comprehensive questionnaire prepared to be responded to, by the school managements in the State. At the request of the Commission, the Chief Educational Officers in the thirty districts, including Chennai, identified schools, which in their view were vulnerable. Between the first of November, 2004 and the 12th of March, 2005, the Commission along with the members of the panel constituted by the Government, visited 2661 schools all over the State. This number included schools within schools, recognized, unrecognized, permitted, not permitted, approved and unapproved. Some of them were merely seen, many visited and most of them inspected. The general inspection observations and the remedial steps to be taken are dealt with separately and will form the second part of this Report.

9.As it was not possible to complete the spot inspection of schools before the scheduled deadline, the Commission sought extension of time and the Government was pleased to extend time in G.O.Ms.No.1626, dated 17.11.2004 by four months. (The G.O. is Annexure A-4 to this report.) It became necessary to seek a further extension and the same was granted for a period of two months in G.O.Ms.No. 298, dated 18.03.2005, till 20.05.2005. (The G.O. is Annexure A-5 to this Report.) While preparing the report, further materials were required; some more persons from the Education Department had to be examined. Further time was sought and by G.O.Ms.No.501 dated 16.5.2005, the Government extended the time by four weeks from 20.5.2005. (The G.O. is Annexure A-6 to this Report.) There was further time needed. The Government extended time till 30.6.2006 in G.O.Ms.No. 618 (The G.O. is Annexure A-7 to this Report.)

10.1.1.Advertisements were given in popular Tamil and English dailies calling for representations. The publications were effected in the following newspapers:

The New Indian Express (Southern Editions) Daily Thanthi, Dinaboomi, Dr. Namathu MGR and Makkal Kural inviting all persons acquainted with the subject matter of enquiry to furnish to the Commission of Inquiry, affidavits duly sworn to containing a statement of facts relating to the Kumbakonam fire accident as to which the person concerned was competent to speak and depose giving particulars. It was also made known that the deponents would be required to appear before the Commission and give evidence. Time was also extended.

10.1.2. Some people responded with affidavits. They also appeared before the Commission and gave evidence. The Commission on its own invited eminent personalities in the fields of education and administration to share their thoughts. Some NGOs who had made independent investigations on the fire accident

forwarded their reports to the Commission. These statements, affidavits and reports are appended to the report.

10.1.3. The Commission also invited suggestions from the Officers of the Education Department such as the Chief Educational Officers, DEOs, DEEOs, correspondents and headmasters of the various institutions. They have also obliged the Commission with very valuable suggestions for preventing such accidents in future. The Commission has greatly benefited from the interaction with all the above personalities and the pertinent points have found their way into the report at the appropriate places.

CHAPTER II

Part – I

The causes and the circumstances leading to the fire accident - the oral and the documentary evidence (Paragraphs 1 to 272)

1. Let us now straightaway refer to the documentary and the oral evidence. Some people have filed affidavits and also given evidence. Exhibits C-1 to C-86 series and Exhibits P-1 to P-30 were marked, C.Ws.1 to 270 and P.Ws.1 to 18 were examined as witnesses. C series exhibits are set out as Annexure A-8, P series exhibits are set out as Annexure A-9, C.Ws. are listed in Annexure A-10 and P.Ws. are listed in Annexure A-11. Annexures A-12 to A-20 are respectively the following:-

A-12. The list of teachers who were working in Sri Krishna Aided Primary School and Saraswathy Nursery and Primary School.

A-13. Na.Ka.No.1387/AA2/2004 dated 16.7.2004 from the Assistant Elementary Educational Officer to the District Elementary Educational Officer Thanjavur giving particulars about Sri Krishna Aided Primary School.

A-14. Attendance particulars of Sri Krishna Aided Primary School, Saraswathy Nursery and Primary School and Sri Krishna Girls High School.

A-15. Students (Alive and Dead) who were in the thatched room classes.

A-16. Abstract showing details of the deceased.

A-17. List of students who were under the thatched room classes.

A-18. List of the deceased.

A-19. List of the injured.

A-20. Table showing the students admitted in the various schools.

(For the sake of convenience, the contents of the affidavits and the depositions of the persons concerned, wherever found necessary, are dealt with together and to the extent relevant, they are relied on in the Report)

2. T.V. Rajathi, who claimed to be a public figure and who had filed an affidavit Ex.C-1 has been examined as C.W.1. The Commission does not find anything material in her affidavit or evidence.

3. Palaniyappan of Tanjore has filed an affidavit marked as Ex.C-2 stating that suitable action should be taken against the management which used the school as a money earner, the teachers who ran away abandoning the children to die, the engineer who gave a false certificate and the officials who did not discharge their duties properly. When examined as C.W.2 he said that whatever he has stated in his affidavit Ex.C-2 could be treated as his evidence.

4.1.1 Usha Rani, one of the teachers serving in the schools has filed an affidavit and the same has been marked as Ex.C-3. In that she has said:

She saw the fire accident in person; she is the foster daughter of Sri Krishna Primary School manager Pulavar Palanichamy and correspondent Saraswathy; she is the brother's daughter of Saraswathy; she joined as teacher in 1988; she did not know, what her salary was, as she was staying with the manager and the

correspondent and they were taking her salary and appropriating the same; as she was the only person receiving the salary from the government, they sold a portion of the property, where the school was situated, to her in 1992 to avail a loan; thereafter, they took her to the house building society for raising a loan and made her sign the documents; she did not know what the loan amount was; only after her marriage she started receiving her salary and even then they retained Rs.1000/- and paid the balance; in April, 2000 she wanted the entire salary to be given to her as she had her own commitments; the manager and the correspondent did not agree; she was not paid her salary for May, 2000; she complained to the then AEO Balakrishnan; he got her the entire salary in June, 2000; there was a misunderstanding thereafter between her and the management; she wanted money from her provident fund; they were not willing to process it saying that the loan balance had to be paid; she complained to the authorities; in April, 2004 there was a problem again; she brought it to the notice of the DEO Balaji and also to the higher authorities; she was not paid her salary for June, 2004.

4.1.2 In her affidavit she has further mentioned as follows:

There are three schools in the same building, viz. Sri Krishna Primary School, Sri Krishna Girls High School and Saraswathy English School; the total strength in the three schools is 800; there is only one narrow entrance for all the girls and boys to go inside the schools; the staircase to the higher floors is also narrow; the ground floor has been divided; on one side Sri Krishna Aided School is being run and in the other half Saraswathy English School is there; noon meal kitchen is in a thatched structure; the height of which is very low; the first floor has been separated into two portions; one side has a concrete roof while the other part has a thatched roof; in the concrete structure V class is being run and in the thatched shed classes III, IV and V are being run; in the first floor high school classes are held; her class is in the ground floor near the office room; the management is in the habit of exaggerating the student strength in the school with a view to get more teachers appointed and more noon meal subsidy; during inspection by the educational authorities, the headmistress Santhalakshmi used to send the English medium children to the primary sections after asking them to remove their ties and belts; the school does not have even minimum facilities such as ventilation, light, toilets or drinking water; there are no separating walls between classes; in the first floor there is only one narrow passage to go to the classes under the thatched roof; fire extinguishers have never been available in the school; the noon meal thatched roof and the first floor thatched roof were interconnected; noon meal organizer Vijayalakshmi and cook Vasanthi used to cook; Vijayalakshmi also served as English teacher in the V Standard and was receiving double salary; similarly, ayah Sivasankari served both as noon meal ayah and as cook in the manager's residence and was receiving double salary; on 12.7.2004 and 13.7.2004 the management changed the old thatch in the kitchen and the classes on the stage adjacent to the kitchen; the removed old thatch was kept close to the toilet; it was always used as fuel in the kitchen; it was with a view to save on the money given for firewood; some parents pointed out to the management about the fire accidents in Srirangam and Thanjavur Big Temple; the management did not pay heed to the warning; while so, on 14.7.2004 the headmistress informed everybody that education department officials were visiting the school; the officials did not come on that day; on 16.7.2004 the headmistress informed the teachers that

the officials would positively come on that day; with a view to boost the attendance the English medium school children were made to sit in the primary school III, IV and V classes; further the students from the VI and the VII standards in the high school were also made to sit in the primary school classes III, IV and V under the thatched roof; further IV class A teacher Anthoniammal was also asked to be present; on 16.7.2004 all the teachers came to the school at 9 O' Clock; after the prayer got over at 9.20 a.m. the school commenced at 9.30 a.m.; while the second period was going on I Class B teacher Shankari shouted that the noon meal kitchen was burning and that all should run and escape; immediately the witness sent out her students and thereafter, pulled out the children who were coming behind; in the meantime, the general public came there in large numbers and they pulled the teachers out; soon after, the parents of the children came to the school on hearing about the fire accident; she entrusted her class students as also other class students to them; when she came out of the school she found the police and the fire service people there; some parents and some from the general public recognized the teachers from their green colour uniform and tried to harm them; the latter therefore got afraid and hid themselves in the nearby house and in the evening went away to their respective houses; they reported to the police; the entire documents and the certificates of the teachers were kept in the house of the manager Pulavar Palanichamy.

4.2.1 In her deposition as C.W.3, she stated as follows:

On the day of the accident while she was conducting the second period at 10.30 a.m., I Standard B teacher Shankari shouted that the noon meal kitchen had caught fire and that the teachers should take the children out; the witness herded out the 28 children in her class and also helped the other children coming out of the school to assemble away from the school; the public entered the school premises on seeing the fire; the crowd swelled; some people in the public pulled the witness and other teachers including teacher Poonkodi, out from the crowd; Poonkodi went to the nearby shop and phoned the fire service; in the meantime, the parents of the children had arrived; she handed over custody of the children to the parents; she did not know how the fire started and how it spread as she had come out immediately after the fire; the parents and the fire service officials arrived at the scene; the general public identified the school teachers from their uniform and attempted to manhandle them; the witness went to the nearby temple and hid herself there; as three schools were being run in the same premises, there was congestion; there were over 800 students studying in the three schools; there was only one entry point, which was also narrow; though there were two staircases they were narrow; there was no supply of electricity in the classes having thatched roof; all the classes in the ground floor were dark; it was not possible to run classes without electric light; as she was having her class adjacent to the principal's room, she did not know how the fire occurred.

4.2.2 In her cross-examination on behalf of Pulavar Palanichamy, she has said that the distance between the noon meal kitchen and her class was 40 feet; the distance between Shankari teacher's class and the noon meal kitchen was 10 feet; at the time of the accident all the teachers were in the classes; there was no heated argument between the correspondent/headmistress on the one hand and the witness on the other either a week prior to the accident or at any time.

5.1.1 P. Anthoniammal who was a teacher in the school and in charge of IV Standard A has filed an affidavit, which has been marked as Ex.C-4. As a person who was an eye witness to the accident, she came forward to file the affidavit. She has given a graphic description of the situation of the various classes. She has highlighted how the schools lacked in infrastructure facilities, how the students were finding it difficult to enter and exit the classes. She has practically reiterated the contents of the affidavit of Usha Rani. She has also mentioned the maintenance of a bogus attendance. She has particularly mentioned as to how she had been asked to give attendance to non-existent students. She had no alternative other than to follow the instructions of the management. She has further stated that Pulavar Palanichamy invariably got information about the visit of the education department officials and ensured that children from the English medium classes, after removing their belts, ties and shoes, sat in the primary sections. According to her, this was a routine that happened every year. She has further stated that the teachers were asked to tutor the children enlisted from the English medium sections about the names they were to respond to, in the primary sections. In other words, a child was given a false name and made to sit in the primary section and was asked to respond to that new name if occasion arose.

5.1.2 The deponent has further stated as follows:

Though the department officials were to come on the 14th and the 15th of July, 2004, they did not come, but on the 16th after prayer, the headmistress sent for her and asked her to conduct IV Class C Section under the thatched roof in the first floor; between V Class A and IV Class C, there was total lack of space and there was congestion as additional children were asked to be accommodated in the primary section classes; where it could accommodate only 85 pupils there were 130 pupils and this was further augmented by reason of the English medium children being asked to be accommodated; in her own class she had 6 English medium students; as the officials were expected at any time, she took out teaching aids and was explaining to the students; while so, some students came rushing upstairs; along with them, teacher Anu also entered and they told the deponent that the noon meal kitchen was on fire; the deponent immediately asked all the students to get out of the school premises; in view of the congestion they could not go out easily; by then the fire had spread and the roof collapsed near the passage; it was therefore not possible to rescue the children; the passage could not be used; the public who had come there broke open the *jolly* and they asked her to go out promising to rescue the children; while she came out there was smoke everywhere; she felt giddy and without knowing what to do she stayed in the house next to the school; some people shouted at the teachers and the teachers got afraid that they would be harmed; the teachers did not have the mind to leave the children and go; however, in view of the threat by the general public they hid themselves in a house nearby and went to their homes by 4 p.m.; the accident was due to the negligence of the noon meal cook; the management had not obtained permission for having a thatched roof for running the classes; if only the old thatch had been kept elsewhere; the fire would not have spread and resulted in the loss of so many human lives; if only there had been water available, the fire could have been put out.

5.2.1 In her deposition as C.W.4 she has said as follows:

She was serving as teacher of IV Standard A Section for 8 years; though her class room was in the ground floor, the headmistress asked her to shift her class to the first floor as there was going to be an inspection by the education department officials; consequently, she took her students to the first floor under the thatched roof and conducted her class in the space between V Standard A and IV Standard E; there was no partition wall or board between the classes; after sometime some children came upstairs; they were followed by the III Standard A teacher Anu; they told the witness that there was fire in the noon meal kitchen and that the witness should take out the children in her class; by then the fire had spread and there was congestion; it was not possible to immediately remove the children; there was also no free passage; she removed some students through the collapsible gate, by then the roof and the bamboo poles which had caught fire fell on the V Class boys; it was therefore not possible to take the students out through that way; the children got afraid and hid themselves in the IV Standard C Section; the witness came out through the collapsible gate; she got a burn injury in her leg; she had also, on the instructions of the headmistress and the correspondent, kept four boys from the English medium class, in her class to show improved attendance; all the four boys escaped in the fire accident; four boys in her class lost their lives; she did not get herself treated in the hospital, but treated herself in the house; as she was in the first floor she did not know how the accident occurred; what she has said in the affidavit was only her guess; she saw with her own eyes the burning of the thatched area; there was no electricity there; she was afraid that from the uniform she wore the general public would identify her and harm her; she went away to the nearby temple; on account of the smoke spreading they could not go inside; there were more than 800 boys and girls studying in the three schools; on the date of the accident 750 boys and girls had come to the schools; there was no water facility or necessary equipment for managing fire accidents. She has further said that next to the collapsible gate, teacher Jaya had her class; next to the witness's class teacher Mahalakshmi had her class and next to teacher Mahalakshmi's class, teacher Devi had her class; the number of children the witness took from the ground floor to the first floor on the day was 23; out of 23 two children got hurt and four children died. During her cross-examination she denied that there was partition between classes; fire spread only from the ground floor to the first floor; between her class and the noon meal kitchen the staircase was there; teacher Anuradha shouted about the fire; the witness's class was second from the staircase; the collapsible gate was open; she denied that she did not get children from the other school pursuant to the direction by the headmistress.

5.2.2 She was recalled, as some of the witnesses had alleged that the school teachers abandoned the children to meet their fate, during the fire accident and fled the scene of the accident.

5.2.2.1 On 19.1.2005 when she was recalled and examined, she stated as follows:

Nine children died in her class out of 38; it was not correct to say as alleged by P.W.16 and C.Ws.24, 26, 97 and 156 that the teachers did not make any attempt to rescue the children, but escaped from the scene; she and other teachers to the

best of their ability, rescued the children; as smoke had engulfed the area, she could not see properly and as the children in her class went in search of their brothers and sisters in the next classes, she could not rescue all the children.

6.1. Teacher Devi has filed an affidavit marked as Ex.C-5. She has reiterated the contents of the affidavit by Anthoniammal and Usha Rani. It is not necessary to set out the same, except to say that where about 70 children alone could have been accommodated, more than 160 students were made to sit.

6.2.1 She has been examined as C.W.5 and in her deposition she has stated as follows:

She was working in the school for 2-1/2 years; her class III Standard B was situated 4th from the collapsible gate; there was no partition between the classes; as per the attendance register, there were 38 students in her class, but only 22 used to attend class; 16 were bogus students; on that day as directed by the correspondent/headmistress, 4 children from the English medium school were accommodated in her class; further, V Standard B teacher, Chidambaram did not attend school on that day; she had to accommodate the girls from that class also in her class; on that day at 10.45 a.m. there was a fire over the V Standard A Class and spread to other places; before the fire spread, V Standard A students as also IV Standard A students were seen out of the school; the children from IV Standard C (teacher Mahalakshmi's class) got afraid of the fire and came to the class of the witness; unable to bear the heat, many children in her class fell down unconscious; she took about 10 girls out in her class through the collapsible gate; as her sari was made of thick cloth it did not catch fire; she came out of the school through the staircase near the school entrance; the general public who had gathered outside the school pulled out the children whom the witness had brought down; the fire service people and the general public had come and as they told them that they would rescue the children who came out of the school; her father came at that time and with him she went home and she could rescue only 70 children as there was congestion; this was compounded by the obstruction caused by the benches which were there for the students to sit on; as there was only one exit gate it was not possible to save more children; if only there had been another way, more children could have been saved; out of 30 girls in her class, 20 girls lost their lives; more than 800 students were studying in the school; there was no playground available in the school; there was no fire fighting equipment in the school; there was also no water facility; on that day 22 girls had come to her class; 8 children from III Standard C had come to her class; Mariammal and Janani, who were admitted in the hospital with burn injuries, succumbed to the injuries as the treatment did not work; what the student, Mariammal had told the police that as soon as the school caught fire, the witness abandoned the children, kept her bag over her head and went out of the school was not correct; equally if Janani had said so it was not correct; Janani was a discarded child; she got herself treated on 17.7.2004.

6.2.3 In her cross-examination she denied that the headmistress did not ask her to keep more students in her class; the headmistress definitely told the witness that she should not bother to conduct any class, but make the newly arrived children get familiar with the new names in the attendance register; she denied that she ran

away as soon as the school caught fire; she denied that there was no congestion in the class; she also further denied that because sanitary authorities told her that it was not proper to have class next to noon meal kitchen, she shifted her class.

6.2.4 She was recalled on 19.1.2005 and during her examination on that day she reiterated what she had stated in her original deposition and further said that out of 22 students in her class, 15 died; as soon as the place caught fire the children of V-A and IV-A were seen out of the school, the children from IV-C got afraid and came to her class; as the students in her class were very young they could not rush out fast and in that confusion even without knowing whether they belonged to her class or belonged to any other class, to the maximum extent possible she got the children out of the school; she got treated by a homeopath; the general public and the fire service people broke open the jolly on the wall and she was confident that they would rescue the children; she said that contra evidence given by P.W.1, C.Ws.24, 26, 97 and 156 that the teachers abandoned the children and went away was not correct.

7.1. A. Shanti, another teacher, has filed an affidavit marked as Ex.C-6 on the same lines as the others. She has also said that she went and switched off the electrical mains; she also removed the fuse carrier; she also went to the manager Pulavar Palanichamy's house and informed him and returned to the school; as the children were running out from the first floor along the staircase, she could not go up; she helped the children coming down to get out of the school; the fire which started at 10.30 a.m. finished burning in 10 minutes.

7.2.1 She was examined as C.W.6. She has stated as follows:

Her class was the first one from the rear staircase adjacent to the collapsible gate; in the attendance the names of 17 boys and 19 girls were written, but only 13 boys and 15 girls used to attend class; on that day when she came and signed the teachers attendance register, the correspondent instructed her to get children from the English medium class and keep them in her class to make up for the difference in the attendance; on that day she had noted down 2 boys and 2 girls had not come to class; she did not obey the directions of the correspondent and noted down in the attendance 'absent' for the children who did not attend class on that day; at 10.20 a.m. children from the ground floor came to the first floor; a student by name Karthi said that the school caught fire in the ground floor; the witness got down a few steps of the rear staircase and saw the noon meal kitchen on fire; she came up and told the headmistress Shanthalakshmi in a loud voice that there was fire in the ground floor; she immediately asked the children in her class to escape and go out through the front staircase and also told teacher Anuradha about the fire; she immediately shouted to switch off the mains; as there was nobody there, she herself went and switched off the main; as she could not switch off the other main, she removed the fuse carrier; as directed by the headmistress she went to the correspondent's house close by and informed her about the fire; there was no problem for the children in her class; she went inside the school again and made attempts to rescue the children; however, as the passage was very narrow and there was no light and the whole building was dark, she could not do anything further; she stayed with the children and took them to the rice mill close by; she did not know how the accident occurred;

close to her class III Standard English medium and V Standard B (headmistress's class) were there; she was not in a position to say how many children were there in the three classes put together; she was not sure of the contents of her affidavit; the strength of the students she has mentioned in the affidavit was based on the information from the newspaper. She denied the suggestion on behalf of Pulavar Palanichamy that the correspondent had not asked her to keep more children in her class.

7.2.2 She was recalled on 19.1.2005 and was examined. She reiterated what she had said earlier that nobody in her class died.

8.1 C. Poonkodi, another teacher, has filed an affidavit marked as Ex.C-7 on the same lines as the other teachers, as also D. Latha whose affidavit is marked as Ex.C-8. Similarly, teachers Shankari, Anuradha, Manimozhi, P. Usha, S. Gita, T. Sachu, R. Mahalakshmi, K. Indra, S.K. Kavitha, P. Maria Angeline (teacher Jaya) and V. Jeeva have filed affidavits and their affidavits have been marked respectively as Exs.C-9 to C-19. These persons were examined as C.Ws.7 to 19.

8.2 C. Poonkodi as C.W.7 has stated as follows:

She was II Class B teacher having her class in the ground floor, second from the correspondent's room; she had 29 girl students in her class as per attendance register, but only 25 attended; 4 were bogus students; in the adjacent class, the attendance register would show 7 boys and 15 girls, but only 5 boys and 5 girls attended class; on the date of the accident the noon meal organizer Vijayalakshmi and the cook Vasanthi were there in the noon meal kitchen; the noon meal kitchen was made of thatch; it was connected to the thatched roof over the stage; they were connected; on the same level and it was connected to the first floor thatched roof also; while she was conducting her class, III Standard A Class teacher Anuradha who had her class on the stage shouted that the noon meal kitchen had caught fire; the II Standard A and C Sections teacher Dhanapal also shouted; the witness immediately saw that the noon meal kitchen had caught fire; immediately she asked the children to get out and she also removed some of the students; she went to the close by shop and asked the owner to phone the fire service; the school boys and girls who had come out went inside the school again to get their bags; she pushed those students out; even then some boys and girls thought that their brothers and sisters had got stuck in the fire and tried to search for them; however, the fire had spread; she did not therefore allow any student to go up; by then the general public had gathered there and shouted at the teachers with strong words; immediately the witness went to the house next to the school; she saw the fire burning at the noon meal kitchen and spreading to the other rooms; in her view, the noon meal organizer and the cook alone were responsible for the accident. In her cross-examination she denied that she had given false evidence.

9. D. Latha, IV Standard B teacher gave evidence as C.W.8. She has stated as follows:

She had her class under thatched roof; on that day the noon meal organizer and the cook were cooking in the kitchen; she had her class south of the stage; on the stage, III Standard A Section was run; the students shouted that the noon meal

kitchen had caught fire; immediately the witness asked the boys and girls to get out; as she was pregnant she felt giddy and was not in a position to go up and rescue the students; her class students and III Standard A Section students escaped; the roof over her class and over III Standard A got completely burnt out; she was pulling out the children standing near the school entrance; some boys and girls stating that their brothers and sisters were in the first floor, attempted to climb the stairs; she prevented them from entering the school; soon after, the general public and the police arrived; as she got afraid that the general public would identify her as a teacher from her uniform and cause harm to her, she went away home. In cross-examination she denied that she had given false evidence.

10. The next witness is C.W.9 Shankari who was working in the school as I Standard teacher for five years. In her deposition she has said as follows:

She had her class next to the store room on the east of the stage; on that day while the second period was in session, she found that the noon meal kitchen had caught fire; she shouted loudly and asked the older boys to get out and remove her class children out of the school; in her view, fire should have spread from the noon meal kitchen. There was no scope for fire catching elsewhere; after leaving the children outside the school, she and Shanti teacher switched off the mains; thereafter, she asked the people there to phone the Fire Service; then she came outside the school and made attempts to rescue the children; she also brought out several boys and girls; the general public were standing on the steps of the staircase and sending the children out by passing on the children from one to another; none of her class children got into any trouble; she did not get injured. In her cross-examination she denied that she had given false evidence.

11.1.1 Anuradha, teacher of III Standard A having her class in the ground floor near the stage has been examined as C.W.10. She has said as follows:

Her class was made up of thatch on the western side; it was the continuation of the thatched roof of the noon meal kitchen; on the date of the accident there were 25 students in her class; 6 girls from III Standard C were sent to her class and another 8 girls from III Standard were sent to III Standard B Devi teacher's class; from her class the noon meal thatched roof was visible; on that day the noon meal organizer Vijayalakshmi and cook Vasanthi were preparing the noon meal; very close to her class, the noon meal kitchen was there; on the 12th and the 13th the old thatch in the noon meal kitchen was replaced with new thatch; the old thatch was left in the kitchen itself and used as firewood; the smoke from the noon meal kitchen used to spread to her class also always; she was present in her class when the noon meal kitchen caught fire; from the noon meal kitchen fire her class room had also caught fire; this happened during the second period between 10.50 and 11 a.m.; immediately she asked her class children to run out and she herself tried to douse the fire with water; however, as there was heavy wind the fire spread fast and she could not do anything; she went to the rear staircase and stood on the steps and shouted that there was fire; the children in the first floor came down; as the general public said that in case the witness climbed the stairs it would not be possible for the children to come down as she would be obstructing them and as the staircase was also narrow and the children also could not get down fast, she could not go up; to the

extent possible, she rescued the children; some children tried to climb the stairs stating that they had their brothers and sisters in the first floor, but the witness prevented them from going inside the school; she stayed there till 12 noon and thereafter left for home; the general public identified the school teachers from their uniform and threatened them; she had therefore to hide herself in the house close by; whether noon meal organizer Vijayalakshmi and cook Vasanthi stayed there or left the scene was not known to her due to the confusion that prevailed then.

11.1.2 In her cross-examination she denied that she did not keep some children from other classes as directed by the headmistress. She denied having given false evidence.

12. Manimozhi working as IV standard teacher in the nursery school has deposed as C.W.11. In her deposition she has said as follows:

She had her class in the ground floor next to V standard; there was no partition wall or wooden partition between classes; she had 11 boys and girls in her class; at about 10.45 a.m. the noon meal organizer shouted that the noon meal kitchen was on fire; the witness was familiar with her voice as the noon meal organizer was also V standard teacher; the witness had sent 6 children from her class as directed by the correspondent to the first floor class with a view to boost the attendance, as it was stated that the Education Department Officials were coming for inspection on that day; immediately on knowing about the fire she removed her class children as also V standard students and after that went to the classes close to the noon meal kitchen and attempted to rescue the LKG and UKG children there; she also successfully removed them out of the school; out of 6 boys and girls sent from her class to the first floor class, two girls Gayathri and Krithika died in the fire accident; she attempted to get inside the school and save the children, but the general public and the fire service people did not permit her inside; as the general public threatened the teachers they left the area. In the cross-examination she denied that she did not send the children from her class to the first floor class as directed by the correspondent.

13. P. Usha, sewing teacher in the high school from 1990 has been examined as C.W.12. She has stated as follows:

On that day as there was no class teacher for the VII standard in the second floor, she officiated as teacher; she did not know the strength of the class; the students suddenly rushed there and told her that the noon meal kitchen was on fire; the witness saw through the window in her class and found that the noon meal kitchen was burning; the witness immediately asked the students in her class to rush out; she also got out through the staircase near the school entrance; none from her class died in the accident; there was no thatched roof in the second floor; in the second floor classes from VI to IX standards were conducted; they belonged to Krishna School; she did not know personally about the accident. In her cross-examination she denied having given any false evidence.

14. Geetha, II standard class teacher in the nursery and primary school having her class in the middle of the ground floor next to the IV standard class has been examined as C.W.13. In her deposition she has stated as follows:

There was no partition wall or *thatti* between the classes; there was only a screen; on that day 13 boys and girls had come to the class; the fire accident took place after the first period got over and during the beginning of the second period; while she was returning the corrected note books to the students, the noon meal organizer Vijayalakshmi shouted that there was fire; she took out her class children outside the school; before she could come out, the fire had spread; she did not know as to what happened later on; her daughter was studying in the X standard in the school; she had her class in the first floor; fortunately her daughter came down immediately after the fire accident; thereafter she, her daughter and the other children went to Anna Nagar opposite to the school; nobody in her class died in the accident; as she was wearing teacher uniform, she got afraid that the general public would harm her; therefore she left the area and went to her residence. There was no cross-examination of this witness.

15. B. Sachu, another teacher, was on casual leave on that day and she did not know anything about the accident. She has been examined as C.W.14.

16.1.1 R. Mahalakshmi, a teacher working as IV standard C class teacher in the aided school, has been examined as C.W.15. In her deposition she has stated as follows:

She had her class in the first floor; III standard class was below the thatched roof; on that day 25 children had come to her class; the whole of her class roof was of thatch; there was no partition between classes; the roof was of old thatch; 17 boys and 7 girls had come to her class; to boost the attendance 10 girls and 3 boys from the English medium school were brought there and kept in her class making a total of 38; while she was noting down the attendance, suddenly, the boys shouted that there was fire in the school; while her class boys and girls were getting down the stairs, boys and girls from the ground floor were coming up; because of that the children from the first floor could not get down; while hurrying she was pushed down by the boys and girls; at that time the thatch roof over her class was burning; she was suffocated; she managed to get at the collapsible gate and came down the staircase in the front; she had burn injuries in her face, back and leg; at the time she came out she got out 20 students safe; 8 students in her class lost their lives; 8 students who had come from the high school also lost their lives making a total of 16; in all 12 girls and 4 boys lost their lives; she got treated as an out patient in the hospital. She said that what student Meena had said during the police enquiry that all the teachers went down the stairs was wrong; equally what student Divya has said that all the four teachers having their classes under the thatched roof abandoned the children when they went out and therefore the children could not go out was wrong. Between her class and the staircase the distance was 50 feet. She denied that she did not get children from other classes to accommodate in her class as directed by the headmistress. She denied having given false evidence.

16.1.2 She was recalled and examined on 19.1.2005. She has said as follows:

As per the attendance register 25 boys and 17 girls were recorded; but at any point of time only 17 boys and 8 girls were there; out of them 10 boys and girls died in the fire accident; out of the remaining 15, 6 children got injured and came out with

her; she brought them out; as smoke engulfed the area she got suffocated and could not rescue other children; what P.W.16, C.Ws.24, 26, 97 and 156 had said that the teachers abandoned the children and fled the scene was not correct.

17. K. Indra, LKG teacher in the Saraswathy Nursery and Primary School (English medium) from 1986 has given evidence as C.W.16. In her deposition she has stated as follows:

She had her LKG class in the ground floor in front of the stage; close to her class was the noon meal kitchen; she was in charge of both LKG and UKG; both the classes were adjacent to each other; there was a total of 35 children in both the classes; on 16.7.2004 between 10.15 and 10.30 a.m. when she was in the class noon meal organizer Vijayalakshmi shouted out that there was fire in the noon meal kitchen; the witness also saw the noon meal kitchen burning; immediately she shepherded out her class children and kept them in the car shed; as there was a lot of confusion she took all the children outside the class; she went inside the class to find out whether there were children left; by then the police, fire service people and the general public had come there and so she came away; she took all the children to Anna Nagar; nobody in her class died in the fire accident; the fire started only in the noon meal kitchen. There was no cross-examination of the witness.

18. S.K. Kavitha, VI standard teacher in the high school having her class in the second floor close to the staircase, has been examined as C.W.17. In her deposition she has stated as follows:

There were 41 girls in her class; at about 10.30 a.m. the girls returning from the toilet said that the noon meal kitchen had caught fire; she saw the noon meal kitchen burning and immediately asked the girls to rush out through the stairs; they all came out through the front staircase; she went out only after all the girls got out; when she came to the first floor the entire thatched roof had burnt and there was smoke everywhere; after she came out she saw the police, ambulance and the fire service engaged in rescue operations; as the general public used harsh words against the teachers, she got afraid and went home. There was no cross-examination of this witness.

19.1.1 The next witness is Maria Angeline @ Jaya teacher who has been examined as C.W.18. In the deposition she has stated as follows:

She was working as V standard A section teacher; she had been working as teacher for 33 years; her class was the first class in the first floor below the thatched roof close to the collapsible gate; there were 25 children in her class; to boost the students strength on 16.7.2004, 6 boys from the English medium had been brought and made to sit in her class; on that day Anthoniammal's class, namely, IV standard A was also made to function next to the witness's class; normally her class would be in the ground floor next to the stage; next to Anthoniammal's class, teacher Mahalakshmi's class was there; next to Mahalakshmi's was class III standard B with Devi teacher as the class teacher; adjacent to the noon meal kitchen there was a hut; cycles used to be parked there; the roof over the slope of the cycle shed and the roof over her class were contiguous; on that day, to boost the attendance children from the English medium school and the high school were brought and kept in her class and the adjacent classes; the roof over her class was made of old thatch; as

there was expected to be an inspection by the Education Department Officials, this arrangement had been made; at 10.30 a.m. she saw fire in the roof over her class; the passage through the collapsible gate was the only way for going in and coming out; there was no other way; it was not locked; she did not know whether it was kept locked during night; she did not notice any lock hanging on the collapsible gate; the children got afraid on seeing the fire and without getting out through the collapsible gate ran towards Devi teacher's class (III standard A); so far as the children in her class were concerned, she brought 31 children out; however, the students with a view to rescue their brothers and sisters went under the burning roof and lost their lives; on the date of the accident as more boys and girls were brought to be accommodated in the classes, the strength was 150 to 160 in the classes under the thatched roof; she did not know as to what happened to the attendance register. She further said that what she had stated in the police enquiry that half the number of children in her class ran out with her while the other half got stuck in the fire, but she fell down on the staircase and 20 children were over her when she was hanging and that on hearing her shout the people came there rescued her and the students, was correct.

19.1.2 In her cross-examination she denied that she was not instructed to keep more children by the headmistress. She further said that she had burn injuries and got herself treated in a private nursing home. She was recalled on 19.1.2005 and examined. She said that the entire place was engulfed in smoke and was dark and she did not know as to what happened. She stated that what P.W.16, C.Ws.24, 26, 97 and 156 had stated that the teachers left the scene without taking efforts to rescue the children was wrong.

20. V. Jeeva, I standard teacher in the nursery and primary school, has been examined as C.W.19. She has said as follows:

She had her class in the ground floor from the entrance; on 16.7.2004 five boys and six girls had come to the class; she did not know as to when the fire accident took place; suddenly somebody cried out that there was fire and asked her to take out the children; immediately she took the children out from her class. In her cross-examination she denied that she had given false evidence.

21. According to one Vasudevan, son of Selvaraj, whose affidavit has been marked as Ex.C-20, it was a case of ego problem and vendetta was the cause for the fire accident. The contents of his affidavit appear to be hearsay and on no personal knowledge, the same cannot be relied on.

22. One Inbaraj, son of Gabriel, has filed an affidavit marked as Ex.C-21. According to him, he had been telling the management that the school had not been having proper infrastructure facilities and unless those facilities were improved, there were bound to be serious problems in the school and that the management did not pay heed to his warnings. In the accident he lost two of his children.

23. Alagesan, son of Ramasamy, has filed an affidavit marked as Ex.C-22. The contents of his affidavit are similar to the contents of the affidavit of Inbaraj. He

has said that he had been warning the management about the inadequate facilities in the school. He lost two of his children in the fire accident.

24. One Sridharan has filed an affidavit marked as Ex.C-23. In the fire accident his sister's daughter had died. Among other things, he has said that he had time and again told the management to remove the thatch as there was danger of catching fire. He has further said that if only the collapsible gate in the first floor had not been closed more children could have been saved.

25. One P. Kannan @ Rishikesh has filed an affidavit marked as Ex.C-24 giving suggestions for preventing such accidents in future.

26. One Sowrirajan, State Director, Fifth Pillar of Exnora International, has filed an affidavit marked as Ex.C-25 stating that there was danger of similar accidents occurring all over Kumbakonam and it was necessary to appoint a Special Officer to take care of such situations. He has further offered to appear before the Commission and give evidence.

27. One Gandhi, President, Bharati Makkal Mantram at Thiruvarur, has filed an affidavit Ex.C-26 giving suggestions for preventing such accidents in future.

28. One Jayakumar, a XI standard student, has filed an affidavit marked as Ex.C-27 setting out his suggestions for preventing such accidents in future.

29.1. The Superintendent of District Headquarters Hospital, Kumbakonam, Dr. S. Rajendran has filed an affidavit Ex.C-28 setting out in detail as to how he and other doctors attended to the fire victims and did their best, giving treatment to save their lives. He has also given details of patients, the number of children treated at the hospital, the number of children who succumbed to the injuries sustained by them in the fire accident, how many were admitted as inpatients, how many were sent to other hospitals for intensive treatment, etc. and also the doctors who had attended on them.

29.2.1 The witness as C.W.145 has reiterated the contents of his affidavit in his deposition. He has stated further as follows:

Immediately on coming to know about the fire accident, he alerted the doctors, nurses and other support staff in the hospital; he had made intensive arrangements for treating the victims; Dr. Kumar and Dr. Ramesh in the hospital were on full time emergency duty.

29.2.2. To his affidavit the witness has annexed details as required. According to the witness, everyone rose to the occasion and attended to the victims with alacrity, without expecting anything in return, with compassion. Seventy seven were brought dead to the hospital, 12 died in spite of intensive treatment and one died on his way to the Tanjore Hospital; there was no postmortem done on the 90 children; in normal circumstances, postmortem ought to have been done; the doctors were also ready to do postmortem and give their report; the police was also ready to give their inquiry report in respect of the 90 children; however, on that day the routine

identification of the 90 children was concluded only at 6 p.m.; there was constraint on space and time to do the postmortem and hand over the bodies to the respective parents; the parents and the relatives and the general public had gathered in the hospital complex and were crying; to do the postmortem on 90 bodies of the children it would have required several hours; there was also possibility of law and order problem arising; the witness therefore got instructions from the higher ups at Chennai and he was told that in cases where at the same time, for the same reason deaths occurred, it would not be necessary to do postmortem; Ennore Boat Accident was cited as a precedent; after taking necessary instructions through telephone and fax and correspondence, the bodies were handed over to the parents without conducting postmortem; the relevant documents have been marked as Exs.C-29 and C-30.

29.2.3 The witness was cross-examined and in his cross-examination he has stated as follows:

If the investigating officer desired, the doctors would conduct postmortem and give their report; the investigating officer did not make any request to that effect; in the said circumstances, if the Investigating Officer had on his own asked for postmortem he would have taken instructions from his higher authorities and done accordingly.

30. The copy of the letter by Dr. V.D. Murugesan, Joint Director of Medical and Rural Health Services and Family Welfare in charge, Kumbakonam, addressed to the District Collector, Thanjavur, along with the message received from Dr. T.S. Vimalagopalan, Deputy Director (P&D I & II), Office of the Director of Medical and Rural Health Services, Chennai-6, have been marked respectively as Exs.C-29 and C-30. These two documents have been filed to show as to why postmortem was not done in the case of children who had died of shock due to extensive burns. The message received from the Deputy Director (Ex.C-30) is to the effect that in the case of disaster deaths in the same place due to the same cause there was no necessity to do postmortem as it would lead to protest, by the victims' parents and the public.

31. Ex.C-31 is the affidavit of Dr. Palanivelu, Resident Medical Officer. He has given in detail about how the doctors and the other staff in the hospital did their best to save the lives of the victims, in the tragedy. He has been examined as C.W.146. He has reiterated the contents of Ex.C-31.

32. Dr. V.D. Murugesan, Joint Director, Medical and Rural Welfare Schemes and Family Welfare in charge, has filed an affidavit Ex.C-32 setting out in detail about what the doctors and the other staff did immediately after the tragedy. As C.W.147 he has reiterated the contents of his affidavit.

33. Ex.C-33 is the trip sheet of the fire service staff showing that they got a call at 11 O' Clock and they were at the site at 11.03. The trip sheet also gives details of how they went about the job of dousing the fire.

34.1. Ex.C-34 is the affidavit of K. Kumar, Station Officer, Fire Service, Kumbakonam, saying that the fire station got a call at 10.59 hours and they were at the site with the fire service vehicles at 11.02.

34.2.1 As C.W.148, he has deposed as follows:

He was informed about the fire accident at 10.59 hours; under his leadership two fire tenders and one ambulance reached the spot at 11.02 hours; they left at 11 hours and reached the spot one km. away at 11.03; the log sheet is Ex.C-33; he and 7 firemen under his control entered the school building and tried to douse the fire and rescue the children; as the whole area was engulfed in smoke and as they did not know the topography, they broke open the *jolly* and rescued the children who were caught in the fire; even at the time of the rescue operation several children were dead; as the entrance was not visible and there was smoke covering the whole area and as no other method suggested to them, solely with a view to rescue the children, they broke open the *jolly*; the fire tenders had full supply of water; they put out the fire through hose; it took 1-1/2 hours to put out the fire and rescue the children; the police had informed other fire stations and they also rushed to the spot; he has mentioned about that in his affidavit; apart from the fire service staff the police and the general public did a lot to help during the rescue operations; their superior officers from Tanjore also rushed to the spot; afraid of the fire some of the children had hid themselves under the wooden benches; Fire Service rescued all of them.

34.2.2 In his cross-examination on behalf of Pulavar Palanichamy, the witness has said that on 23.7.2004 there was a fire in the same place; the Fire Service people went there and put out the fire; he did not know who were all there and it was also not necessary to know as to who put out the fire.

35. Ex.C-35 is the affidavit by Mariappan and his wife Amutha. It says that the deponents lost their daughter Gayathri who was studying in the IV Standard nursery school in the fire accident on 16.7.2004, that the teachers did not bother to rescue the children, but ran away from the scene, that they learnt that to boost the attendance in the aided school their daughter and other children having their classes in the ground floor were asked to go to the first floor classes under the thatched roof and in the fire accident they lost their lives. The affidavit further stresses that if only the teachers had been vigilant all the children could have been rescued.

36. Ex.C-36 is the affidavit of one Sulochana, a flower vendor whose son Vignesh aged 7-1/2 years was seriously injured in the fire accident and died on 27.7.2004, the treatment not yielding results. The affidavit says that the management had ignored the suggestions given by her and others not to have thatched structures in the school premises.

37. Thiru T. Bharati, Village Administrative Officer, Kumbakonam, has filed an FIR before the Kumbakonam East Police Station. The FIR and the covering letter have been marked as Ex.C-37 series.

38. Ex.C-38 is the xerox copy of a lease agreement alleged to have been entered into between G. Prabhakaran, correspondent of Saraswathy Nursery School

and one Ayyappan, son of Swaminathan in respect of an extent of 5 acres in T.S.No.181/75 in Perumandi Block, Kumbakonam Town. Ex.C-39 is a similar xerox copy of another lease agreement entered into between R. Palanichamy, correspondent, Sri Krishna Girls High School and the same Ayyappan in respect of the same property. It is pertinent to point out at this stage itself that both the documents deal with the same property and the property is non-existent. The Village Administrative Officer has spoken to that effect. Thiru Ayyappan has also deposed that he does not own any such property and that he had not signed the documents. Apparently, to satisfy the requirement of provision of playground for schools these documents have been got up. It is also pertinent to point out that apart from the fact that the documents deal with non-existent property, the lease being for a period of fifteen years, has to be only by a registered instrument. The correspondents have played a fraud in bringing about these documents and hoodwinked the authorities into believing that the schools had taken on lease lands for the purpose of playgrounds. It is also to be pointed out that the Education Department officials had also been parties to the fraud. Attention would be drawn to this aspect at a later stage.

39. Ex.C-40 is the extract from Kumbakonam Municipal Register showing arrears of tax in the names of Saraswathy, wife of Pulavar Palanichamy in respect of property T.S.No.12-E/762-B for the years 1998-1999 to 2004-2005 and in the name of Usha Rani in respect of property T.S.No.13/763-B for the periods 1998-1999 to 2004-2005 except 2000-2001. The most striking aspect in this connection to be noticed is that the school property consists of two T.S. numbers, namely, 12-E/762-B and 13/763-B, the first one standing in the name of Saraswathy and the second one in the name of Usha Rani, a teacher, reference to whom has already been made.

40. Ex.C-41 is the xerox copy of the plan drawn by one Swaminathan, a licensed building surveyor of Kumbakonam. This plan purports to be a revised plan showing the constructed RCC roof of a non-residential building. The headmaster of the girls' high school, viz. Prabhakaran has attested this document. The door number is given as 93 and T.S. No. as 762-B. The original of the plan had been got up for the purpose of satisfying the requirements under the relevant rules for issuance of D

Form Licence under the Tamil Nadu Public Buildings (Licensing) Act, 1965.

41. We will note at a later point of time that the actual plan applied for approval and obtained was for residential accommodation and not for running a school.

42.1. ExC-42 is an affidavit filed by one Rajagopalan, retired P.A. to the District Educational Officer. He had served for 38 years in various categories in the School Education Department.

42.1.1 It says as follows:

Rule 12 of Tamil Nadu Educational Rules provides for the conditions of recognition and if the conditions are violated, recognition could be withdrawn under

Rule 55; however, these provisions are not statutory in nature; sections 11 and 12 of Tamil Nadu Recognized Private Schools Regulation Act, 1973 are statutory provisions; the conditions of recognition are also statutorily laid down in Rule 9 of Tamil Nadu Recognized Private Schools Regulation Rules, 1974; These rules prevail over the non-statutory provisions contained in the Educational Rules; just like Tamil Nadu Educational Rules, Grant-in-aid Code and Inspection Code are non-statutory in nature; as per the 1974 Rules the following conditions have to be satisfied in respect of buildings:

- (a) Production of licence under Tamil Nadu Public Buildings Licensing Act, 1965;
- (b) Where the licence has been for a specified period, a fresh licence shall be produced before the expiry of validity of the said licence;
- (c) The school shall be situated in a building which is accessible to all castes and communities;
- (d) The premises of the school or subsidiary building appertaining to it or a playground or vacant site belonging to the school whether adjacent or remote from it, shall ordinarily be used for the purpose of conducting the school or for functions conducted by such schools or for authorized examinations or for other purposes specifically permitted by the Chief Educational Officer;
- (e) The use of the building and other properties including playground of any recognized private schools for conducting drill or training with or without arms by persons who are not students or members of the staff of the school shall not be permitted by the management under any circumstances.

Provided further that non-observation of the conditions laid down above will entail the withdrawal of recognition and aid as per sub section (1) of section 12 of the Act.

42.1.2 It is further stated in the affidavit as follows:

The Government of Tamil Nadu in their Memo No.78522-L1/71-2 Education, dated 18.3.1972 (Annexure A-21) have informed the Director that thatched sheds in the schools would also come under the purview of the Public Buildings (Licensing) Act, 1965; provision also existed in G.O.Ms.No.378, Education, dated 11.3.1970 (Annexure A-22) (Amenity Fee Fund Rules for Aided Schools) under "Repairs and Maintenance of Buildings ..." for incurring expenditure towards repairs of thatched sheds.; the Government of Tamil Nadu in Memo No.57210-B1/75-6, Education, dated 5.1.1977 have further informed that the managements of schools should not unauthorizably conduct the classes in the buildings for which no structural stability certificate had been obtained; the Government of Tamil Nadu in their Memo (Ms.) No.641 Education, dated 21.4.1970 (Annexure A-23) have approved the proposal of the Director of School Education to amend Rule 12 of the TNERs; as per Rule 4(a)

(iii) of TNMS (Recognition and Payment of Grants) Rules, 1977, the minority educational institutions should produce structural stability certificate issued by the Executive Engineer of the PWD along with the application for recognition; as per G.O.Ms.No.277 Education dated 19.2.1980 (Annexure A-24), the Educational Agencies of the non-minority schools also should obtain and produce the structural stability certificate of the buildings; however, the production of sanitary certificates had not been insisted upon in the above said Act and the Rules; the old procedure which was in vogue prior to 1.12.1974 is being followed by the officers of the Educational Department, i.e. production of a sanitary certificate before recognition is accorded and on any subsequent occasion if called for; this non-statutory provision has not been included in the Act and the Rules; there is also no provision relating to fire extinguishers.

42.1.3 The affidavit further says that the educational officers cannot be saddled with responsibility as the fire accident was not due to non-fulfillment of the statutory requirements, but they can be hauled up if found negligent on enquiry; the educational officers could be saddled only with moral responsibilities and not with criminal responsibility for the death of the children in the fire accident. The affidavit also suggests some recommendations which will be taken note of, if found necessary.

42.2 He has been examined as C.W.225. He has requested the Commission to consider his suggestions.

43.1. The next document is Ex.C-43 affidavit filed by the then Collector of Thanjavur Dr. J. Radhakrishnan., I.A.S., The affidavit extensively sets out the details relating to the fire accident and how the district administration headed by him had done everything possible to alleviate the sufferings of the victims and the parents of the victims. The affidavit has also made several suggestions for preventing such accidents in future. The contents of the affidavit will be referred to in extenso at a later stage.

43.2. As C.W.226 he has reiterated the contents of his affidavit. He has further said that prior to the accident there were 93 schools in Tanjore District having thatched structures; he joined duty as Collector of Tanjore on 6.6.2004; within a short point of time he could not visit those schools; he would have examined the details if they had been brought to his notice.

44. Ex.C-44 is the affidavit of Thiru V. Rajaraman, District Revenue Officer, Thanjavur, who had been with the District Collector during the relief operations. He has reiterated the contents of his affidavit, as C.W.227.

45. Ex.C-45 is the affidavit filed by Thiru Murugan, Revenue Divisional Officer, Kumbakonam, who was also part of the team during the rescue operations. As C.W.228 he has reiterated the contents of his affidavit and in his cross-examination, he has said that he had not seen the school before and that it was also not his duty to see schools.

46. Ex.C-46 is the affidavit of the Tahsildar, Kumbakonam who has also detailed how he had acted during the rescue operations. As C.W.229 he said it was not his duty to see schools.

47. Ex.C-47 is the affidavit of R. Kamaraj, Circle Revenue Inspector, Kumbakonam, who had also taken an active role in the aftermath of the fire accident. As C.W.230 he stated that he had not seen the school before.

48.1. Ex.C-48 is the affidavit filed by R. Sathyamoorthy, Municipal Commissioner, Kumbakonam. He has also detailed how he had acted during the rescue operations. Attached to the affidavit Ex.C-48 is an order by the then District Collector of Thanjavur, addressed to the Municipal Commissioners to take over the management of the noon meal centres in the aided schools in the respective municipalities from the Panchayat Union Commissioners. This order is dated 27.2.1998 (marked also as Annexure A-25). It is to be noted that as per the directions, the control of the staff was handed over to the Kumbakonam Municipality. The grant for the scheme and the honorarium to the organizers and the ayahs as directed by the Government were being disbursed to the noon meal centre by the municipality since then.

48.2.1 As C.W.231 he has stated as follows:

In his affidavit he has not mentioned about the plan approval in respect of T.S.Nos.762/B and 763/B before handing over the file to the police; he examined the file relating to T.S.No.762/B, however, the file relating to T.S.No.763/B was not traceable; the town inspector of the building section was responsible for that; the witness had asked municipal inspectors Babu, Sethuraman and Uthrapathy to trace the files; he had asked the town planning officer Murugan also to search for the files; in T.S.No.762/B Krishna Nursery School and Saraswathy High School were there; in T.S.No.763/B Krishna Aided Primary School was being run; in the file relating to T.S.No.762/B it was requested to alter the permission for school building granted in 1988 as residential building in the name of Saraswathy and it was also accordingly done; in 1992 permission was sought to convert T.S.No.763/B into a residential structure; permission had been granted in the name of Usha Rani; T.S.No.763/B stood in the name of Usha Rani; as he had seen the Building Section files, he was able to say so; in respect of both T.S. numbers no permission was accorded for running school; he did not know under what authority schools were being run in those survey numbers; it also did not come to his notice; for having thatched structure for residential or non-residential purpose one has to obtain permission from the municipality.

48.2.2. The witness was recalled and examined again on 6.11.2004. He has said as follows:

In his affidavit he has not mentioned about his duties in respect of noon meal centres; he knew that noon meal centres were under the control of the municipalities; during his tenure as Commissioner he had not visited the noon meal kitchen in Sri Krishna School; he had not gone to any noon meal centre during his tenure; only the municipality paid salary to the noon meal organizers and ayahs; he did not know whether any noon meal staff worked elsewhere; each noon meal centre had four

staff members – one organizer, one ayah and two assistants; noon meal kitchen should not be under thatched roof; equally they should not be close to toilets; only fire wood had to be used for cooking; in respect of management schools the responsibility for building was with the government and the municipality did not have any responsibility; how many girls and boys took noon meal was only the concern of the municipality; the fire wood had to be calculated at the rate of 5 paise per child and paid to the organizer; the figures shown to him under Ex.C.69 were correct; in G.O. D.O.No.87044/M-IV/82, dated 13.8-1982 marked as Ex.C-70 (marked also as Annexure A-26) it had been clearly said that noon meal kitchen should not be housed in inflammable structures; it was the duty of the municipality to find out whether the structures were all right; Ex.C-71 letter No.21126/NMP/2003-3, dated 25.3.2003 (marked also as Annexure A-27) clearly showed that the entire responsibility for the noon meal centres was that of the municipality; the school management had no authority in that regard; noon meal staff used to come to the municipality every month to receive their pay; he did not bother particularly to get the details regarding the noon meal centre in Sri Krishna School; he did not know that the assistant in the noon meal kitchen in the school was working in the correspondent's residence; he did not know whether during his tenure exaggerated attendance in respect of boys and girls was shown to him and more subsidy was obtained; immediately on his assuming charge Masi Maham Committee was constituted and his entire time was spent looking after the arrangements; he could not devote any attention to other duties.

49. Ex.C-49 is the affidavit of D. Bharati, Village Administrative Officer. (He was the one who had filed the FIR before the police.) He has mentioned about the identification of the children who had died in the fire accident and handing over the bodies to the relatives. He has also mentioned about the disbursement of the aid amounts to the affected parties.

50. Ex.C-50 is the affidavit of Thiru T Ramachandran, Inspector of Police, Kumbakonam East. He has mentioned about the various activities carried out by him in connection with the fire accident. He has also mentioned about the recording of statements from various individuals.

51. He has produced Ex.C-51 series which are the xerox copies of the photographs which had appeared in the newspapers. He has reiterated the contents of Ex.C-50 as C.W.232.

52. Ex.C-52 is the affidavit of the Deputy Superintendent of Police, Kumbakonam, Thiru L. Perumal. He has mentioned about how he assisted in the rescue operations. He has been examined as C.W.233.

53. He has filed Ex.C-53 the xerox copies of photographs of the scene of the fire accident.

54.1. Ex.C-54 is the affidavit of Thiru D. Kalyanasundaram, Additional Superintendent of Police, Prohibition Enforcement, Thanjavur. He is the investigating officer in the case. He has dealt with in detail about the accident and

the contents of his affidavit would be referred to at the appropriate place. He has been examined as C.W.234.

54.2. Ex.C-55 series are also xerox copies of the photographs that had appeared in the newspapers. Ex.C-56 is the extract from the accident register relating to Pravinraj aged 8 who had died in the tragedy.

54.3. C.W.234 was cross-examined on behalf of some of the persons who stand accused in the criminal case. He has stated in his cross-examination as follows:

Shanthalakshmi was the headmistress of Sri Krishna Aided Primary School; she was also holding an important position which he came to know during his investigation. He denied that for the purpose of getting more subsidy attendance was not boosted for noon meal. He has further said that during his investigation he learnt the following things:

1. Sri Krishna Aided Primary School has permanent recognition.
2. The other two schools were getting continuous recognition every three years.
3. The recognition for Sri Krishna Aided Primary School was subject to the following conditions:
 - a. No continuous recognition was necessary;
 - b. Once in three years stability certificate and sanitary certificate had to be obtained and kept in the files; the Education Department Officials while inspecting the school had to verify that those certificates were available;
 - c. Saraswathy Nursery School had continuous recognition till 1997; after that till 13.7.2004 it was being run without recognition; this was not mentioned by the Education Department Officials in their inspection report.
 - d. Sri Krishna Girls High School though had recognition from 1996 and got it renewed once in three years, there were certain conditions set out in the recognition given in the year 1996 and those conditions were not fulfilled till date.

He denied that the police had control over the school after the accident; only because of law and order situation sufficient security had been posted there. He denied that Tahsildar Paramasivam had been wrongly implicated in the case, though he had not given licence to Sri Krishna Aided School. He denied that he had not been doing proper investigation and that he had prejudged the role of Balakrishnan. He further stated that in the investigation so far done by him he found that Manimozhi, headmistress of the nursery school, had nothing to do with the fire

accident as the entire management was with the noon meal organizer Vijayalakshmi; he came to know that Prabhakaran had connection with the incident, however, since investigation was continuing no action had been taken against him; in several documents the witness had seen, Prabhakaran had signed in his capacity as the correspondent or headmaster; he had signed in the lease agreement created in respect of Saraswathy Nursery School in his capacity as correspondent; on the date of the accident he was on casual leave; the witness summoned him and examined him after sometime and he learnt during enquiry that Pulavar Palanichamy, Shanthalakshmi, Prabhakaran and Saraswathy, all joined together and decided about the school management. He denied that Pulavar Palanichamy was not the manager of Sri Krishna Aided School and that Vijayalakshmi, noon meal organizer, had nothing to do with the school. He stated that on 16.7.2004 as soon as the case was registered, he sent a wireless message to the Tanjore District Forensic Laboratory; the Deputy Director, Circle Forensic Laboratory, Tanjore, came to the spot with his assistant, investigated the site, took photographs and submitted a report, a copy of which is Ex.C-74.

55. Ex.C-57 and Ex.C-58 series are the extracts from the primary case records of the Government TMC Hospital, Thanjavur.

56. Ex.C-59 is the copy of the G.O.Ms. No.257 dated 10.7.1997 (marked also as Annexure A-28). The substance of the G.O. has already been mentioned while dealing with the affidavit of the Municipal Commissioner, Kumbakonam.

57.1. Ex.C-60 is the order by the Director of Elementary Education cancelling the permanent recognition for Sri Krishna Aided Primary School in D.Dis.No.27593/G-3/04, dated 16.7.2004. This has been marked through Ms.T. Vasundara Devi, Joint Director of Higher Secondary Schools. Ex.C-60 purports to be the remarks relating to Sri Krishna Aided Primary School furnished by the Joint Director of Elementary Education. The remarks may be usefully summarized as under.

57.1.1 Sri Krishna Aided Primary School had been functioning in Kasiraman Street, Kumbakonam, with permanent recognition since 1950. It is a non-minority school. It was a coeducational school with a total strength of 477 students made up of 237 boys and 240 girls with Tmt. Saraswathy as correspondent and Tmt. V. Santhalakshmi as headmistress. No secretary was being appointed every three years as enjoined by the provisions of Tamil Nadu Private Schools Regulation Act and the Rules framed there under.

57.1.2 The school had been allowed 1 H.M. and 13 primary teachers. As per the monthly accounts list submitted in 1982 by the correspondent of the school, the school had two terraced buildings and one thatched construction. It was upgraded as middle school with effect from 1.6.1990 and VI Standard was started. By proceedings in K.Dis.23081/B2/91 dated 28.11.1991 of the District Educational Officer, Thanjavur, permission was granted for starting VII Standard and by K.Dis.9698/B2/92 dated 19.6.1992 permission was granted for starting VIII Standard and recognition for VI to VIII Standards without aid was granted for three years.

57.1.3. G.O.No.448 Pa.Ka.Thu. dated 21.10.1997 was passed for the upgradation of the school as high school with effect from 1.6.1993. However, there were two schools functioning, one as aided primary school and the other as partly aided high school. (This was apart from the third school, viz. the nursery.)

57.1.4 The school was subjected to regular and surprise inspections by the officers of the Education Department on various dates between 13.11.1997 and 10.12.2003

57.1.5 In all the inspection reports, it is mentioned that Sri Krishna Aided Primary School had two terraced buildings and one thatched construction.

57.1.6 Though the school had obtained permanent recognition still the management concerned should obtain building stability certificate and sanitary certificate and keep them in the file and the same had to be scrutinized by the inspecting officers. However, in the inspection reports there is no reference to this.

57.2.1 Vasundra Devi has been examined as C.W.241. In her evidence she has stated as follows:

On 16.7.2004 she was Joint Director of Elementary Schools for the whole of Tamil Nadu; Director of School Education Paramasivam and the witness went to Kumbakonam on the evening of the accident; the witness perused the files relating to the school on 17.7.2004; from the files she learnt the following details:

Schools cannot be run in any building; separate permission has to be obtained for running school in specific places; toilet facilities, sufficient space for running classes, laboratory, playground and drinking water facilities have to be there; building permit has to be obtained from the municipality; there were separate officers for nursery schools and elementary schools; she had perused the files for the period 1997 to 2004; no official had noted that the school was being run in residential building; from the files she learnt that it was written that there was separate playground for the school; she learnt that the officers concerned had made general inspection as also surprise inspection; it was not mentioned that fire extinguisher equipment was kept in the schools; she did not know whether more children were shown in the attendance register as she had not seen the attendance registers; it was correct to say that the idea in showing more students in the attendance register was to get more subsidy and more teachers; from the exhibits shown to her it would be clear that the management had deliberately boosted the attendance; she did not know whether from 1997 to 2003 the school had functioned without permission; it was not indicated in the files; three schools were being run in the building; she learnt that students totally unconnected with the aided school which caught fire lost their lives; according to her, the District Elementary Educational Officer, the Assistant Elementary Educational Officer and the Additional Elementary Educational Officer had not discharged their duties properly and that was the reason for such a heavy casualty; when she saw the file certain defects had been pointed out with regard to the nursery school; she did not know that those defects were rectified; she did not know that without rectifying the defects the school was treated as a new school; she

learnt only after the fire accident that there were two schools functioning in the building; even the Educational Officers had the duty to find out whether the noon meal kitchen was properly situated and sufficient safeguards were there; it was correct to say that if only the Education Department Officials had strictly enforced the rules so many children would not have died and it could have been prevented.

57.2.2 She was cross-examined on behalf of Balasubramanian. She stated as follows:

In the report given by Balasubramanian on 14.1.2004 he had referred to several short comings and further stated that if they were rectified, permission could be granted; it related to the nursery school; without rectifying the defects but by concealing them, the District Elementary Educational Officer on 14.6.2004 had written to the Director; the document relating to these details were given by the witness to the Investigating Officer and it has been marked as Ex.C-61.

57.2.3 She was cross-examined on behalf of Balakrishnan. She has said that she could not deny the suggestion that if only the municipal authorities had acted with responsibility the accident could have been averted.

58. Ex.C-61 is the xerox copy of the inspection report by Thiru Balasubramanian, Assistant Elementary Educational Officer (Nursery) dated 14.1.2004 submitted to the District Elementary Educational Officer, Thanjavur. He has set out in his report about various deficiencies which had to be rectified before recognition/renewal could be recommended for Saraswathy Nursery and Primary School.

59. Ex.C-62 is the copy of the proceedings of the Director of School Education, Madras-6, in K.Dis.No.41076/TNGNMP/HS-3/91, dated 8.4.1991 (marked also as Annexure A-29) stating that from that date the staff of the Education Department would not be made responsible for any lapse in the implementation of Tamil Nadu Government Nutritious Meals Programmes and they should not be saddled with any more administrative responsibility in this regard.

60. Ex.C-63 is the affidavit of K. Murugan, Town Planning Officer, Kumbakonam Municipality, stating how, he along with the Collector and other Officials, had made arrangements for the cremation and burial of the deceased children.

61. Ex.C-64 is the certificate of encumbrance on the property relating to SF No.762/B and SF No.763/B. It shows that on 24.5.1989 Saraswathy, Palanichamy and Usha Rani had executed a mortgage in favour of Kumbakonam Town Co-operative House Building Society in respect of SF No.762/B. It further shows that on 30.1.1992 one Chandramouli had executed a sale deed in favour of Usha Rani in respect of SF No.763/B and that on 11.5.1992 Usha Rani had executed a mortgage deed without possession in respect of SF No.763/B in favour of Kumbakonam City Co-operative House Building Society.

62. Ex.C-66 is a duplicate copy of the extract from Kumbakonam Municipality Property Register. This has already been marked as an exhibit (Ex.C-40).

63.1.1 Ex.C-67 is the affidavit of K. Mathiyalagan, Assistant Director of Rural Development (Audit), Collectorate, Thiruvarur, who had previously worked as Personal Assistant to Collector (NMP), Thanjavur, from 18.3.2003 to 16.8.2004. The affidavit says that as per G.O.Ms.No.498 Social Welfare and Nutritious Meal Programme Department, dated 18.9.1992 (marked as Annexure A-30) all school noon meal centres, excepting which were under the Municipality were brought under the control of Social and Nutritious Programme Directorate, that those schools which were under municipality were also brought under the control of Directorate of Social Welfare and Nutritious Meal Programme as per G.O.Ms.No.251-SW Nutritious Meal Programme Department, dated 20.9.1994 (Annexure A-31), that in subsequent G.O., i.e. G.O.Ms.No.227-SW & NMP (NMP-1), dated 10.7.1997 (Annexure A-28) all schools within the municipal area which were under the control of Social Welfare Directorate were brought under the control of Directorate of Municipal Administration, that all aided schools functioning within the municipal limit were also brought under the total control of the Directorate of Municipal Administration, that in G.O.Ms.No.158 Social Welfare and Nutritious Meal Programme Department, dated 29.9.2000 (Annexure A-32) it was ordered that as far as the employees of centres in rural areas were concerned orders regarding service conditions, postings, transfer, disciplinary proceedings, appeal and day to day administration would be issued from Rural Development Department and for employees of centres in municipal areas by Municipal Administration and Water Supply Department.

63.1.2 The affidavit further states that Sri Krishna Aided Elementary School situated within the limits of Kumbakonam Municipality was under the total control of Kumbakonam Municipal Commissioner. After giving the details of the feeding strength in the school in question, for the years 2002-2003 and 2003-2004 the affidavit says that the pay and allowances of organizers, cooks, cooking assistants working in the noon meal centres including aided schools are paid by the municipal commissioner, that grant of leave also is done by the municipal commissioners and retirement on superannuation is also ordered by the municipal commissioners.

63.1.3 So far as the role of the Personal Assistant (NMP) in respect of schools functioning under the control of municipal commissioner is concerned, the affidavit says as follows:

Fixation of feeding strength on the basis of municipal commissioner's report; to ensure supply of rice, dhal, etc. on the basis of the indent received from the municipal commissioners every month; to release fund towards feeding charges, pay and allowances of noon meal organizers, cooks and cooking assistants working in government aided schools located in municipal limits; fund for the above items are released to Thanjavur, Kumbakonam and Pattukkottai respectively based on the proposal received from the municipal commissioners.

63.1.4 The affidavit concludes by saying that as far as municipalities are concerned, the municipal commissioners are expected to inspect and send the

inspection report directly to the RDMA, Thanjavur and that no inspection report had been received from the municipal commissioners till the filing of the affidavit. The affidavit says that the Personal Assistant (NMP) is to inspect not less than 20 centres every month, that there are 1396 noon meal centres in rural area and 121 in municipal area and that the deponent had not inspected Sri Krishna Aided School, Kumbakonam, at any point of time.

64. Ex.C-68 series are copies of G.O.Ms.No.227 dated 10.7.1997(Annexure A-28) and G.O.Ms.No.158, dated 29.9.2000.(Annexure A-32)

65. Ex.C-69 series contain the communication from the Municipal Commissioner, Kumbakonam, to the District Collector, Thanjavur, enclosing the details relating to the number of children taking noon meal in the centres under the control of the municipality, and rate of feeding charges and the quantity of food supplied to one child per day.

66. Ex.C-70 is the D.O. letter No.87044-A/M-IV/82 dated 13.8.1982 by the Additional Secretary to Government addressed to the Rural Development and Local Administration Department, Fort St. George, Madras-9, stating among other things, that on no account should the cooking shed have a thatched roof as there is danger of fire. This is mentioned in the affidavit Ex.C-42 of Rajagopalan C.W.225.

67. Ex.C-71 is the letter No.21126/NMP-2/2003-3, dated 25.3.2003 (Annexure A-27) from the Secretary to Government to the Collector of Thanjavur in reply to the Collector's letter wherein he had requested the government to issue orders empowering the correspondents/secretaries of minority/non-minority aided schools to appoint nutritious meal organizers in noon meal centres functioning in the above institutions stating that the High Court in W.P. No.13732/92 had already ordered that the correspondents of the aided schools had no right to claim in the administration of nutritious meal programmes which were entirely run by the government and the entire expenses were borne by them, that in view of that, the government in G.O.Ms.No.294, Social Welfare & Nutritious Meal Programme Department,dated 21.10.1993 modified the procedure for appointment of NMOs. in minority/non-minority aided schools by constituting a Selection Committee with the Personal Assistant (NMP) to Collector as Chairman, Correspondent/Headmaster of school as Member and the Commissioner of Panchayat Union concerned also as a Member for appointing Nutritious Meal Organizers in the minority/non-minority aided school centres. The panel was to recommend five eligible candidates one of whom would be appointed by the Collector.

68. Ex.C-72 series contain the extracts of G.O.Ms.No.498 dated 18.9.1992 (Annexure A-30) and G.O.Ms.No.258, 20.9.1994 (Annexure A-31) relating to Puratchi Thalaivar MGR Nutritious Meal Programme – Transfer of the control of the Personal Assistant (NMP) to Collector from the Director of Rural Development to Director of Social Welfare.

69. Ex.C-73 series consist of copies of resolution passed on 20.10.1003 at the School Management Committee meeting continuing Pulavar Palanichamy as

Correspondent and Secretary till 19.10.2013 and empowering him to make appointments, grant leave and manage the day to day affairs of the school. The series contain details about vacancy caused by the resignation of Tmt. Kalaiselvi working as Secondary Grade Teacher, the names of teachers, the strength of classes 6 to 8 and an undertaking by the Secretary that the vacancy would be filled up as per G.O.No.25 Education (X-2), dated 12.11.2003. This would clearly show that Pulavar Palanichamy was all in all so far as the schools were concerned.

70. Ex.C.74 is the copy of the Forensic Scientific Report given by the Assistant Director, Regional Forensic Science Laboratory, Thanjavur, to the Investigating Officer, Kumbakonam East, Thanjavur District.

70.1 Ex.C-75 series consist of the following:

(a) Letter dated 31.3.2005 from the Chief Educational Officer, Thanjavur, addressed to the Commission enclosing,

(b) No.L.Dis.616-D2/53 dated 28.11.1953 issued by the District Educational Officer, Tanjore West, stating that the Aided Elementary School, Dabir Street Block, Kumbakonam, is permanently recognized as a complete school with standards I to V with effect from 1.1.1954.

(c) Covering Report on the application for recognition and aid. This report gives the date of opening of the school as 7.9.1950. It further says that the application is for continuance of recognition. It gives the accommodation as thatched school house with 101 school places.

(d) Application dated 30.12.1992 in Form I-A for the opening of a girls high school given by Pulavar R. Palanichamy. However, against name of the proposed school it is stated that upgrading of Sri Krishna Middle School is sought. Name of the Secretary is given as S. Saraswathy. It is interesting to point out that it is stated in the application that the school has 2 acres of playground. The location of the playground is not mentioned.

(e) Copy of the sale deed dated 28.4.1975 by Annapoorni Ammal and others in favour of Saraswathy Ammal, of T.S.No.762/B with the huts thereon for Rs.2300/-. The northern boundary is given as 12-E. The extent of the site is given as 133 x 15. The portion occupied by the hut is given as 370 sq.ft.

70.2 Ex.C-76 series consist of the entries in the movement register of the Joint Director (Admn.). (Exs.C-77 and C-78 which were marked subsequently are dealt with elsewhere.)

71. Let us now have a look at the affidavits filed and the depositions given by the various persons, who have been proceeded against before the criminal court as being responsible for the fire accident that took place in the school.

72.1. Ex.P-1 is the affidavit filed by Thiru Narayanasamy, Headmaster, Government High School, Kasanadu Pudur Village, Thanjavur Taluk, and District Educational Officer in charge for Thanjavur District during the relevant time. (We will

refer to the contents of the affidavit as also the deposition he gave before the Commission together). In his affidavit he has stated as follows:

On 16.7.04 when he was participating in the meeting convened by the Collector of Thanjavur to redress the grievances of agriculturists, there was news about the fire in the Sri Krishna Aided Primary School at Kumbakonam; he joined the rescue force as directed by the Chief Educational Officer of the district and was helping the operations; while so, on 21.7.2004 he was arrested in connection with the fire accident and lodged in prison; subsequently, he came out on bail; the allegations against him are that during the period of 46 days he was in additional charge of the district, he did not visit the school in question and take steps to get the defects rectified; during his short tenure he had other duties to perform; he had only 32 working days; he visited 16 schools; he participated in 10 meetings convened by the District Collector; he arranged for headmasters' meeting in the Revenue District of Thanjavur; in such circumstances, it was impossible to visit the 122 schools under his jurisdiction; even otherwise, the school where the accident took place was an aided primary school and not in his control or jurisdiction; during his tenure he did not have occasion to see the files relating to Sri Krishna Girls High School nor did he sign in any of the files. In these circumstances, he had been wrongly implicated in the crime.

72.2. In his deposition as P.W.1 he has reiterated the contents of the affidavit Ex.P-1. He has further said that while visiting the place of accident he saw that for all the three schools there was only one entrance, that he learnt that 8 boys and girls from the high school had died in the accident, that for boosting the attendance for noon meal, students from the high school were made to sit in the aided primary school and that that was the reason why high school students also lost their lives.

73.1. One Durairaj, who was P.A. to the District Elementary Education Officer from the 2nd of November, 2003, has filed an affidavit marked as Ex.P-2 and has deposed as P.W.2. He has said in his affidavit that Thiru Prabhakaran, Correspondent of Sri Saraswathy Nursery and Primary School had applied for recognition for the school with effect from 1.6.2003; the application had been examined by the Assistant Elementary Educational Officer, Kumbakonam, and after following the rules the file was sent to the office of the deponent with necessary recommendation; that file was examined by Thiru S. Sivapragasam, assistant on 14.6.2004, suitable action was taken and with the necessary noting and recommendations it came to the deponent; the recommendation was found to be in order; the defects pointed out by the Assistant Elementary Educational Officer (Nursery) had been rectified; when the files were examined the details were complete and necessary enclosures were also there; on the basis of the above, the deponent signed the file and forwarded it for the approval of the District Elementary Educational Officer; he discharged his duties properly and as the papers were in order, he forwarded the file to the District Elementary Educational Officer with the office note; thereafter, the District Elementary Educational Officer with his recommendation sent it to the assistant. The deponent had no powers to grant recognition. His duty ended with verifying the files and the documents and the ultimate authority was the District Elementary Educational Officer; he is innocent.

73.2. In his deposition before the Commission, he has said as follows:

On 1.6.2003, the then Kumbakonam Assistant Elementary Educational Officer sent the proposals for recognition in respect of Sri Saraswathy Nursery and Primary School; the Assistant Elementary Educational Officer (Nursery) Thiru Balasubramanian had pointed out 6 or 7 defects in the papers; when the file came to the witness he was told that the school correspondent had informed the assistant Thiru Sivaprakasam and the superintendent Thiru Thandavan that the defects had been rectified and that the school had to be accepted as a new school and to that effect, a proposal should be sent to the Director; as the witness was informed that the defects had been rectified, he gave a proposal that the school had to be treated as a new school and forwarded it to the District Elementary Educational Officer; he had not seen the correspondent; he acted only on the representation of Sivaprakasam and Thandavan that the correspondent had informed them that the defects had been rectified. The witness admitted that Saraswathy English Medium School was already there; after 1997 no application was received from the management of Saraswathy English School for renewal; the location of the school had not been given; licence for using the property as a public building and also sanitation certificate were not available; on 14.6.2004 when the file came to his notice, it contained details as to rectification of the defects; he was aware that between 1997 and 2003 Sri Saraswathy School had been functioning without permission and that it was not proper to have sought for permission as a new school. The witness has also said that whatever he had said before the police was true. He also admitted that there was threat by Pulavar Palanichamy that in case the staff of the Elementary Educational Office did not oblige him, he would use his political influence and harm them.

73.3. There was cross-examination of the witness on behalf of Sivaprakasam wherein the witness admitted that in respect of nursery school, the officer concerned was only the Nursery AEEO Mr. Balasubramanian and it was for Balasubramanian to satisfy himself as to whether the defects had been rectified and that the other AEEO had no jurisdiction.

74.1. One J. Radhakrishnan, who was in charge AEEO, has filed an affidavit Ex.P-3. In his affidavit he has stated as follows:

He was working as Panchayat Union Assistant Elementary Educational Officer at Thiruvaidaimarudur from 3.7.2003; Kumbakonam Union Assistant Elementary Educational Officer's post and Additional Assistant Elementary Educational Officer's post fell vacant and he was to be in additional charge of both the posts from 1.6.2004; he had several duties to perform in his capacity as Assistant Elementary Educational Officer; there were 184 schools in Kumbakonam area and it required six months to inspect all the schools; he functioned for only 1-1/2 months and he could not function effectively during that period; on 16.7.2004 when he had gone to participate in SSA meeting at 10.30 a.m. in Kumbakonam Muthupillai Mandapam he learnt about the fire accident through the office assistant Manivannan; he rushed to the spot with his assistant; the CEO, DEO, DEEO and

others were there already; he was shaken and fell down unconscious; he had absolutely no role to play in the accident and he should be exonerated.

74.2. As P.W.3 he has reiterated the contents of his affidavit in his deposition. He has further said that during his tenure he received complaints from Usha Rani, a teacher in Sri Krishna Aided Primary School, that he took necessary action on the complaint and that there was no need for him to go to the school at that time.

75. One B. Palanichamy, who was the Headmaster of Budalur Girls High School from 5.6.2002, has filed an affidavit Ex.P-4. In his affidavit he has said that he was given additional charge of District Elementary Educational Officer from 30.6.2004, that he had only 10 effective working days and during that period he had visited five schools, that he had no occasion to deal with any file relating to Sri Krishna Aided Primary School, that he could not sign any paper relating to that school, that he had discharged his duties properly and he should be exonerated. He has reiterated the contents of the affidavit in his deposition as P.W.4.

76.1. One K. Balakrishnan, who was the Assistant Elementary Educational Officer from 1999 to 2003 in Thanjavur District, has filed an affidavit marked as Ex.P-5. He has said in his affidavit as follows:

He was arrested in connection with the accident along with other Education Department Officials and released on bail on 18.10.2004; during his tenure he had administered 64 schools; he had acted with care and honesty in respect of Sri Krishna Aided Primary School; during his inspection on 21.12.1999 he found the students well-equipped; there was no congestion in the school; classes III, IV and V in the said school were conducted under thatched roof; in the ground floor noon meal kitchen and front portion were made of thatch; he told the headmistress and the correspondent to remove the thatch; they promised to remove the same and replace with incombustible material; he was transferred out of place during the relevant period; the school was inspected by the District Elementary Educational Officer on 23.2.2000; the deponent had on 20.11.2000 visited the school and found that there was variation between what was recorded as present and the actual students present; he had enquired the headmistress about the discrepancy; on 11.12.2001 while inspecting the school again, the District Elementary Education (Training) Officer had also come; in the office files there was nothing to show that T.S.Nos.762-B and 763-B were converted as residential areas by the municipality; nobody resided in the school premises; during the monthly headmasters' meeting it had been stressed that wrong details should not be entered in the attendance register and in case of transgression the staff concerned would be proceeded against; during his tenure he had discharged his duties in an exemplary manner; he did not receive any complaint of lack of amenities for the students in the school; he did not act against law or against his conscience during the period he was there.

76.2 In his deposition as P.W.5 he has said as follows:

Between 1999 and 2003 he had inspected the school in question four times; he had noticed the existence of thatched structure during the inspection; he has

mentioned in the Inspection Register 7 at page 24 about the existence of thatched structure; he had also mentioned about lack of toilet facilities; however, he did not make it in writing; the thatched structure was there even in 1999 and also in 2000 when he went for inspection; there was no permission obtained by the management for having a thatched shed; no permission was granted to run the school there; he did not mention about the discrepancy between the register recording attendance and the actual number of students on head count; he was aware that the management boosted the attendance to get more noon meal subsidy and additional teachers; he was aware that three schools were being run there and in his view, it was not advisable to run three schools there; he, however, did not inform his higher authorities; though the management had done several misdeeds, no serious action was taken; he did not take any action except to mention the details in his inspection notes; he did not take steps to have the recognition cancelled.

77.1. Thiru M. Palanichamy, who was the Chief Educational Officer at the time the tragedy occurred, has filed an elaborate affidavit marked as Ex.P-6 series, and he has also deposed as P.W.6. He has set out in detail the working, the powers and the duties of the various officers manning the Education Department. He has also enclosed various G.Os. and copies of Certificates of Excellence received by him in recognition of his outstanding performance in the Education Department. So far as he was concerned, he had no control or jurisdiction over the elementary schools. In fact, in G.O.Ms.No.876, dated 12.12.1996 (Annexure A-33) it has been clearly spelt out that the Chief Educational Officer of the district has inspection powers only in respect of higher secondary schools with effect from the academic year 1996-1997. The Chief Educational Officer had been specifically instructed not to interfere in matters outside his jurisdiction. In O.M.No.31860/EK-1/96, dated 22.9.1998 (Annexure A-34) this was so spelt out. Again, in K.Dis.No.41076/TNGNMP/HS-3/91, dated 8.4.1991 (Annexure A-29) in the proceedings of the Director of School Education the decision of the Government that thenceforth the staff of the Education Department would not be made responsible for any lapse in the implementation of Tamil Nadu Government Nutritious Meal Programme and that they should not be saddled with any more administrative responsibility in this regard, has been conveyed. The deponent has also enclosed very many materials to show how he ought not to have been proceeded against in connection with the fire accident at Kumbakonam. His duty stopped with examining the file forwarded to him; so far as the Sri Krishna Girls High School was concerned, the relevant file was examined by the section assistant, the superintendent and the personal assistant and they recommended continuous recognition to be granted; he examined the files thoroughly and on the basis of the recommendations, granted temporary continuous recognition for a period of three years from 2002 to 2005 subject to certain conditions; the accident at the school occurred at the noon meal kitchen. Noon meal kitchen was under the control of the municipality; the kitchen was housed in a thatched structure; the kitchen caught fire and the fire spread to the other thatch resulting in such a grave accident. If the school teachers had acted with responsibility, they could have rescued the children.

77.2.1. In his deposition as P.W.6 he has reiterated the contents of the affidavit. He has further said that three schools ought not to have been run in the premises; if the Education Department officials who did inspection there had brought it to the notice of the higher officials and taken proper action the accident could have been averted.

77.2.2. He was recalled and examined on 29.4.2005 for some clarifications. He has during his recall, deposed as follows:

After the upgradation of the middle school, as high school from 1.6.1993, the high school and the aided primary school were functioning independently as separate schools; this was apparently because if there were to be two schools the managements could ask for independent headmasters/headmistresses and also have independent noon meal centres and consequently separate staff for the noon meal centres; there is no rule which says that in respect of schools seeking continuance of recognition, the DEO need not visit the schools; so far as Sri Krishna Girls High School was concerned, the then DEO in charge, Pinagapani went and inspected the school on 4.12.2002 and sent his proposals on 19.12.2002; he had mentioned that there was sufficient space in the school; after the Assistant, the Superintendent, the P.A. to the DEO and the DEO had perused the connected records, they sent the fair copy of their recommendations to the witness; according to the proposals, as the school had already obtained temporary recognition and also because the defects pointed out had been rectified, continuance of recognition could be granted; thereafter, the witness granted continuance of recognition; earlier he had asked for particulars as to whether there was sufficient number of teachers and enough student strength and also required the document relating to the playground to be countersigned by the DEO; it was stated in the proposals that all the defects had been rectified; in the CEO's Office his subordinate officers, the P.A. and the Superintendent had not told the witness that there was defect in the document relating to playground and that it had not been registered; still Udayakumar, the CEO Office Assistant had noticed and mentioned that the playground document had not been registered; however, since the Superintendent and the P.A. had recommended below the notings that temporary recognition could be given, the witness gave continuance of recognition; he had not seen the note of Udayakumar; only because the officers subordinate to him had seen the file and made a note that temporary recognition could be continued, he passed orders; at no point of time there was any note in the file that the school was not fit to get continuance of recognition; the fact that three schools were functioning in the same complex was not brought to his notice and if only it had been done, he would have taken proper action and the granting of continuance of recognition would have been stopped.

77.3. Thiru S. Paramasivam, Special Tahsildar, Flying Squad, has filed an affidavit Ex.P-7. In his affidavit he has said as follows:

Between 12.6.2002 and 31.8.2003 he was working as Kumbakonam Tahsildar; he had not given any building licence for running Sri Krishna Aided Primary School where the accident took place; on 4.10.2002 the correspondent of Sri Krishna Girls High School had applied for renewal of building licence along with necessary documents; the application was examined by the section assistant and

after making the necessary jottings, he sent the file to the deponent for inspecting the building; on 7.10.2002 the deponent inspected the building in TS No.762-B, Door No.12/E3 on Kasiraman Road along with his section assistant and granted licence for the period 10.9.2002 to 9.9.2005. Similarly, while he was working as tahsildar there on 29.7.2003 the correspondent of Saraswathy Nursery and Primary School had applied for renewal of building licence for that school. The deponent inspected the site on 1.8.2003 and passed orders renewing the building licence for the period 1.6.2003 to 31.5.2003 for three years. In respect of that school he did not grant any building licence nor was he working in Kumbakonam during the fire accident. Further, he had acted on the certificate issued by the approved engineer in the District Collector's Panel and also by inspecting the building. He had acted strictly according to law and he should be exonerated.

77.3.1. He has been examined as P.W.7. Besides reiterating what he has said in his affidavit, he has further stated as follows:

The nursery school was in the ground floor; in the rear there was a stage; it had no roof; there was plan for the ground floor also; the plan shown to him related to the high school; it is Ex.P-8A series. The building was as per the plan; behind the stage, the urinal was there; in the plan shown to him, the stage was not there; as in the plan shown to him there was no urinal found in the first floor he assumed that the urinal referred to was the one in the ground floor; either in the first floor or in the second floor there was no urinal or any other toilet; during the two visits he made he did not see any thatched structure; it is not necessary to mention the first or the second floor in the certificate; on the eastern side of the school building there was a road; he did not know as to what was there on the western side; the building was facing east. At this stage itself we may note that the person is not speaking the truth. He positively lies when he says that when on the two occasions he visited the building, he did not see any thatched structure. When admittedly he had gone to the first floor it was impossible for him to have missed the thatched roof. We may recollect that P.W.5, who was the Assistant Elementary Educational Officer had gone there in 1999 and 2000 had found the thatched structures. This witness had gone in 2002 and 2003. In 2004, it is a matter of record that the noon meal kitchen was housed in a thatched structure as also the aided primary school classes. The thatched structure could not have disappeared during his visits and reappeared in 2004. It is admitted on all hands that the aided primary school classes were run only under the thatched roof. We may later on notice this when we deal with the evidence of Pulavar Palanichamy. The officer has acted in a most dishonest manner in granting licence under the Public Buildings (Licensing) Act, 1965 to run the two schools. He does not know the topography. He has not given correct particulars with regard to the existence of urinals and toilets.

78.1. Thiru Madhavan, who was the Additional Assistant Elementary Educational Officer (Primary), has filed an affidavit Ex.P-9 and he has been examined as P.W.8. In his affidavit he has said as follows:

He joined duty as Additional AEEO, Kumbakonam, on 1.7.2003 and was relieved on 31.5.2004; he had 65 schools under his jurisdiction and supervision to

inspect, conduct annual audit and discharge various other duties; he has given as annexure the list of duties enjoined; he visited Sri Krishna Aided Primary School in Kumbakonam on three occasions on 28.8.2003, 18.11.2003 and 10.12.2003. The main defect that he had noticed was that it was lacking in sufficient playground space for the children; a part of it had a thatched roof which he found from the notes of his predecessor to have been in existence for a long time; (This also reinforces the finding that P.W.7 Tahsildar Paramasivam had lied about the existence of the thatched roof.) the thatched roof was in a slanting position, covering the second floor area as well as part of the first floor portion on the rear side; in the second floor the middle school classes of another school were located; he had noticed that there were three schools in the same place and for the purpose of high school the space available might not be sufficient; so far as nursery and primary schools comprising of classes LKG to V Standard were concerned, he had no authority or jurisdiction over them; he had merely put his signature on the seals affixed by his clerk who informed him that it was expected of him to put his signature; as he had no authority to verify its contents, he merely forwarded it; he was not aware of what he should do; he had discharged his duties to the best of his ability and to the satisfaction of his superiors and he should be exonerated.

78.2. In his deposition as P.W.8 he has reiterated the contents of his affidavit and further said that he inspected Sri Krishna Aided Primary School; he was aware that three schools were being run in the premises, but his jurisdiction stopped with the aided primary school; when the application came to the office, as officer to forward it to the higher authorities, he signed it; his section writer Devaki asked him to sign and therefore he signed; he did not know that in respect of the same school an application for renewal had been given; he was not aware whether any such application for renewal was in his office at that time; the officer concerned was only Balasubramanian; the witness had not seen the documents in which Balasubramanian had mentioned the defects; only because he was told that he could forward the application he signed and sent it; though he felt that three schools could not be run in the building, he had not apprised his superiors about this; during his visit on 28.8.2003 he had in the inspection book noted under three columns as per attendance register-strength, present and actually present; as he discovered the mistake during his first visit to the school, he did not want to inform the higher authorities as he thought that the school authorities would correct their mistakes; the deponent was aware that on an earlier occasion, his predecessor Balakrishnan had noticed an identical mistake and made entries on page 31 in Ex.P-11.

79.1. The Chartered Engineer B. Jayachandran who had given the stability certificate in respect of Saraswathy Nursery School and Sri Krishna High School has filed an affidavit marked as Ex.P-12. He has been examined as P.W.9. In his affidavit he has said as follows:

He gave the certificate in respect of the school in TS No.762-B Door No.12-E/B, Kasiraman Street, Kumbakonam; he had given the plan of the said building as it was; on his inspection he was satisfied that the building was structurally sound; it was an R.C.C. building and even at the time he had sworn to the affidavit it was sound and in tact; no portion of the building was damaged at the time of the

accident; the fire accident had taken place on an improvised thatched shed on the first floor of the building in TS No.763-B with which he was in no way connected; it was unknown to him and when and how it was put up he had no knowledge. In his plan of the building in TS No.762-B he has stated that there was a toilet adjoining which there was open space on the ground floor and as per his plan there was no toilet and open space in the first and the second floors; it was not a case of new approval; it was only a renewal application which was handed over to him; he had nothing to do with the Municipal Town Planning approval or plan.

79.2. In his deposition as P.W.9 he has said as follows:

He inspected Sri Krishna Girls High School on 8.8.2003; he was accompanied by his assistants Senthil Kumar and Guna; a staff from the school had come to the witness's Trichy office and given a requisition; (the witness changes and says that it was an oral request); at the time when the oral request was made at Trichy the witness was not there; he was at Salem; he came to know through his office at Trichy and he went to Kumbakonam for inspection; he could find out about the stability of a building by a mere look at the construction; he had given a sketch for the high school and also for the nursery school; he did not have copies in his file; the sketch was drawn by his assistant; the plan shown to him in Ex.P-8A series was the correct one; the details given therein were correct; he had given the sketch in respect of the first floor and the second floor; he had not mentioned in the sketch that there was a connection between the ground floor and the first floor; he had also not mentioned in the sketch that the toilet and the urinal were only on the ground floor; it was not possible to know that the building was so situated from the plan; the plan given by him did not correctly reflect the state of affairs; what he had told the police that he would give stability certificate only in respect of the new building and not old building and for old buildings he would send his assistants was not correct; while he visited the building he had noticed the thatched structure on the northern side; he did not give any stability certificate for that structure; he had been told that the school was being run there for several years past; (Even according to the witness the sketches given by him do not reflect the correct state of affairs. In the affidavit he had said that the thatched structure was unknown to him. He has also gone back on his statement given to the police.) Be that as it may, if we accept that the witness actually visited the school then it would follow that he had seen the thatched roof on the first floor of the premises on the northern side. It should also be remembered that he had given stability certificate both for the nursery school and the high school.

80.1. P.W.10 is one Balasubramanian who was working as Assistant Elementary Educational Officer, Nursery and Primary Schools at Thanjavur. He has filed an affidavit Ex.P-13 in which he has said as follows:

He was directed by the District Elementary Educational Officer, Thanjavur, to inspect Saraswathy Nursery and Primary School for the purpose of granting renewal to the said school; he visited the school on 9.1.2004 (AN) and sent a report to his superior officer on 14.1.2004; at the time when he inspected it, the school was functioning without renewal of approval by the authority concerned for the previous terms of 1.6.1997 to 31.5.2000 and 1.6.2000 to 31.5.2003; anyhow he had filled up a

pro-forma for renewal in which there were 30 columns to be filled up; out of 30 columns to be filled up, 19 defects were found; he had further written that the hygienic condition was not good and that playground facility was also not there; he had therefore sent the report to the higher authority stating that only if the defects were rectified the question of renewal would be considered; there was no truth in the allegation that he did not inspect the school periodically; the school concerned did not come under the list of approved schools under his supervision; later on he came to know that the management managed to get fresh approval by overlooking his report and by-passing his authority; he had nothing to do with the approval granted by the department.

80.2.1 In his deposition he has reiterated the contents of the affidavit Ex.P-13 and further stated as follows:

He had also pointed out that there was no stability certificate; the building sketch was not proper; the files did not come to him later on; he did not know whether the defects were rectified; only after the fire accident he came to know that the school had been accorded fresh approval; till 29.2.2004 Sakthivel was the higher official; thereafter one Balaji was appointed as District Elementary Educational Officer; the original of Ex.P-16 was sent by him to the higher authorities on 14.1.2004; the application he got was only for renewal; the person who had signed the documents was Thiru Madhavan; the form of recommendation Ex.P-14 had been signed by Thiru Balaji; the witness did not get any application for fresh recognition.

80.2.2 The witness was cross-examined on behalf of Madhavan and in the course of cross-examination he has stated as follows:

He got the application for renewal on 29.12.2003; he inspected the building on 9.1.2004; nobody accompanied him; Ex.P-15 shown to him was the application for renewal; he did not receive any application for permission; when he saw the records the application shown to him now was not there; Ex.P-16 was the one for fresh permission; it did not come to his notice; he denied that everything happened with his knowledge.

81.1. One T. Thandavan, Superintendent, District Elementary Education Office, has been examined as P.W.11. He has filed an affidavit marked as Ex.P-17. In the affidavit he has said as follows:

He was working as the Superintendent of A Section; there were 5 seats in that section which were under his control; it was his duty to peruse the files from those 5 seats, make notings and forward them to the P.A. to the District Elementary Educational Officer; the applications wherein recognition for nursery and primary schools were handled by the fifth seat assistant Thiru S. Sivaprakasam; the proposals came from that seat along with the necessary documents with the notings by the assistant Thiru Sivaprakasam; he was to verify whether the application was in order as per the notings of the assistant, whether the documents were proper and only then along with his recommendations he had to forward to the P.A. to the District Elementary Educational Officer; after he received the files with the necessary

notings from the assistant of that seat, he examined the same and with his recommendations forwarded the file to the P.A. to the District Elementary Educational Officer; he had no powers to grant recognition; it was for the District Elementary Educational Officer to pass final orders on the files; he did not do any other thing in connection with the recognition of Sri Saraswathy Nursery and Primary School; he was innocent.

81.2. In his deposition, besides reiterating the contents of his affidavit Ex.P-17, he has further stated as follows:

The documents which had come to his notice were Ex.P-18 series. It is stated in the first page of Ex.P-18 series that the application was for renewal; it was not a correct wording; only Madhavan was involved and he had nothing to do; the whole matter should have been attended to only by Balasubramanian and not Madhavan; Madhavan had nothing to do with nursery schools; the witness had seen the lease deed included in Ex.P-18 series; he did not know that there was land in existence as mentioned in the register; he did not find out the real state of affairs relating to the lease deed; since the school had been running for six years without permission, there was no question of renewal; he decided to take up the application as one for fresh permission; the statement Ex.P-19 he had given before the police was correct; one Annadurai was assistant working in their office; there was also one Manivannan; the witness did not know whether Annadurai was close to Palanichamy; during the cross-examination by Madhavan's counsel he stated that there would be a separate register maintained for the movement of files. It was true that mistakes had occurred in the matter; he was sorry for the same; however, the entire blame could not be put on him.

81.3. The statement given by Thandavan before the police has been marked as Ex.P-19. We have already noticed that he has admitted that the contents of his statement were correct. It is mentioned that Balasubramanian had in his capacity as the Assistant Elementary Educational Officer pointed out the defects in the proposal for renewal; the assistant was asked to forward the same to the Assistant Elementary Educational Officer; at that stage, the assistant told the deponent that the manager of the nursery school Pulavar Palanichamy was threatening him and in such circumstances, whether the proposals could be forwarded to the higher officer; Sivaprakasam told the deponent that because of the threat from Pulavar Palanichamy, he gave the proposals to Pulavar Palanichamy; thereafter, it was mentioned orally that the defects had been rectified and on that basis as superintendent, the deponent recommended that the proposals could be forwarded to the Director of Elementary Education; thereafter the Director of Elementary Education accorded approval; on 16.7.2004; after the accident the approval was cancelled; the mistake was not done with any ulterior motive and that it was only to protect himself he had to do like that.

82.1. Thiru Sivaprakasam who was the assistant in the Elementary Education Office, Thanjavur, and examined as P.W.12 filed an affidavit marked as Ex.P-20. He has stated in the affidavit as follows:

He was working as assistant in the 5th seat of A Section; the Correspondent of Kumbakonam Sri Saraswathy Nursery and Primary School Thiru Prabhakaran had applied for recognition for the school from 1.6.2003; after receiving the application, after following the rules the file was sent to the office of the deponent by the Assistant Elementary Educational Officer, Kumbakonam; after perusing the file, he took proper action on it on 9.1.2004; he had examined the file along with the documents as per the rules and found that the application had been properly filled up and the requisite documents had been annexed; he therefore made an office note and forwarded the file to the office superintendent; the office superintendent recommended the same and forwarded the file to the District Elementary Educational Officer through the Personal Assistant; after the District Elementary Educational Officer perused the file and made recommendations, the file came back to him and he sent it to the *Tapal* Section; he had no powers with regard to recognition; his duty ended with seeing the files and the documents whether they were in order and the ultimate decision was to be taken by the District Elementary Educational Officer; he did not do any other thing in connection with the recognition of the school.

82.2. In his deposition Sivaprakasam has said as follows:

So far as the nursery school was concerned, only Balasubramanian had jurisdiction; they had asked for renewal; the file went to the nursery AEEO Balasubramanian who inspected the place and forwarded the same with his jottings to the District Elementary Educational Officer Thiru Sakthivelu; they returned the papers on the ground that the school was not fit for renewal; there were two applications, one for renewal and the other for fresh recognition; (The witness now changed his version and said that both the applications were for renewal.) they were given separate numbers; Pulavar Palanichamy offered to rectify the defects and went away after noting down the defects pointed out; on the compulsion of Pulavar Palanichamy the witness and others suggested that the application could be entertained as a fresh application; Pulavar Palanichamy threatened and made them prepare the file in a manner supporting him; so far as proposals were concerned, the details were correct; he did not know the real state of affairs; he had sent documents in similar matters earlier; documents were registered documents in those cases; he saw that in the instant case the document had not been registered; however, on account of threat by Pulavar Palanichamy, he said that the documents were in order; one Annadurai was in their department, but not in his office; Manivannan was in their department, but working in the Assistant Elementary Educational Officer's Office; Pulavar Palanichamy gave the documents stating that the defects had been rectified; nobody went and saw personally whether the defects had been rectified; the officer who had to find out whether the defects had been rectified was Mr. Balasubramanian, Assistant Elementary Educational Officer; Madhavan had no such powers; Balasubramanian did not submit any report saying that the defects had been rectified; the statement the witness had given to the police in Ex.P-21 was correct; the witness was not totally responsible for the mistakes.

82.3. In Ex.P-21, the statement before the police, P.W.12 has said that when the papers were ready for being despatched to the Assistant Elementary Educational Officer, Pulavar Palanichamy told the witness that if the file were to go to the

Assistant Elementary Educational Officer, the matter would be delayed and offered to rectify the mistakes himself; but when the witness refused, Pulavar Palanichamy threatened him saying that he had political clout and in case the witness did not give the papers, he would harm him.

83.1. Thiru Balaji, who was working as the District Elementary Educational Officer, Thanjavur, has filed an affidavit marked as Ex.P-22. In his affidavit, he has *inter alia* stated as follows:

He took charge as DEEO, Thanjavur, on 1.3.2004 and retired on 30.6.2004 on superannuation; on 14.6.2004 the file relating to the request for recognition for Sri Saraswathy Nursery and Primary School was placed before him by the P.A. to the DEEO Mr. Durairaj; when the deponent perused the file he found that regular office notes were put up by the superintendent and then by the P.A.; he further found that the AEEO, Thanjavur (Nursery) had already inspected the school building and submitted his report to the DEEO on 10.1.2004 pointing out certain defects regarding soundness certificate; he did not make any adverse remarks; the AEEO had not made any other remark; the file was placed before him on 14.6.2004; the soundness certificate obtained from the chartered engineer had been submitted by the school authority; the other remarks made by the AEEO had been complied with; on perusal of the entire file he was satisfied that it was in order; he therefore ordered to forward the file to the Director of Elementary Education, Chennai, for appropriate orders; till he retired from service on 30.6.2004 there were no orders received from the Director's Office either accepting or rejecting the request for renewal; while so, on 16.7.2004 there was the unfortunate accident; the deponent was arrested by the police on 21.7.2004 and was released on bail on 20.9.2004; the deponent's tenure as DEEO was for a short period; there were 1232 panchayat union primary schools, 341 middle schools besides around 200 nursery schools; it was impossible to inspect all the schools during his short tenure; it could not be said that he failed to make visits to schools; there was neither negligence nor deficiency in his work; only he was DEEO, Thanjavur.

83.2.1 In his deposition as P.W.13 he has reiterated the contents of the affidavit Ex.P-22 and further stated as follows:

When he saw the file on 14.6.2004 he found that the application was only for fresh permission; the AEEO concerned Thiru Balasubramanian had inspected the site and pointed out several defects; it was only for Balasubramanian to find out whether the defects had been rectified and then forward the proposals to the higher authority and it was not Madhavan's business; Balasubramanian had not signed the papers after the alleged rectification of defects; he could not explain as to how Madhavan signed the papers; because of his carelessness he had omitted to see that Madhavan had signed the files when the files came to him.

83.2.2 In the cross-examination on behalf of Madhavan he has stated that there was some document relating to the playground; he was not in a position to say as to what type of document it was; as the defects had been rectified, it was not necessary to send back the file to the Assistant Elementary Educational Officer (Nursery).

84.1. Tmt. Vasanthi, who was working as the chief cook in the noon meal kitchen at the ill-fated school, has filed an affidavit marked as Ex.P-23 stating as follows:

Her assistant was one Sivasankari; Sivasankari alone was to light the oven and render other assistance; on the date of the fire accident at 10.30 a.m. they had made preparations for commencing the cooking; they used to light the oven only at 11 O' Clock; but even at 10.30 a.m. the accident had taken place; she did not know the reason for the accident; there was dispute between the school correspondent Saraswathiammal and her elder brother's daughter and primary school teacher Usha Rani in respect of some property and some loan transactions for over four years; it reached the breaking point in May, 2004 and on 15.7.2004 Usha Rani had challenged that she would see to it that the school was not run and that only because of that the fire accident took place; these things she learnt from the talk by others; she did not know anything else.

84.2. In her evidence as P.W.14 she has said as follows:

She did not know personally anything about the dispute between Usha Rani and Saraswathiammal; she was present when Usha Rani was being examined at Thanjavur; the deponent had also employed a lawyer; there was no question put to Usha Rani during cross-examination; on 16.7.2004 Sivasankari did not come to the school; her mother Saraswathy also did not come to the school; expecting the provisions to arrive she and the organizer Vijayalakshmi were cleaning the store room; the fire started in front of the noon meal centre; they were changing the thatch for the previous four days and had stored the old thatch over the toilets; the toilets were next to the noon meal kitchen; they used to light the oven only using the old thatch; only the assistant Sivasankari used to light the oven; Sivasankari came that day, but was late; she came at 10.45 a.m. while the thatched roof had caught fire and was burning; they used to light the oven after 10.30 a.m.; Vijayalakshmi, after giving the provisions, used to work in the school as teacher; she was receiving salary from the municipality as noon meal organizer; she was also getting separate pay as teacher in the school; the witness did not know what was written in the affidavit; it was prepared by the lawyer; there were 200 children taking food under the noon meal scheme; she was aware that there were three schools run in the premises; on some days children from the English medium school used to come for some hot food; the witness was not in a position to say whether students were from English medium school or from the aided school; in all 200 children had their food; Shankari was working as cook in the correspondent's house; on that day Shankari's mother did not come; only Shankari came late; on that day Usha Rani came to the school; her class room was next to the headmistress's room in the ground floor; normally Shankari would light the oven and would be ready and the witness would get rice and other provisions from the store; only thereafter the cooking work would commence; she did her best to evacuate the children in the ground floor; the cooking vessels were on top of the oven ready; she did not know who lighted the oven; she did not do that; on the days Shankari did not attend, the witness would light the oven; after filling up the vessel with water she had gone to get rice from the store; after lighting the oven she would put the rice in the vessel containing water; on that day they had given 20 kilos of rice from the store and she was bringing that rice; when she reached the kitchen the oven had been lighted; it was not correct to say

that she had lighted the oven and before she could get the rice the thatched roof caught fire; only negligence was the reason for the accident; at no point of time did anybody come from the municipality for inspection.

85.1 J. Vijayalakshmi, who was working as noon meal organizer and also as a teacher, has filed an affidavit marked as Ex.P-24. In the affidavit she has stated as follows:

On 16.7.2004 she had given instructions for cleaning the kitchen and putting *kolam*; she went to get the attendance register of the children; it was 10.30 then; suddenly, as it were, the roof of the school caught fire; at that time the oven in the kitchen had not been lighted; the cooking was done only after 11; she could not say how the fire accident took place; when she made enquiry later on, she learnt that there was dispute between the correspondent and the primary school teacher Usha Rani for over four years regarding some property and the said teacher and her husband Kamaraj were responsible for the fire accident.

85.2. In her deposition as P.W.15 she has stated as follows:

She was working in the school from 1988 as noon meal organizer; she did not work as teacher in the nursery school; she was being paid Rs.200/- for that; she used to work in the school only in the afternoon and not in the morning; she would come to the school at 9.30 a.m.; cooking in the kitchen was done by Vasanthi assisted by Sivasankari; she would give the provisions for cooking at 10.30; there would be prayer from 9.30 to 9.45; she used to participate in the prayer; schools would commence; she taught English in the V Standard; to accommodate her, her classes would be in the afternoon; there were two vessels in the kitchen; on that day Sivasankari had taken the vessels to the kitchen and kept them there; Sivasankari had come on that day; Vasanthi was also there; as to who lighted the kitchen oven she did not know; both Sivasankari and Vasanthi were with her; Vasanthi was putting *kolam* in the kitchen; only Sivasankari swept the store room on that day; because it was Aadi Friday that day the witness had asked Vasanthi to clean the kitchen and put *kolam*; Sivashankari, after sweeping the store room, went out to put the waste outside and did not return; in her statement before the police, the witness had said that Vasanthi had lighted the oven and it was correct; it was correct to say that in the teachers attendance register she had signed both in the morning and in the afternoon; the names Vijayalakshmi, Vijaya or Vijai in the attendance register all refer only to her.

86.1. Shanthalakshmi, who was working as headmistress of Sri Krishna Aided Primary School from 1.6.1992, has filed an affidavit marked as Ex.P-25. In the affidavit she has stated as follows:

There were 24 teachers working in the school; she was the class teacher for V Standard B; V Standard A, IV Standard A and C and III Standard B and C Classes were held in the first floor under thatched roof; V Standard B and C were in the first floor on the southern side under RCC roof; in the same floor, near the V Standard Class, nursery and primary school III Standard was functioning; on 16.7.2004 as usual she came to the school; after the prayer classes commenced at 9.30; she conducted Tamil class for her students from 9.30 to 10.15; for V Standard B Maths

teacher Anthoniammal was to come for the second period; after the deponent finished her class, as headmistress she went to inspect the lower floor classes; she went down through the staircase on the western side; at that time a girl student came from the ground floor to the first floor and told the deponent that the noon meal kitchen had caught fire; the deponent ran down the stairs to find out as to what happened; at that time the students and the teachers in the ground floor were going out of the school; when she reached the last step of the staircase and looked out, she found that the school noon meal kitchen had caught fire and was burning; immediately she shouted out the names of the teachers in the first floor and asked them to shepherd the children down as there was fire; at that time some children wanted to see the fire burning from the rear door; she ran there and with a view to rescue them asked them to run out and not to go to the rear; she was shouting and trying to reach the main switch to put it off; in the meantime the general public entered the school and ran to the first floor; the deponent asked the noon meal organizer Vijayalakshmi to inform the fire service station; she switched off the mains and ran to the first floor; the general public had come there; by the time she went and saw, the entire thatched roof had been burnt and there was smoke everywhere; she did not know who was inside and what was happening; the fire engine also came there; all of them worked together and doused the fire; the men folk there, on seeing the deponent shouting and crying, asked all women to flee the place and pulled the deponent down; after the fire was put out when she went up, she was greatly shocked on seeing the tragic scene; she swooned; somebody brought her and left her in the next house; there was shouting by the general public; the women police brought the deponent home in an auto-rickshaw; she was sorry for the whole incident; she had not recovered from the shock she received on seeing the charred bodies of the children whom she taught with affection; even though she was arrested and kept in jail, she shed tears for the children; even on the date of swearing to the affidavit she was getting visions of the children before her eyes; she had lost her sleep and peace; the efforts taken by her to rescue the children had failed; she had been wrongly implicated in the crime.

86.2.1 In her deposition as P.W.16 she has reiterated the contents of her affidavit. She has further stated that the teachers who were conducting classes under the thatched roof, viz. Anthoniammal, Maria Angeline, Mahalakshmi and Devi, without making strenuous efforts in rescuing the children who had got caught in the fire, came out of the school and when the witness asked them whether the children had escaped, they answered in the affirmative; she did not know how 23 children who did not belong to the aided primary school, were there; the officers from the Education Department used to come for inspection once a year; apart from that they used to make visits once or twice and note down their observations regarding the school; it was true to say that in the inspection book shown to her (Ex.P-11) there was a wide discrepancy between the children who were recorded as present and the children who were actually present and only the correspondent knew the reason; only if wrong particulars were recorded, there would be such discrepancies; whatever the correspondent told her she was to carry out; she knew about these discrepancies even earlier; it was a practice to send children from the other two schools to the aided primary school to boost the attendance though there was no particular order to that effect; they used to boost the attendance 5 to 6 in each class

and for 14 classes a minimum of 74 to 84 children would be shown; there was corresponding increased number of teachers, but she did not know how many; on 16.7.2004 Anthoniammal of IV Standard A took her children to the first floor as the thatch was to be changed on that day; no other children from any other class were asked to go and sit under the thatched roof; she did not know how many of the children from III Standard A went to the first floor and lost their lives.

86.2.2 She was cross-examined on behalf of Madhavan and in her cross-examination she has stated as follows:

The correspondent Saraswathy would come to the school only at 12 noon; she would stay till the children left in the evening; she would stay with the inspecting officer during his inspection; it was correctly recorded that only the teachers / headmaster / headmistress had to explain why there was discrepancy between the children actually present and were stated to be present; the inspecting officers would come at 10 O' Clock in the morning; only thereafter she would send word to the correspondent; she would come, open the *almirah* and show the documents; she did not know what the documents contained; only she would show the documents to the educational officers; when the inspecting officer questioned as to why there were discrepancies, they would say that the children were not well and therefore they did not come; she was aware that when such a thing was being done, the officers also knew that she had no powers; the officers could have told the correspondent that such a discrepancy should not be there; she also reported the matter to the correspondent. The witness further said when questioned that the correspondent did not come to the school that day; the teachers would not listen to her; only if the correspondent comes they would listen; the correspondent would have instructed the teachers; it was the practice to give different names to the children from the English medium school when they were asked to sit in the aided primary school classes; about 800 girls and boys were studying in the school.

86.3. The statement given by her before the police has been marked as Ex.P-26. She has stated that the contents of the statement were correct. In that she has not said anything against the teachers, but has merely said that because smoke had engulfed the area she thought that all the children had escaped. She has further said that the school teachers also, to the extent possible, took efforts to rescue the children.

87.1. The correspondent of the school Tmt. Saraswathy has been examined as P.W.17 and her affidavit has been marked as Ex.P-27. In Ex.P-27 she has said as follows:

The land where construction was put up and the aided primary school was being run was purchased in the name of her brother's daughter Usha Rani; for putting up the superstructure the deponent had borrowed Rs.1.5 lakhs from the Co-operative Society; the loan was taken in the name of Usha Rani; the monthly instalment of Rs.2200/- was being paid by the deponent; Usha Rani, who was working as primary school teacher, wanted the deponent to transfer the superstructure in her name; she refused; then on 1.6.2000 her husband Kamaraj came to the school, scolded the deponent and tried to beat her and when her husband Pulavar Palanichamy intervened, he was also beaten up; this was known to

all the teachers; from 1.6.2000 the deponent stopped paying the loan instalments; thereafter Usha Rani got auction notice from the society; the management also got the notice; the deponent deducted Usha Rani's salary in May 2004 and paid her the balance; she refused to receive the amount; the deponent deposited the amount in the school account and informed the Education Department; because of that she did not receive payment for June from the Department; offended Usha Rani sent telegrams and letters to the Education Department Officials and higher officials; on 15.7.2004 in the evening Usha Rani told the deponent that she would see to it that if she did not receive her salary, nobody else got the salary and further she would ensure that the school did not function from the next day; the deponent did not take it seriously; however, Usha Rani on 16.7.2004 at 10.30 a.m. used some chemical and burnt the thatched roof; this she came to know on enquiry; when she was arrested she told the police about this; but the police did not conduct investigation from that angle at all; the police did not furnish her with FIR nor the charge memo; they took her signatures in blank white papers; there was no connection between the fire accident and the noon meal kitchen; the cooking in the noon meal kitchen did not commence at 10.30 a.m.; Sivasankari would come and commence cooking only after 11; this would be evident from the fact that the investigating police officers did not arrest Sivasankari at all.

87.2. In her deposition, besides reiterating the contents of the affidavit, she has further stated as follows:

While Usha Rani was being examined, the witness or her counsel did not ask her about the alleged threat by her; the witness was not in a position to say as to whom she enquired and said that Usha Rani had used some chemical; it was the talk of the town; she used to come to school only at 12 noon; the headmistress had full responsibility for the school; Shankari, after finishing her work in the noon meal kitchen, would come to the house of the witness and do the cooking; she was being paid Rs.400/- per month; she did not know how much Shankari was getting for cooking in the noon meal kitchen; Vijayalakshmi was the noon meal organizer getting paid by the municipality; she did not work as teacher in the English medium school. (At this stage the witness was shown the attendance register.) she admitted to Vijayalakshmi working as teacher in the school; the Education Department officials would give advance intimation and come to the school in December; sometimes they used to make surprise visits; it was the practice to show boosted attendance; it was true that there was a difference of 152 between the number of children recorded as having come and the children who had actually attended; she was not in a position to give any explanation for that; it was true that three schools were being run in the premises; it was true that in the inspection book for 1.12.2000 there was a difference of 120 between the number of children recorded as having come and the children who had actually attended the school; she did not remember the details about this; 94 children died in the accident; children from the nursery school also died; she did not know the number; she did not know the number of children from the high school who died; she was not in a position to deny that a total of 23 children from the high school and the nursery school had died in the accident; she came to know from the newspaper that 94 children had died; Shankari came to her house at 10.30 after finishing her work in the kitchen; she informed the witness about the fire accident; the witness tried to go to the school, but she could not; the parents of the children

asked her not to come inside the school; still she went inside; there was smoke all over; a woman brought the witness home; it was not correct to say that to boost up the attendance in the aided primary school children from the high school and the nursery school sections were asked to sit in the primary sections under the thatched roof; they did not get permission at any time for running the school under a thatched roof; in 1989 she had submitted a plan to the municipality for putting up a construction; her husband had to be enquired as to whether it was mentioned as for school or for residence in the plan; in 1992 she had applied in the name of Usha Rani in respect of 763-B; the witness did not know the details; only her husband had to be asked; she did not know as to what was happening in the classes; she would stay in her room and return home; inspection registers and books would be only under her custody; she knew what was written in those books; she told the headmistress about the contents in the inspection book when she asked her to look into it; only the headmistress had to see the school registers; she was a member of the high school committee; they were running their own schools; there was no society; it was for the headmistress to say where the girls and the boys were to sit; from 1993 Prabhakaran was the correspondent of the nursery school; before that the deponent was the correspondent; Hemalatha was a committee member; she would attend the committee meetings on the days she had no college.

87.3. The xerox copy of the extract from pages 180 and 181 of the inspection book has been marked as Ex.P-28. The details show that the attendance register reflected a total strength of 557 students. The number of students recorded as having come to school is shown as 528 while the head count showed that only 408 students were present, the difference being 120. This has been signed by the Additional Assistant Elementary Educational Officer and counter-signed by the DEEO.

88.1. Pulavar Palanichamy, who was examined as P.W.18 has filed an affidavit marked as Ex.P-29. In the affidavit he has stated among other things, as follows:

He had no role to play in the day to day activities of Sri Krishna Girls High School; during functions he would go there; the respective headmasters and other teachers were running the schools; for the high school classes Education Department gives aid; for Standards IX and X the school was self-financing; there was no noon meal centre for the high school; only in the Sri Krishna Aided Primary School the noon meal scheme was in vogue; there was no connection between the noon meal scheme and the school management. it was being supervised by the government officers concerned; as far as he knew on enquiry, on the date of the accident no preparations had been made for cooking in the noon meal centre; there was dispute between the deponent on the one hand and Usha Rani and her husband Kamaraj on the other with regard to the site where the building had been put up and the primary school was functioning; Usha Rani wanted the superstructure to be transferred in her name and her request not having been conceded, in his view, Usha Rani had used some chemical resulting in the fire accident; he had told the Police Department during enquiry, but they did not investigate on those lines; the police did not give him the FIR at the time of his arrest and therefore he was not in a position to know the charges against him; with a view to bring disrepute to the

deponent, who had made every effort to educate backward castes and females this had been brought about; Usha Rani and her husband Kamaraj were responsible for the accident.

88.2.1 In his deposition as P.W.18 he has stated as follows:

Though he was present in person and he was also represented by counsel while Usha Rani was being examined before the Commission, no questions were put to her about the alleged mischief on her part in setting fire by using some chemical; it was not correct to say that the school did not have basic facilities; there were 700 boys and girls studying in all the three schools - in the high school about 190 children, more than 400 in the aided primary school and 120 children in the nursery school; he knew that 94 children had died in the fire accident; he was not in a position to say as to how many children from each school had died; even though he had come out on bail and it was more than 40 days, he had not found out the details; he was not in a position to deny that 23 children from the other two schools had died; if it was suggested to him that they were boosting the attendance, he did not know; he was the secretary of the girls high school; if the school records showed him as the correspondent, there was nothing wrong; he made the school into a middle school in 1990; in 1993 he upgraded it as high school and he was functioning as secretary since then; in 1993 they took steps for getting recognition for the high school; the stability certificate had to be obtained from an engineer and sanitary certificate from the municipality; stability certificate was given by Engineer Jayachandran; he gave the stability certificate for the girls high school in 2002; even for the nursery school only Jayachandran gave the stability certificate; in 1988 he gave the application for remodelling of the building; the plan was approved; on 26.4.1989 he applied for and obtained another plan; in 1988 he got permission for running an English school; in 1989 he applied for permission to have a residential building; permission was granted in 1989 for the revised plan; it was correct to say that in 1989 the application by his wife was for residence; the related documents had been signed only by her; he did not remember whether afterwards he had applied for permission to put up a non-residential building; it was not correct to say that he did not give any such application; he did not know that permission had to be obtained under the Municipalities Act from the municipality; it was not necessary to obtain permission under the Tamil Nadu Public Buildings (Licensing) Act; from 1993 till the date of deposition he had obtained temporary recognition; they gave provisional permission for upgrading the middle school as high school on 13.6.1993; this was subject to certain conditions; on 8.12.1994 the Joint Director cancelled the provisional permission; on 12.1.1995 the Director granted permission in his favour; for the period 10.9.1996 to 9.9.1999 permission was granted on 15.7.1997 subject to certain conditions; similar permissions were granted for the subsequent periods; the application for nursery school was pending for the period 1997-2003; there was no permission for running the nursery school during that period; in 2003 he applied for renewal for the school; he did not know whether it was for renewal or for fresh permission; he was not in a position to deny whether Balasubramanian, Assistant Elementary Educational Officer (Nursery) came for inspection; it was correct to say that Balasubramanian had pointed out certain defects; he rectified all those defects; it was correct to say that they had mentioned that a playground was necessary for the school; he had shown a playground also; he had shown a place 2 kilometers

away as the playground; that area belonged to one Ayyappan; it was an unregistered document; it was not correct to say that there was no such place and that Ayyappan did not sign that lease agreement; in the documents it was correctly stated that fresh permission was necessary; he did not know as to when orders were passed; he would not go to any office; he only arranged for the lease for the playground both for the nursery school and the high school; some area had been shown as the playground for both the schools; the witness added at that stage that it was only for renewal that he had applied.

88.3. In cross-examination on behalf of Madhavan he has said as follows:

For the nursery school he signed the forms in his house; he did not remember through whom he sent them; he did not know whether the application was sent to Thanjavur and thereafter Balasubramanian came for inspection; if any officer came from the Education Department; neither the headmaster nor the headmistress gave him the information; the headmaster would prepare the letter and the witness would sign; all the three schools belonged to him; only the high school had a management committee; there was no need for such a managing committee for the other two schools; the documents relating to the high school would be there in the school; the contents of Ex.P-11 were not brought to his notice; it is correct to say that in Ex.P-10 the Educational Officer pointed out the defects and as it was not brought to his notice he had not taken any steps. It was not correct to say that only his directions were to be followed by the headmaster, headmistress and the nursery school correspondent.

88.4 It has to be noticed here that Pulavar Palanichamy, his wife the correspondent Saraswathy, the headmistress of the primary school were all represented by counsel and no suggestion was put to Usha Rani that she had used some chemical and caused the fire in the school on account of her enmity with the management. We may straightaway rule out any sabotage involving Usha Rani.

89. Let us now deal with the rest of the oral evidence available. Some of the members of the public, the teachers in the school, parents of victims, the victims who have survived the accident, students from the three schools who had escaped during the fire, the District Officials, the Revenue Department Officials, the Municipal Authorities and the Officials of the Education Department were summoned and examined. The relevant portions of their evidence will be set out now. The affidavits filed by the teachers along with the depositions have been dealt with earlier. It is not necessary to repeat their contents now.

90. C.W.20 Kumar, whose daughter Balamaheshwari studying in the III Standard in the school died in the fire accident, has stated as follows:

He was paying Rs.30/- per month towards fees for his daughter and Rs.30/- per month for the van which fetched her from Natham Village to the school; he plied a cycle-rickshaw and earned his living; he learnt about the accident at 10.30 or 11; he went to the school and did not find his daughter; he identified his daughter only in the evening at the hospital; he did not know as to what happened in the school; he was told that the noon meal kitchen caught fire.

91. C.W.21 Rajendran, who had two of his daughters Bhuvaneshwari and Gokulalakshmi studying in the school, lost Gokulalakshmi in the fire accident. He has stated as follows:

He is a welder by profession; when he went to his workshop at 10 a.m. he was told by a friend that the school had caught fire; he rushed to the school, broke open the *jolly* with the available tool and went inside the school; he could rescue over 15 to 16 children and he handed them over to the general public who had gathered there; he did not even know that his daughter had died; the other child escaped by Providence; even the day prior to the date of the accident he accompanied his daughter through the front staircase to her class; some co-student had caused injury to her with slate in her hand; he went to the school with her daughter on that day to inform this to her teacher; the staircase was a narrow one; his daughter had a blue and white uniform; he did not know about the uniforms of the other schools.

92. One Madasamy has been examined as C.W.22. He has stated that his third son was studying in III Standard in Krishna School; he learnt at about 12.30 p.m. from T.V. news about the fire accident; he went to the school and from there to the hospital and saw his son; his son talked to him and asked him to take him home; however, at 9 p.m. doctors told him that his son had died; when he saw his son, except for the chest and hip, rest of the body was affected by fire; he did not know how the accident occurred.

93. One Sekar examined as C.W.23 has stated that he had a daughter and a son studying in the school; his son died in the accident; because of the carelessness of the teachers the accident took place; however he did not know how the fire accident happened.

94. Anandhi who has been examined as C.W.24 deposed that she lost her son in the accident and that if only each teacher had rescued four children, the casualty would have been less and her son would have been saved.

95. C.W.25 is one Shivaji who is a carpenter. He has deposed that he lost one of his sons in the accident; he did not know how the accident took place; he had not gone to the school.

96. C.W.26 is one Mathiazhagan whose son Ramanna had joined the school just 27 days prior to the accident lost his life in the fire accident. He learnt about the accident at 11.30 a.m.; his son died in the hospital at 8.15 p.m.; the school girls told him that because of the carelessness of the noon meal ayah the accident took place. She further told him that the teachers wanted to save themselves, abandoned the children and rushed out of the school.

97. C.W.27 is one Prabhu, who lost his daughter Priyadharsini in the accident. He has stated that he had gone inside the school; it had the appearance of a house; they had thatched the first floor; there also the children were taught; he did not know how the accident took place; he learnt that because of carelessness the accident took place.

98. One Ravi has been examined as C.W.28. He lost his first daughter Manjula in the accident. He could identify her only from the bangles she wore. The whole body was beyond recognition. He went inside the school. There was thatched roof in the first floor. His second daughter told him that the fire accident started from the noon meal kitchen. Her class was close to the kitchen. In the cross-examination he denied that he was deposing falsely.

99. Savariyar, who has been examined as C.W.29, lost his fourth daughter Roja in the fire accident. He saw his daughter in the hospital. She also spoke to him. Through her he learnt that the accident started at the noon meal kitchen and spread to other parts. She died in the night.

100. Murugan, who has been examined as C.W.30, lost his second daughter Pavithra in the accident. He learnt through his daughter's classmates that the accident took place on account of the carelessness of the noon meal ayah.

101. Chandran, who has been examined as C.W.31, lost his daughter Sheeba aged 11 years in the fire accident. He identified his daughter in the hospital from her under garments and bangles. Her whole body had been charred. He has stated that the school entrance was very narrow. He had not gone inside the school.

102.1.1 C.W.32 is one Subramanian. He has deposed that his daughter Bhuvaneswari was studying in VI Standard in the High School; she died in the fire accident; he identified her from the ear drops; the whole body was charred; he had gone to the school first floor about a month prior to the accident while paying the fees; though he had paid Rs.270/-, he was given receipt for Rs.195; his daughter was made to sit in the V Standard though she was studying in the VI Standard; she herself told him about this; where they had kept the children, it was thatched roof; from a girl named Saranya he came to know that because of the carelessness of the noon meal ayah the accident took place; the teachers instead of sending out the children immediately after the fire, were negligent and because of that the casualty was on the high side.

102.1.2 In his cross-examination he denied that VI Standard children were not made to sit in the V Standard. He further said that to show more attendance for the noon meal this had been done. He did not know that children wore different uniforms. He only knew that his daughter had been made to sit in the V Standard and it was only to boost the noon meal attendance. He knew about this only from his daughter. This happened three days prior to the accident. He had planned to enquire about it at the school. Before that the accident took place.

103. C.W.33 is one Ramakrishnan, who lost his daughter Ayishwarya studying in the III Standard in the fire accident. He has said in his deposition that the staircase in the school was narrow and the class rooms were small without ventilation. Only on 16.7.2004 he learnt that the classes had a thatched roof. His elder daughter Seetha who was studying in the IX Standard told him that because of the carelessness of the noon meal ayah the accident took place.

104. Pandarinathan, who lost his son in the accident, has been examined as C.W.34. He has deposed as follows:

He had gone to the school before the accident; the class rooms were small; the passage was narrow; his son's class room was made of thatch; he had seen it. In the cross-examination he denied that he was deposing falsely.

105. Poyyamozhi, who is an umbrella repairer, has been examined as C.W.35. He lost his son studying in IV Standard aged about 8 in the fire accident. He did not enter the school. He did not know how the accident occurred.

106. C.W.36 is one Selvarasu. He lost his son Vasudevan aged 7 who was studying in the III Standard, in the accident. He has deposed that he had gone inside the school several times; the school building looked like a house; the entrance was narrow; his son's class was on the ground floor on the stage; close to the class room was the noon meal kitchen; a portion of the first floor had asbestos roof and the other portion was of thatched roof; there was another staircase to the first floor; the class in the first floor had a narrow passage; there was no ventilation; from the school children he learnt that the accident was due to the carelessness of the noon meal ayah. He denied that he had not gone inside the school; he denied that he was giving false evidence; he had not seen cooking commencing in the noon meal kitchen before 11 a.m.

107. Anthonidoss, who is a coolie, lost both his sons studying in Sri Krishna Aided School in the fire accident. He has been examined as C.W.37. He has deposed that he had gone inside the school; the very first entrance was narrow; staircase was also narrow; he had seen that classes were conducted under thatched roof; the noon meal kitchen was of thatched structure; he learnt that on account of the negligence of the noon meal ayah the accident took place.

108. C.W.38 Thangarasu lost his son Marimuthu studying in IV Standard in Krishna School aged 9 years in the fire accident. He had not gone inside the school. He learnt that the fire started in the noon meal kitchen.

109. Sivakumar working as *archakar* in a temple has been examined as C.W.39. He lost his daughter Vasantha Priya studying in III Standard in Krishna School, in the fire accident. His daughter had her class in the ground floor, but she died in the first floor. He learnt that because of the carelessness of the noon meal ayah the accident took place.

110. C.W.40 is one Manimaran, who lost his 8 year old son Premkumar in the fire accident. He had not gone inside the school. He did not know how the accident took place.

111. Swaminathan, a goldsmith has been examined as C.W.41. He lost his 8 year old daughter Durgadevi, who was studying in the III Standard in the fire accident. He did not know how the school was or how the fire accident took place.

112. C.W.42 Revathy lost her 8 year old son Vignesh studying in III Standard in Krishna School on 16.7.2004 in the fire accident. Her son had his class in the first floor below the thatched roof. At times he used to sit in the ground floor. She knew how the school looked, but she did not know how the accident occurred.

113. Kulanchiammal has been examined as C.W.43. She lost her 8 year old son Vijai studying in the III Standard in the fire accident. She had not gone inside the school. She learnt that because of the carelessness of the noon meal ayah the accident occurred.

114. C.W.44 is one Murthy, who lost his 7 year old son Boopalan studying in III Standard in the accident. He had seen only the ground floor. When he went to the school on knowing about the accident, the teachers told him that there were no children inside. He did not accept their statement. He broke open the window in the next building and entered the first floor of the accident spot. He saw a boy alive. The boy asked him to save him. He broke open the jolly, rescued the boy and two other children. Only thereafter he saw his dead son there. By then the whole roof had burnt out. As the roof caught fire and fell over the children many of them died.

115. Manipatthar, who lost his 9 year old son Muthuraja studying in the IV Standard in the fire accident, has been examined as C.W.45. He has deposed that though he had gone to the school two or three times, he did not know how the inside of the school looked. He did not know how the accident took place.

116. Kalarani, who has been examined as C.W.46, lost her V Standard studying 13 year old son Keerthivasan in the fire accident. She had not gone inside the school. She did not know how the accident took place.

117. Easwari, who has been examined as C.W.47, lost her 8 year old III Standard studying daughter Jayalakshmi in the fire accident. She had gone inside the school. The passage was narrow as also the staircase. Her daughter had her class under the thatched roof. She did not know personally about the accident.

118. Magesh, examined as C.W.48, lost his 8 year old son Vignesh studying in III Standard in the accident. He had gone inside the school. The staircase was narrow. Though his son had his class in the ground floor, he had been asked to sit in the first floor on that day. He did not know personally about the accident. In the cross-examination he has said that his son was studying in English medium class and his uniform was white and blue. He denied that he was giving false evidence.

119. Mariammal, who lost her III Standard studying 8 year old daughter Priya in the fire accident, has been examined as C.W.49. She had gone to the school. The staircase was narrow. The facilities were inadequate. Her daughter had her class under the thatched roof. Her elder daughter Aarthi told her that the noon meal ayah after lighting the oven went to get rice and in the meantime, the kitchen caught fire.

120. Rajeswari, who lost her 7 year old III Standard studying daughter Nagajothi, has been examined as C.W.50. She has said as follows: She had gone inside the school before the accident; the amenities were not adequate; stairs were narrow and if one went up, another could not come down; her daughter had her class under the thatched roof; as soon as she learnt about the fire accident she went to the school; several children were crying from inside for help; she saw fire burning; it was full of smoke; there was no wound or injury on her daughter; she must have died on account of suffocation due to the smoke. She denied that there were adequate facilities in the school.

121. Shanti, who lost her 8 year old son Lakshmanan studying in the III Standard in the accident, has been examined as C.W.51. Though her son had his class in the ground floor, she did not know the reason why he was made to sit in the first floor. Her daughter Mahalakshmi studying in the IX Standard told her that the fire started in the noon meal kitchen and spread to other places.

122. Selvi examined as C.W.52, lost her daughter Kanakapriya aged about 8 years and studying in the III Standard in the accident. She did not know how the accident took place. She had not gone inside the school.

123. Krishnamurthy, who lost his 8 year old III Standard studying daughter Solaiammal in the fire accident, has been examined as C.W.53. He did not see the fire burning. When he went there they were removing the children. He had gone inside the school. He knew about the structure inside. Part of the first floor had a thatched roof. His daughter's class was below the thatched roof. He identified his charred daughter's body in the hospital.

124. Marimuthu examined as C.W.54, lost his 8 year old, IV Standard studying son Mohan Kumar. He had gone inside the school before; the staircases were narrow; there was only one staircase; his son had his class in the second floor (mistake for first floor); his son's class had a thatched roof; he did not know how the fire accident took place. In the cross-examination he said that he had not noticed that there was another staircase in the school. He denied that he was giving false evidence.

125. Mathivanan, an agricultural labourer, who lost his 8 year old daughter Divya studying in the III Standard in the English medium school in the accident, has been examined as C.W.55. He did not know how the accident took place.

126. C.W.56 Inbaraj lost his sons Anandaraj studying in the V Standard and aged 10 years and Pravinraj studying in the III Standard and aged about 7 years in the fire accident. He has deposed as follows:

He had seen the structure; he had not gone inside the school; his son Pravinraj had his class in the ground floor on the stage; adjacent to the class room was the noon meal kitchen; there were no amenities inside the school; he had seen newspaper reports and in particular about the fire accident in Srirangam and had told the correspondent about the lack of facilities in the school; there was likely to be an accident on account of the school having a thatched structure; the management did

not pay heed to his warning; the staircase was narrow and there was no light or ventilation; classes were dark; the other parents had also told the correspondent about the lack of amenities; he learnt about the accident at 11 O' Clock; he went to the hospital and saw the charred bodies of his two sons; he did not know how the accident took place. He denied that he had not met the correspondent at any time. He told him about the shortcomings.

127. Ilangovan who was working as telephone lineman has been examined as C.W.57. He lost his III Standard studying, 8 year old daughter Saranya in the fire accident. She had her class in the ground floor in the English medium section. He learnt from his daughter's classmate Vinodh that the class teacher sent his daughter from the ground floor to the first floor and that she died in the accident.

128. C.W.58 is one Alagesan, a vegetable vendor. He lost his VII Standard studying daughter Anitha and 9 years old, III Standard studying son Arulpandian in the fire accident. He has deposed that the class rooms were small and narrow; the roof was of thatch; his son Arulpandian's class was in the ground floor on the stage; close to the class room was the noon meal kitchen having a thatched structure; he did not know how the accident took place. In the cross-examination he said that between the classes there was a cloth screen and no wooden partition; there was way for the children to escape, but it was closed. He further said that because of the inspection children were sent from the ground floor to the first floor resulting in the tragic deaths.

129. Selvam examined as C.W.59 who is running a petty shop, lost his III Standard studying, 8 year old son Vignesh in the fire accident. He had not gone inside the school. He learnt that on account of the negligence of the noon meal ayah, the accident took place.

130. Paramasivam, who has been examined as C.W.60, lost his 11 year old daughter Kirthana studying in the VI Standard in the accident. He had not gone inside the school. He had only seen the ground floor. On knowing about the fire accident he rushed to the school, but by then everything was over. He did not know how the accident occurred.

131. Murugananthan examined as C.W.61 is a vegetable vendor in the market. He lost his 8 year old, III Standard studying son Venkatesan in the accident. He has deposed as follows:

His son was in the English medium class; the witness had gone inside the school; the facilities were inadequate; it was only a residence; it never looked like a school; he had brought it to the notice of the management that the structure was likely to catch fire; the correspondent did not take any steps; he wanted to put his son in Sri Madha School and wanted the correspondent to give him T.C.; it was refused; the management also told him that about the lack of facilities they had addressed the government; if only they had acted at the appropriate time the accident would not have happened and the witness would not have lost his only son; when he went to the school in search of his son he saw manager Palanichamy coming out with files; he did not take notice of that; but when he was searching for his son, as there was a crowd outside Palanichamy took the files back inside; his

son's class was in the ground floor; he did not know how his son went upstairs; it had to be investigated. The witness denied that he did not meet the correspondent and ask for T.C. for his son. He denied that Pulavar Palanichamy did not come out with files and that he was giving false evidence.

132. Rajendran examined as C.W.62 working as coolie lost his VI Standard studying, 11 year old daughter Divya in the fire accident. He did not know how the accident took place. He did not go inside the school.

133. Bohar examined as C.W.63, lost his III Standard studying, 7 year old daughter Aparna in the fire accident. He learnt from the neighbours that the noon meal kitchen caught fire and spread to other parts.

134. Thaiyalnayagi examined as C.W.64 lost her 7 year old daughter Joan Jennifer and studying in the VII Standard in the fire accident. She did not go inside the school. She did not know how the accident occurred.

135. Sekar working as a coolie has been examined as C.W.65. He lost his 7 year old, III Standard studying daughter Karthika in the fire accident. He did not know how the accident took place. He had not gone inside the school.

136. Raj working as a load man has been examined as C.W.66. He lost his 8 year old, III standard studying daughter Hemalatha in the fire accident. He had gone inside the school once. The entrance was narrow. A portion of the first floor had a thatched roof. He learnt that the fire started in the kitchen and spread to other parts.

137. Mariammal examined as C.W.67, lost her 7 year old son Sakthivel who was studying in the III Standard in the fire accident. She did not know how the accident took place.

138. Saroja examined as C.W.68, who was working as noon meal assistant in the anganwadi, lost her granddaughters Priyanka aged 9 years and studying in the IV Standard and Soniya aged 7 years and studying in the III Standard in the fire accident. She learnt about the accident and went to the school. She could not see her granddaughters. The noon meal ayah had used old thatch and kerosene, lighted the oven and gone away to shop and the accident therefore happened. When she went to the first floor she saw the charred bodies of children. She could identify only Soniya in the hospital. She could not identify Priyanka. She denied the suggestion that the accident was not due to the carelessness of the noon meal ayah.

139. Dhanalakshmi examined as C.W.69 lost her 7 year old, III Standard studying daughter Priyadharsini in the fire accident. She had gone inside the school. Her daughter's class was in the first floor under the thatched roof. The school lacked facilities. She did not know how the accident took place. She denied that the school had all facilities.

140. C.W.70 Ilangovan lost his daughter Priyadharsini aged 9 years and studying in the IV Standard in the fire accident. He had left his daughter with his

brother-in-law. He had visited the school several times and seen the ground floor, first floor and the second floor. His daughter had her class in the first floor below the thatched roof. There was only one entrance to her class and it was also narrow. There was congestion in the school. There was no ventilation either. He learnt that due to the carelessness of the noon meal ayah the accident took place.

141. Sekar examined as C.W.71 was dealing in tamarind and chilly. He lost his 8 year old, III Standard studying son in the fire accident. He did not know how the accident took place. He identified his son in the hospital.

142. Thiruveenkadam, a teacher working in the school, has been examined as C.W.72. He has deposed as follows:

He joined the school three months prior to the accident; he used to take classes from VI to X. The headmaster was Prabhakaran. On 16.7.2004 he had gone to the school; he was teaching science for the X standard students; at about 10.45 a.m. the girls in his class shouted that there was a fire; he came out of the class and saw the fire and asked his class students to go out; he did not send any of his students to any other class; there were 39 girls in his class; he did not take attendance on that day as it had not come to his class; he also did not ask for it; therefore it was not correct when he said that all the students attended the class; he was not in a position to say whether girls from his class were sent to any other class; the noon meal kitchen caught fire and spread to other parts; he has said in the police enquiry that because of the negligence of the noon meal ayah the accident occurred; he did not know how the accident took place; it was only a guess.

143. Dhanapal, another teacher who was working in the Sri Krishna Aided Primary School from 1980, has been examined as C.W.73. He was the class teacher for II Standard A and II Standard C; the total strength for the two classes was 52 boys and girls; that was as per the attendance register; however, only 35 attended the classes; the balance 17 children never came to the class; he did not send any of the students from his class to any other class; he knew that Education Department Officials were visiting the school on 16.7.2004 for inspection; he had planned to tell the authorities that out of 52, 17 students never came to the class; the headmistress for his school was Shanthalakshmi, correspondent Saraswathy and manager Palanichamy; Shanthalakshmi is Saraswathy's brother's daughter; his classes were in the ground floor, third and fourth from the correspondent's room; soon after the thatch caught fire he and another teacher Poonkodi came out of the school and shouted for somebody to phone the Fire Service; he took out the children from both his classes; the accident was due to the negligence of the noon meal organizer and the ayah, according to him; he had undergone operation in his leg and only on the date of the accident he came to the school; because of his problem he could not save the children. In the cross-examination he had said that he saw the fire starting in the noon meal kitchen; though the noon meal kitchen would not be visible from his class, as soon as the children shouted he came out of the class and saw the noon meal kitchen burning. He denied that he was lying about the accident and that he had no personal knowledge.

143-A. Chidambaram working as teacher in the Sri Krishna Aided Primary School from 1969 has been examined as C.W.74. Though he was working from 1969 he did not know that the correspondent, the headmistress and the manager were all related to one another. It was a practice to ask the children to go from one class and sit in another class during inspection by the Education Department Officials. He had his class in the ground floor adjacent to the stage. His class had only thatched roof. On the date of the accident he was on leave. It was only on instructions from the management the teachers used to make boys and girls sit in other classes. He denied that they were not doing that on instructions from the management.

144. Muralidharan, school van driver has been examined as C.W.75. According to him, he was working for 7 years; his duty commenced at 7 a.m.; he would bring the children, leave them at the school and go home at 10 a.m.; in the afternoon he would come at 3 p.m. and drop the children in their respective houses; he learnt about the accident on information over phone by a friend of his; he went to the hospital; the crowd that had gathered there started beating him; he did not know how the accident occurred.

145. Amirtham, sweeper in the school examined as C.W.76 has said that she used to go to the school daily at 12 noon and do her work and she did not know anything about the accident.

146. Kalyani, another sweeper in the school examined as C.W.77 said that on that day she was on leave and therefore she did not know anything about the accident.

147. Ananda Kumar examined as C.W.78 has said as follows:

His neighbour's daughter Krithika was studying in the Krishna Aided School; at about 10.30 a.m. her mother told him that the school was on fire, that her daughter Krithika was missing and asked him to go and see; members of the public, he and the police broke open the *jolly* in the first floor and rescued the children under the thatched roof; the collapsible gate was closed and therefore it was necessary to break the *jolly*; he rescued about four children; Krithika died in the accident; he denied that the collapsible gate was not under lock and key and it was open.

148. Murthy examined as C.W.79 is an auto driver, who had also done his bit in rescuing the children. He and his friends Prakash, Sakthi, Ananda Kumar and Gopalan climbed over the terrace of the adjacent house and entered the school, broke open the *jolly* and attempted to rescue the children. As the collapsible gate was closed, it became necessary to break the *jolly*. He denied that the collapsible gate was not closed.

149. Gopal examined as C.W.80 is another witness, who had participated in breaking the *jolly* and attempting to rescue the children. According to him, though the collapsible gate was open, there was smoke everywhere and the fire had also spread, they were not in a position to use the collapsible gate. To the same effect is

the evidence of G. Suresh examined as C.W.81, Sakthi examined as C.W.82 and Nagarajan examined as C.W.83.

150. V. Srinivasan examined as C.W.84, on learning about the accident went there and helped by providing water to put out the fire. To the same effect is the evidence of S.R. Srinivasan examined as C.W.85, Lakshmiammal examined as C.W.86 and Vaidyanathan examined as C.W.87.

151. M. Sekar examined as C.W.88 living close to the school learnt about the accident and went to the school. It was engulfed in smoke. He did his mite in rescuing the children. C.W.89 Natarajan while returning from the ration shop saw the fire. He supplied water for dousing the fire. Shanmugham examined as C.W.90 and Vijayakumar examined as C.W.91 did their best to rescue the children during the accident.

152. Mohan, next door neighbour, examined as C.W.92, had his two coconut trees burnt in the accident. He saw the noon meal kitchen burnt down. His tenant Murthy's son Jayaprakash died in the accident.

153. Kannan examined as C.W.93 has filed Ex.C-24 giving his suggestions as to how to avoid such accidents in future. He has made a further suggestion that students should have Group Insurance. One P. Sowrirajan examined as C.W.94 has filed Ex.C-25 listing his suggestions. G. Gandhi examined as C.W.95 has filed Ex.C-26 for the same purpose.

154. Soosaimary examined as C.W.96 was studying in the III Standard in the Krishna Aided School. She had her class in the first floor below the thatched roof.; she does not remember her teacher's name; the male students of the III Standard class shouted "burning, burning"; only then she learnt that there was a fire accident; the general public brought her and other children down the stairs; at that time she got a burn injury in her right hand; in the accident her brother George studying in the V Standard died.

155. Divya examined as C.W.97 studying in the IV Standard in the school has stated as follows:

She had her class below the thatched roof; at the time when the school was burning the teachers did not allow the students to go out; the children got afraid and hid themselves below the benches; thereafter, the general public came and rescued them; in the accident she had burn injuries in her hands, face, back and legs; she was hospitalized for two months; she had the scars in her hands and legs. Her fingers were bent and she had to undergo an operation on the 20th of October, 2004; arrangements had been made for continuing her studies in Saraswathy Padasalai.

156. Ramesh aged 8 years examined as C.W.98 has stated as follows:

He was studying in the English medium class; his class was in the ground floor; on 16.7.2004 he and some other students in the class were asked to go to the first floor and sit there; they said that there was some arrangement; after the

accident the wall was broken and he was pulled out; he had burn injuries in his right hand and leg.

157. Vishnupriya studying in the third standard in the aided school examined as C.W.99 has said that her class was below the thatched roof; that immediately after the accident her teacher Devi rescued her and sent her out and that she got burn injuries near the eye, hands and legs.

158. Devi, 9 year old and studying in the III Standard in Tamil medium class examined as C.W.100 has said that her class was in the first floor below the thatched roof and that she came out of the class immediately after the accident. She has further said that she got some burn injuries on her face and hand and that she was continuing her studies in Balasaraswathy Padasalai.

159. Naveena aged 8 years and studying in the III Standard in the aided school examined as C.W.101 has said that she had her class in the first floor below the thatched roof; she got burn injuries near her eye, hands and legs; her twin sister Nandini, though she came out of the class room, went back to get the books, got caught in the fire and died.

160. Kamali aged 8 years and studying in the III Standard examined as C.W.102 had her class in the first floor below the thatched roof. She has said that as soon as there was fire she rushed out and while doing so she got burn injuries in her hands and legs. She has further said that she was continuing her studies in Saraswathy Padasalai. To the same effect is the evidence of C.W.103 Vigneshwaran. He had come out on his own. His teacher's name was Mahalakshmi.

161. Saravanan examined as C.W.104 studying in the IV Standard had his class in the first floor below the thatched roof. He hid himself under the bench and later on he was rescued by outsiders. He is studying in Banadurai Municipal School. He got burn injuries in his hand, back and leg.

162. Ajith Kumar examined as C.W.105 studying in the IV Standard had his class in the first floor below the thatched roof. He also hid himself under the bench and thereafter his teacher took him out and saved him. He was continuing his studies in Balasaraswathy Padasalai.

163. Rahul Raghavan examined as C.W.106 studying in the III Standard in the English medium class sustained severe injuries in the accident. He was hospitalized for three months and got discharged two days previous to his examination on 19.10.2004. Though he was in the English medium class, on that day he was made to sit in the Tamil medium section under the thatched roof. Apart from him other boys were also made to sit there. He did not know whether it was to show the necessary attendance for noon meal. He was continuing his studies in Sri Matha School.

164. C.W.107 is one Vijai aged about 8 years who was studying in the aided school in the IV Standard. His class was below the thatched roof; as the collapsible gate was closed he could not get out; he hid himself under the bench; Fire Service people and public broke the *jolly* and rescued him; he was studying in Vallalar School. He denied that he was deposing as tutored.

165. C.W.108 is one Karthi aged 10 and was studying in Krishna Aided School in the V Standard. His class was in the first floor below the thatched roof; in the fire accident he got hurt in the right hand; he got out by climbing over the window; both he and his sister Akila studying in the same school escaped in the fire accident.

166. C.W.109, one Sita aged about 15 years, was studying in the high school. Immediately after the school caught fire, as they were asked to rush out, she and her classmates came out. Her sister Aishwarya studying in the III Standard who had her class in the first floor below the thatched roof died in the accident.

167. Nandini examined as C.W.110 was studying in the VIII Standard in the high school. She came out of the school along with her classmates soon after the school caught fire. She denied that the noon meal kitchen did not catch fire.

168. Lakshmi examined as C.W.111 was studying in the X Standard in the high school. She and her classmates came out of the school after the school caught fire. Her brother Anbazhagan was studying in the IV Standard and though he had his class in the ground floor, she did not know how he went to the first floor and got caught in the fire. His classmates told her that only on instructions from his teacher he went to the first floor class.

169. C.W.112 Subha, C.W.113 Vijayakumari, C.W.114 Savithiri, C.W.116 Kirthika, C.W.118 Bhuvaneshwari, C.W.119 Neelapar Nisa, C.W.120 Kalaiselvi, C.W.121 Gayathri, C.W.128 Ramya, C.W.129 Priya, C.W.130 Aparna, C.W.131 Vembu, C.W.132 Saranya, C.W.133 Surya, C.W.134 Deepa, C.W.135 Selvi, C.C.136 Irudhaya Prabavathy, C.W.138 Indumathy, C.W.139 Rahini, C.W.141 Jayanthi and C.W.142 Nazeera Banu were all students in the high school having their classes in the second floor. They rushed out of the school as soon as the school caught fire.

170. C.W.115 Renuka who was studying in the VIII Standard has stated as follows:

She and her classmate Revathy had gone to the toilet and while they were returning they saw the noon meal kitchen burning; they immediately told the III standard teacher; the teacher called another teacher Dhanapal and asked him to telephone the Fire Service; thereafter they went to their class in the second floor and told their miss and their miss asked all the girls to rush out of the school. In the cross-examination she denied that she and her classmate Revathy did not go to the toilet at that time and that they did not see the fire.

171. C.W.117 is one Gayathri. She was studying in the VI Standard; she had her class in the second floor; on that day her class teacher asked her to go and sit in

the V Standard; she did not know why she was asked to do that; there was thatched roof over the V Standard class; her brother Muruganatham was in the IV Standard; immediately after the accident she and her brother came out of the school; however, when her brother went back to get his books he got caught in the fire and died.

172. C.W.122 is one Rajkumar aged about 10 years and studying in the V Standard English medium. He has deposed that though he had his class in the ground floor, on that day as directed by his Miss he went and sat in the class in the first floor below the thatched roof; however, as soon as the school caught fire he ran out of the school.

173. Anita who was studying in the VI Standard in the high school has been examined as C.W.123. She has stated that her class was in the second floor; on that day she and her classmates Roja, Vimala, Srividya and Rosy were all asked to sit in the first floor below the thatched roof as there was going to be an inspection; somebody from the second floor broke open the window and rescued her; Roja who had come along with her died in the accident; apart from her one Monica also died in the accident.

174. Priyadharsini examined as C.W.124 was studying in the VI Standard having her class in the second floor along with Bhuvanewari, Suganya and Punithavathy. They were asked to sit in the first floor below the thatched roof as there was going to be an inspection by the Department Officials. In the accident Bhuvanewari died and others escaped.

175. Renuka examined as C.W.125 was studying in the VI Standard having her class in the second floor. She has said that she, Anita, Monica and Mohana were also made to sit below the thatched roof in the first floor on the ground that there was going to be an inspection; Monica died in the fire accident.

176. Punithavathy studying in the X Standard having her class in the second floor has been examined as C.W.127. As soon as the accident took place her class teacher Thiruvengadam asked the students to get out of the school. In the accident her younger brother Jayaprakash studying in the IV Standard died.

177. R. Saranya examined as C.W.137 has deposed that she was studying in the VII Standard and that her class was in the second floor and her class teacher was Kavitha. In her evidence she has further stated that she and her classmates M. Saranya and A. Anita were all asked to sit in the V Standard under the thatched roof in the first floor as there was going to be an inspection on that day. The V Standard class teacher was one Santhalakshmi. Immediately after the fire she ran out; however, Anita who had come with her and stayed in the V Standard died in the accident.

178. Nishanti examined as C.W.140 was studying in the VII Standard and her class was in the second floor. On that day a teacher came to her class and asked her, Anita and Saranya to go and sit in the V Standard. She did not know as to why

they were asked to sit there. Her brother Niyaskumar studying in the III Standard had his class below the thatched roof. He died in the accident as also Anita.

179. C.W.143 is one Durgadevi who was studying in the V Standard and had her class below the thatched roof in the first floor. Her class room also caught fire. She rushed out through the collapsible gate. She was continuing her studies in St. Joseph's School.

180. Some witnesses have said that the collapsible gate was locked. Others have said no. We will deal with this later on.

181. C.W.144 Jayakumar who was studying in the XI Standard has filed Ex.C-27 giving his views as to how to avoid such accidents in future.

182. One Rosy whose son Pavithran, a IV Standard Tamil medium student had died in the accident, has been examined as C.W.149. She has said among other things that on that day, though her son's class room was in the ground floor, she did not know how he went to the first floor where the fire accident took place. She has further said that on enquiry, she learnt that to boost the noon meal attendance, he had been asked to sit in the aided school under the thatched roof. In her cross-examination she denied that she had given false evidence.

183. One Bhaskar who was Civil Supervisor at Bangalore has been examined as C.W.150. His daughter Atchaya who was studying in the III Standard in the Krishna Aided School had died in the fire accident.

184. C.W.151 is one Radhakrishnan, a coolie in the market place, lost his son Manikandan who was studying in the IV Standard in the aided school. He has further said that at the time of the fire accident one Palanichamy pushed down his daughter Suganya studying in the V Standard and she had to be treated for four days.

185. Kaliyamurthy who lost his elder son Appu alias Vetrivel in the fire accident has been examined as C.W.152.

186. One Manjula who was a neighbour and whose three children were studying in the school has been examined as C.W.153. She has deposed as follows:

At 11 a.m. on that day while she was in the kitchen she saw the school noon meal kitchen on fire; she shouted out for help to put out the fire; she came out of her house and saw the teachers standing there; she asked the teachers about her children; they said that they had rescued the children and left them in the rice mill near by; she went to the rice mill, but did not find her son there; she came back to the school; the police and the Fire Service people had gathered there; she learnt that several children had died; she saw the dead and the injured children being put in an ambulance; her elder daughter and last son had come out of the school, but the middle son died in the accident; she could identify her son Jayaprakash only at 4 p.m. in the hospital; two coconut trees in the rear of the house where she was

residing caught fire; she had gone inside the school several times; Jayaprakash has his class in the ground floor next to the stage; however, she left him on Thursday in the first floor; she did not know why they changed the class; on Tuesday prior to 16.7.2004 the management changed the roof over the noon meal kitchen; they did not remove the old thatch; they had kept it close to the kitchen; her son Jayaprakash's classmate, one Saravanan, told that during the fire accident he hid himself under the wooden bench and at that time he saw Jayaprakash holding on to the gate (collapsible gate) and if only he had hid himself under the bench, he would have survived the accident. In the cross-examination she denied that the management had removed the old thatch.

187. C.W.154 is one Jaffrullah who is running a provision shop. He lost his daughter Anwarabegum who was studying in the IV Standard Tamil medium class; as soon as he learnt about the fire accident he reached the spot at 11 a.m.; one Mansur Ali Khan who was studying in the V Standard in the same school, told the witness that his daughter had been made to sit in a different class in the first floor; the witness had gone to the school several times; the staircase, entrance etc. were narrow and he had also told the teachers about that; they told him that as three schools were being run there it would be congested; he identified his daughter after searching in several places, at 4 p.m. in the hospital.

188. One Alagarsamy doing coolie work whose son Manikandan studying in the IV Standard Tamil medium aided school died in the fire accident has been examined as C.W.155. He came to know about the fire accident at 1 p.m.; he identified his son at 4 p.m. at the hospital; the witness had gone inside the school and the facilities were wholly inadequate; even though there was electricity supply, the light would not be kept on; his son's class room was in the first floor under the thatched roof. He denied that there was no congestion in the school and that the lights would be on.

189. Shanti, a coolie, whose daughter Nandini studying in the VI Standard in the high school had died in the accident has been examined as C.W.156. She has said as follows:

Her daughter had her class in the second floor; she reached the school within 10 minutes on knowing about the fire accident; to show attendance for noon meal her daughter had been made to sit in the IV Class under the thatched roof and only because of that she lost her daughter; she identified her child at 12.30 p.m. at the hospital; the school teachers had not made attempts to rescue the children, but had gone out and hidden themselves. In her cross-examination she denied that sufficient precaution had been taken and that children were not made to sit elsewhere.

190. Murugan working as a driver, who lost his son Vijai studying in the III Standard Tamil medium in the fire accident, has been examined as C.W.157. He had not gone inside the school.

191. Amudha, whose daughter Gayathri studying in the IV Standard English medium died in the fire accident, has been examined as C.W.158. She has deposed as follows:

Her daughter's class room was in the ground floor; however, to boost the attendance for the noon meal her daughter was made to sit in the aided school class room; if only she had not been sent there the witness would not have lost her daughter in the accident; she was wrongly informed that her daughter had escaped; she was searching for her daughter till 4 p.m. and later identified her body at the hospital.

192. Veeramani, who lost his son Pravin Kumar studying in the Tamil medium aided school in the III Standard, has been examined as C.W.159. He was a native of Pondicherry and he was not at Kumbakonam on the date of the accident; his mother informed him; he and his wife reached Kumbakonam by 5 p.m.; on reaching Kumbakonam he learnt about his son's death; he went to the hospital and identified his son.

193. Jayalakshmi who lost her son Neelakandan studying in the III Standard in the aided school in the fire accident has been examined as C.W.160. She learnt about the accident at 10.20 a.m.; she went to the school, but was given wrong information; thereafter she went to the hospital and identified her son; she had not gone inside the school; her younger son was also studying in the same school; from him she learnt that her dead son was asked to sit in the first floor under the thatched roof on the day of the accident.

194. Sivakumar, a coolie, whose son Niyankumar studying in the III Standard English medium died in the accident, has been examined as C.W.161. He has stated that he came to know about the accident at 10.30 hours. He could identify his son at 3.35 p.m. at the hospital.

195. Arul Jothi, an agriculturist, whose sons Arul Surendar and Arul Surya were respectively studying in the V and the III Standards in the aided school, has been examined as C.W.162. He has said as follows:

Arul Surya had his class in the ground floor next to the noon meal kitchen on the stage; Arul Surendar had his class in the first floor under the thatched roof; on 16.7.2004 at 11 hours he got a telephone message about the fire accident through his neighbour; immediately he rushed to the school; his elder son escaped; when the witness met his elder son at the school entrance, he told him that Arul Surya was sent to the first floor by the teachers and that he had not come down till then; at 2 p.m. he identified the body of his younger son at the hospital; the witness had gone inside the school; the rear classes had a thatched roof; the noon meal kitchen had a thatched roof; in the first floor on the western side there was a thatched roof. He expressed a wish that the school should be converted into a memorial.

196. Maheswari whose daughter Meena and son Selvaganesh were studying respectively in the VI Standard and the IV Standard in the school has been examined as C.W.163. She has stated as follows:

A week prior to the accident her daughter Meena told her that as she was short, she was made to sit in the IV Standard; when she went to the hospital, she found only Meena getting treated for burn injuries; at about 12.30 p.m. she saw the dead body of her son Selvaganesh; the body was in a very bad state; her daughter

Meena got treatment in the Tanjore Medical College Hospital and died on the 21st; the witness had gone to the school several times; both her children lost their lives as they were made to sit under the thatched roof; only because inspecting authorities were visiting the school on that day, her daughter Meena was made to sit in the primary school. She denied that the children were not asked to sit elsewhere for the purpose of inspection. She also expressed a wish that the school should be converted into a memorial.

197. Raman, a carpenter whose son Aravindan studying in the IV Standard lost his life in the fire accident, has been examined as C.W.164. He came to know about the accident at 10.30 hours and went to the hospital. He identified his son at 3 p.m.

198. Bharati Dasan working in a tea stall whose daughters Dharanika and Piriyaatharsini were studying respectively in the IV Standard and the II Standard in the primary school has been examined as C.W.165. He has stated as follows:

At 10.40 hours on 16.7.2004 his younger daughter and his sister's daughter came to his house and said that there was a fire accident; he rushed to the school immediately. His brother went inside the school and brought the witness's daughter and handed her over to the witness; Dharanika asked her uncle to rescue the other girls; thereafter the witness took her by an auto to the hospital; however, on the way she died; he had gone inside the school several times; his daughter's class room was in the first floor under the thatched roof.

199. Ramachandran, a car driver, who had his daughter Durga Devi studying in the VI Standard in the high school, has been examined as C.W.166. She died in the accident. He could identify her only at 6 p.m. Some parents told him that on account of the inspection some children were made to sit in the aided school classes.

200. One Amudha, whose daughter Sathiyapriya studying in the III Standard in the school died in the accident, has been examined as C.W.167. She has said that she had gone inside the school; her daughter's class room was in the first floor under the thatched roof; only at 5 p.m. she and her mother could see her daughter in the hospital; her daughter asked for water; thereafter she died.

201. One Murugan (C.W.168) working as coconut peeler had his son Suresh aged about 9 years studying in the III Standard in the aided primary school. Suresh died in the accident, but his sisters Amsavalli and Saraswathy studying in the same school escaped.

202. Arul Xavier examined as C.W.169 has deposed that his son George was studying in the V Standard and his daughter Soosai Mary was studying in the III Standard; he learnt about the accident at 11 O' Clock; he rushed to the school immediately; he could not see his children there; thereafter he went to the hospital; he could identify his son only in the evening; his daughter who got burn injuries was treated and she had become all right.

203. Ganesan, an auto driver, whose daughter Jothilakshmi studying in Sri Krishna Aided School, had died in the accident, has been examined as C.W.170. He has said that he came to know about the accident at 11.45 a.m. He identified his dead daughter at the hospital at 3.30 p.m.

204. Jansirani, whose daughter Yazhini studying in the III Standard in the aided school lost her life in the fire accident, has been examined as C.W.171. She has deposed as follows:

She had gone to the school several times; the facilities were inadequate; the staircase and the entrance were narrow; there was no light; she went to the school immediately after knowing about the accident; the school teachers did not give her proper information; at about 12.15 hours she went and saw her child at the hospital; there was no light; she denied that there was enough light in the class room.

205. Mala whose daughters Susmitha and Mathumitha were studying in the III and the V Standards respectively in the English medium school has been examined as C.W.172. She has said as follows:

She came to know about the accident at 10.45 hours on 16.7.2004 when her elder daughter came and reported about the fire accident to her; immediately she and her husband went to the spot; on reaching the school she met teachers Indra and Jeeva, who told them that as the daughters of the witness were in English medium school, their classes had nothing to do with the fire accident; in view of this, the witness did not make any attempt to search for her daughter; somebody on the way told her that the children had all been removed to the hospital and the witness should go and see the children at the hospital; on the basis of the identification marks given by her, her husband's friend identified the child; her elder daughter told her that on account of the inspection by the officers English medium children were made to sit in the Tamil medium classes after removing their shoes, socks and belts; she also learnt that her last son was made to sit in the ground floor in the Tamil medium class adjacent to the stage. She denied in her cross-examination that on account of the proposed visit of the department officials, children from English medium class were not sent to the Tamil medium class after removing their shoes, socks and belts.

206. Saravanan, who lost his son Lakshmi Narayanan studying in the III Standard in Tamil medium in the aided school has been examined as C.W.173. He has stated as follows:

His son had his class room only in the ground floor; he did not know how he had gone to the first floor and sat under the thatched roof; on enquiry he learnt that to boost the noon meal attendance, the school management used to make children shift classes. He has further stated that his son was in the English medium class and as he did not study well he was shifted to Tamil medium. He has also said that the school was very congested and lacked in amenities with narrow passage without proper ventilation and light. In cross-examination he denied that the children were not asked to shift to other classes, that there was adequate lighting and that the class rooms had enough space.

207. Chitra examined as C.W.174, lost her 7 year old son Muthuraman studying in the III Standard in the aided school in the fire accident. She was told that her son was asked to go to the first floor by his teacher.

208. C.W.175 is one Ramamurthy, a tailor by profession. His daughter Karthika was studying in the IV Standard in English medium in Saraswathy Nursery School. Karthika's class room was in the ground floor near the entrance. The witness came to know about the fire accident at 11.25 hours. He had a hope that as her daughter's class was in the ground floor, nothing would have happened to her. However, in the evening he identified his daughter in the hospital. His son Samuel was studying in the English medium school and he told the witness that on that day the school management, with a view to show more attendance, shifted Karthika to the Tamil medium class and gave her a new name Maheswari. He has further said that about six months prior to the accident his son had told him that whenever he went to the Tamil medium class his name was Mani and his sister's name was Maheswari. Only at the time of the accident the witness came to know that Tamil medium classes were conducted below the thatched roof. In cross-examination he denied that his daughter was not sent from the ground floor class to the first floor class and that she did not get a different name.

209. Samuel, son of C.W.175 was examined as C.W.176. He has corroborated the evidence of his father. The boy was aged 7 at the time of his examination. He did not know why different names were given to him and his sister. He denied that he was lying and that on being tutored he gave his evidence.

210. Rajendran working in a hotel and who had his son Sathish Kumar studying in the III Standard in the aided school has been examined as C.W.177. He lost his son in the accident. He has stated that his son had his class in the ground floor on the stage, but the teacher sent him up and he did not know why his son was sent up.

211. Sakunthala examined as C.W.178 lost her son Siva aged about 8 and studying in the III Standard in the Tamil medium school. He was studying with his sister. She has said that to boost the noon meal attendance her son who had his class in the ground floor on the stage, next to the noon meal kitchen, had been sent to the first floor class. This she came to know from the children who had escaped in the accident. She denied that her son was not sent up to boost the noon meal attendance.

212. Same is the case with Ramya aged about 7 years who had her class in the ground floor next to the stage. She died in the accident. Her mother Kannarasi has been examined as C.W.179.

213. C.W.180 is one Vadivel who is a sculptor by profession. His daughter Mounica was studying in the VI Standard in the Krishna Girls High School. She had her class in the second floor. In his evidence he has stated as follows:

On 16.7.2004 at 10.45 hours his neighbour told him on telephone that there was a fire in the school; he immediately rushed to the school; his daughter's

classmate told him that his daughter had come out of the class; but till 10 p.m. his daughter had not returned home; his friend told him that there were 10 bodies in the hospital and he should go and see there; he went to the hospital and identified his daughter Mounica's body from the bangles she was wearing; his daughter had told him that it was a practice by the school management to ask her to sit in the Tamil medium class to show more attendance for noon meal; his daughter had been given the name Bhuvaneswari for noon meal account; there was absolutely no other reason for his daughter to have gone to the first floor class under the thatched roof. He denied that his daughter was not given another name or that she was not made to sit elsewhere.

214. Narasimhan, whose daughter Nandini aged about 8 years had her class in the ground floor next to the stage, has been examined as C.W.181. He has said as follows:

He knew about the accident only at 11 O' Clock; he went to the school immediately; he could not find his daughter; he had twins; the other daughter Naveena was also studying in the same class; the twins were sent by the management to the first floor; he did not know why they were sent to a different class; at 3 p.m. he identified Nandini in the hospital; she was dead by then; Naveena, the other daughter was hospitalized for 1-1/2 months and she had completely recovered. He denied that his daughter was not sent to the first floor class.

215. C.W.182 Mohan lost his son Manikandan, who was studying in the III Standard Tamil Medium in the accident. The boy had his class in the ground floor near the stage; however, on that day he was sent to the first floor; he learnt about it from other boys; he identified his son in the hospital at 11 O' Clock. He denied that his son was not sent up to the first floor.

216. Muthupandian examined as C.W.183 has the same story to tell. His son Pravinraj was studying in the English Medium School in the III Standard. His son was given the name Karthik and made to sit in the first floor under the thatched roof. His son used to tell him that it was not necessary to have a tie and to put on the shoes as they were removed at the school and he was made to sit elsewhere. The witness did not know why this was being done. He denied a contra suggestion in the cross-examination.

217. Jayaprakash examined as C.W.184 lost his daughter Janani who was studying in the III Standard Tamil medium class.

218. C.W.185 Amsavalli lost her daughter Mariammal studying in the III Standard in the accident. Her daughter had her class below the thatched roof. She was seriously injured and died after 7 days.

219. C.W.186 Sulochana lost her son Vignesh studying in the III Standard and who had his class in the ground floor next to the stage. He was seriously injured and died after ten days in Tanjore Medical College Hospital. She has given a petition marked as Ex.C-36.

220. Lalitha examined as C.W.187 was studying in the girls' high school. She had said that her class room was in the second floor and she came out of the school immediately after the accident.

221. Dr. Maragathamani working as Assistant Professor in the Surgical Department in Tanjore Medical College Hospital has been examined as C.W.188. She has said that 8 year old boy named Pravinraj was brought dead with burn injuries to the hospital at 8.55 p.m. on 16.7.2004. She has also given a report that the child was brought dead. She has filed the relevant documents before the Commission.

222. Dr. Latha working as Assistant Professor in the same hospital in the Surgery Section has been examined as C.W.189. She has said that one Vignesh aged about 7 years was brought to the hospital and admitted as in- patient at 10.15 p.m. on 16.7.2004 with 42% burn injuries. He died on 27.7.2004 at 10.10 p.m. in spite of the best efforts taken. She has filed the relevant documents before the Commission.

223. Dr. Joseph Victor working as Professor in the Plastic Surgery Section in Tanjore Medical College Hospital has been examined as C.W.190. He has stated as follows:

One Rajkumar aged about 12 years was admitted in the hospital on 16.7.2004 with 50% burn injuries; he was discharged on 12.10.2004; Vignesh aged about 7 years was admitted on 16.7.2004 with 42% burn injuries; he died on 27.7.2004 at 10.10 p.m.; Meena aged about 7 years admitted on 16.7.2004 with 59% burn injuries died on 21.7.2004 at 11.15 p.m.; Janani aged about 8 years admitted on 17.7.2004 at 12.20 p.m. with 34% burn injuries died on 21.7.2004 at 12.45 p.m.; Mariammal aged about 8 years admitted on 19.7.2004 at 2.30 hours with 50% burn injuries died at 2.45 p.m. on 22.7.2004. The witness has said that the children above mentioned were given intensive treatment and that he has filed the relevant documents before the Commission.

224. Mathumitha aged about 10 years studying in the III Standard in the English medium school has been examined as C.W.191. She had her class in the ground floor; on 16.7.2004 she was asked to remove her shoes, socks and belt and made to sit in the Tamil medium section; she learnt that this had been done for the purpose of noon meal attendance; as soon as the roof caught fire she and some other boys and girls rushed down stairs; there were 17 boys and girls in the class who were made to sit in the first floor; Sharmila, Rajalakshmi, Aishwariya, Subashri, Umapathy, Madhan, Vignesh were some of the girls and boys; her sister Sushmitha who was studying in the III Standard English medium was made to sit under the thatched roof; she died in the accident; the child was asked to give her name as Bhuvaneshwari after she went to the Tamil medium school; only on that day she was made to sit in the first floor; she was told that it would be necessary to sit like that the next day also. She denied that she had been tutored to give such evidence.

225. Jennifer who was examined as C.W.192 has stated as follows:

She was studying in the IV Standard in the nursery school; she had her class in the ground floor near the entrance; her miss had asked her to write a poem; she had written three times; the miss had asked her to write five times; when she had finished writing three times a miss from the first floor Tamil medium came to her class in the ground floor and asked the child to go to the first floor class; the child did not know why she was asked to do that; she told the miss that she would finish writing the poem two more times and then go up; the miss also agreed; however, before she could complete writing the poem two more times, the fire accident took place; she had her younger brother in the next class; she took him and came out of the class; her teacher asked everybody to run.

226. C.W.193 is one Vijayakumar, a tailor by profession. His son Pradeep was studying in the English medium III Standard; when the witness saw his child his class room was in the ground floor; on 16.7.2004 at 11.30 hours when he went to the first floor on learning about the fire accident, he saw charred bodies of several children; he could not identify his child; at 4 p.m. at Kumbakonam Government Hospital he identified his dead son.

227. Pandian working as an assistant in a tea stall has been examined as C.W.194. He has said that his sister's son Saravanan aged about 9 years was staying with him and studying in the Krishna School in the IV Standard. At about 10.30 a.m. on 16.7.2004 on learning about the fire accident he went to the school; he saw the injured children being sent to the Kumbakonam Government Hospital in an ambulance; he went to the hospital and saw the child there; he was given intensive treatment for 20 days and discharged.

228. C.W.195 is Sekar. His son studying in Krishna School in the IV Standard in the school survived the accident. He had intensive treatment for burn injuries and got discharged after a month. So was the case with C.W.196 Palani whose son Vijai aged about 8 years and studying in Krishna School in the IV Standard, survived the accident, got intensive treatment and got discharged after a month.

229. Kamali, daughter of C.W.197 Kamaraj, aged about 8 years studying in the Krishna Tamil medium school in the III Standard got serious burn injuries. She had intensive treatment for a month and was discharged from the hospital. So was the case with Devi, daughter of Murugan examined as C.W.198. She had intensive treatment for one month for burns and was discharged.

230. C.W.199 Ravi's son also suffered burn injuries in the accident and was discharged after a month's treatment. Similarly C.W.200 Karthikeyan's daughter Vishnupriya had burn injuries and she was discharged after treatment. C.W.201 Rajaguru's sister's son Vignesh had burn injuries and after treatment he was discharged. C.W.202 Rajendran's son Anandan also suffered burn injuries and after a month's treatment he was discharged. C.W.203 Alangarasamy, a cobbler, had his son Suriya Krishna studying in the Krishna School had burn injuries in the accident. He was discharged after treatment. C.W.204 Marimuthu and C.W.205 Rajkumar

have given evidence stating that their children suffered burn injuries and were given intensive treatment and discharged.

231. C.W.206 Marianathan's daughter Mercy suffered serious burn injuries. She was sent to Madurai Apollo Hospital for treatment. She stayed there for 15 days. She suffered psychologically also and because of that she was not sent to any other school. The psychological fear still remains.

232. Govindarajan, whose son Rahul Raghavan suffered serious burn injuries and after treatment discharged, has been examined as C.W.207. Rahul Raghavan told the witness that to show more attendance for noon meal section he was made to go to the first floor. Rahul Raghavan has also been examined as C.W.106.

233. Balasivaraman, who has been examined as C.W.208 has said that his son Vijai was studying in Krishna School in Tamil medium. On 16.7.2004 on learning about the fire accident he went to the school at 11 O' Clock and saw his son crying with burn injuries at the entrance of the school. He took him to the Government Hospital and admitted him there. The next day at 4 p.m. he was sent to the Apollo Hospital, Chennai, where he was given treatment for 32 days; he returned home and after 18 days, he was again admitted and was there for 15 days and returned home after that; he had to go to the hospital once again for treatment.

234. C.W.209 Ankaiyarkani's daughter Kousalya was studying in Krishna School in the III Standard Tamil medium. She had serious injuries in the fire accident. She was in the Apollo Hospital for 32 days and after treatment she was discharged.

235. Mathiyazhagan already examined as C.W.26, was recalled and examined as C.W.210 on 22.10.2004. He lost his son Ramanna in the fire accident.

236. Bharati, Village Administrative Officer of Babarapuram Village, who was also in additional charge of Kumbakonam Municipality from 1.10.2003, examined as C.W.211, learnt about the accident and went to the spot at 11 a.m. on 16.7.2004 and at that time the first floor was burning. He contacted the R.D.O., the Tahsildar, and the Revenue Inspector on his cell phone and while he was there the police, the fire service and the general public removed the dead bodies. He lodged a complaint under the original of Ex.C-37 before the Town East Police Inspector. He has also filed an affidavit marked as Ex.C.49.

237. C.W.212 is one Sivasankari, who was working as ayah in the noon meal kitchen in the aided school. She has stated as follows:

She has been an ayah for 20 years, her salary being Rs.480/- per month; she would go to the school at 10.30 a.m., cut vegetables and give them to the cook; she would serve the children, clean the vessels and clean the area; at the time of the fire accident on 16.7.2004 she was cooking in correspondent Saraswathy's house; she did not know how the accident occurred; Vijayalakshmi besides being the noon meal organizer, was also working as teacher in the primary school; Vasanthi, cook in the noon meal kitchen; on hearing from teacher Shanti about the fire accident, she went

to the school; her grandson Selvaganesan died in the fire accident; her granddaughter was serious; Vasanthi used to cook and on the days the witness could not come her mother Saraswathy would come and help; provisions would be supplied by organizer Vijayalakshmi; there was separate place for keeping noon meal provisions; about three days prior to the accident the old thatch was removed and a new thatch was put up; they had kept the old thatch by the side of the kitchen; for several days she was working in the house of the correspondent; when she asked one day, the correspondent said that she would fix up some other cook; the witness gets her pay only from the government; as she did not go to the school, she did not know how the fire took place; as everybody said that the witness had set fire, she got afraid and went to her brother-in-law's place in Tanjore. In her cross-examination she denied that she was not asked to cook in the residence of the correspondent.

238. Sundaramurthy, Village Administrative Officer of Kumbakonam, has been examined as C.W.213. He was shown Ex.C-38, purporting to be a lease deed entered into between the nursery school correspondent Prabhakaran and one Ayyappan, son of Swaminathan. The witness has stated as follows:

It is mentioned in the lease agreement that an extent of 5 acres in T.S.No.181/75 in Perumandi Circle in Kumbakonam Town has been leased out for 15 years to the nursery school for playground; there is neither such survey number in that village nor an extent of 5 acres; it is not a proper document. Another document dated 24.2.2003 marked as Ex.C-39 was shown to the witness, the contents of the said document being the same as in Ex.C-38. The witness has said that there is no such land of an extent of 5 acres in the alleged survey number in that village; the document purports to be a lease agreement entered into between Pulavar Palanichamy, correspondent of Krishna Girls High School and Ayyappan. In the cross-examination he denied that he had been giving false evidence at the instance of the police.

239. Dorairaj, Revenue Inspector in Kumbakonam Municipality, examined as C.W.214 has stated that in respect of the school buildings there were arrears in a sum of Rs.9975/- as property tax for the period 1993 to 2004. The extract from the register of property tax has been marked as Ex.C-40.

240. Mercy aged about 8 years and studying in the III Standard in the aided school examined as C.W.215 has stated that at the time of the fire a log piece fell on her head resulting in serious injury; she also sustained burn injuries on her back, hands, legs, head and face and got treated in Madurai Apollo Hospital; since the collapsible gate was locked she could not come out.

241. The area postman Gajendran has been examined as C.W.216. He has said that the school does not have a proper number and all letters to the school used to come only in the name of the school without the door number.

242. Ayyappan has been examined as C.W.217. It was alleged that he was the owner of 5 acres of land in T.S.No.181/75 and that he leased out that land to the school for 15 years to be used as playground. He has said that he did not own any

such land in Perumandi Circle and he did not enter into any lease agreement in respect of that property and that the signature in Ex.C-38 as also the signature in Ex.C-39 were not his. He denied that he was lying about his signature.

243. Dr. Sivapunniam was the Health Officer in Kumbakonam Municipality till 31.3.2004 and he retired. He has been examined as C.W.218. He has deposed as follows:

He inspected the nursery school on 1.6.2003 at 4.45 p.m.; it was a two storied building; first he saw the ground floor and then went to the first floor; there were three schools in the building; toilets were there only in the ground floor; they were 8 in number; he opened the tap and found water coming; the urinal was outside the building; there was no separate urinal; he assumed that the urinal belonged to the school; in the ground floor there was a stage and south of the stage the toilets were there; north of the stage there were four toilets; the toilets were close to the noon meal kitchen; he had gone and inspected with the sanitary inspector Mthusamy; there were no toilets in the first floor; on the northern side in the first floor there was thatched roof; there was one toilet in the second floor; there was no urinal either in the first floor or in the second floor; the certificate he had given related to the nursery school; he had not given any certificate for the other two schools; nobody gave written order to him to inspect the school; in all the three schools put together 800 children would study; for the children in all the three schools the toilet facilities were adequate; he did not verify whether the teachers had separate toilet; he could not deny if next to the noon meal kitchen there was a cycle stand and no toilets. He denied that there were no toilets either on the southern side or the northern side; he would deny if it was said that the toilets were behind the stage on the western side.

244. Mthusamy, Health Inspector, has been examined as C.W.219. He has said as follows:

He had worked in Kumbakonam during the period 1.5.2002 to 22.11.2003; he had gone to the school and first inspected the sanitary facilities available; thereafter he took C.W.218 to the school; when he searched for the files they were not available in the municipality; the correspondent had given the petition; he had given it even in April; the health officer was not there then; he went to the school in the evening at 5 O' Clock; there was passage in the middle; on either side of the passage there were four toilets each; there was no urinal inside the school; close to the toilets was the noon meal kitchen; the health officer had gone to the first floor; the witness did not go; the passage he had mentioned was the one leading to the municipal road; he did not remember whether on the way to the municipal road there was any class room; there were toilets on either side. It was not correct to say that on the northern side there were no toilets. The correspondent met the health officer two or three times. (It would be clear from a perusal of the sketches/diagrams that neither C.W.218 nor C.W.219 had really inspected the school).

245. Dinesh Kumar, son of Maria Angeline, has been examined as C.W.220. He has deposed as follows:

He used to take his mother to the school and bring her back; he knew Pulavar Palanichamy; Ex.C-39 contained his signature; at the time he had gone to see his mother in the school Palanichamy asked him to sign the document; as his mother

was working in the school, he signed at the place asked for by Palanichamy; he did not know what the document was about; only because his mother was working in the school he signed without asking questions. In cross-examination he denied that only with the knowledge of the contents he signed the document and that he was lying for the case.

246. Swaminathan working as a licensed draftsman of Kumbakonam for 20 years has been examined as C.W.221. In his evidence he has stated as follows:

He had signed the copy of the document shown to him; he had not seen the original; there was nothing to show, in the original shown to him, that the municipal authorities had granted permission; he had noted down the number; the copy was brought by the owner; at the bottom of the document the headmaster had attested; he had seen the building 7 or 8 years prior to his examination; school was being run there; he did not know whether the building was for residential or non-residential purpose; even at the time when he drew the sketch there were first and second floors; they asked him to prepare a sketch for running a school; he did not know that permission was obtained for residential or non-residential purpose; they asked him to prepare a sketch and he prepared; he did not know anything more. In cross-examination he said that with B.A. number it was not possible to say whether the plan was given for residential or non-residential purpose; the corrected sketch showed that the building was not for non-residential purpose; he did not see the original plan; the sketch he gave has been marked as Ex.C-40.

247. Vijai aged 8 years and studying in the III Standard in the aided school has been examined as C.W.222. As soon as the fire accident occurred he could not come out as the gate was locked; when he went to the first floor, he got stuck in the fire and suffered serious injuries; he went to the first floor through the staircase near the stage; the collapsible gate in the first floor was open; he went inside through the collapsible gate and sustained serious injuries; he was admitted in the Apollo Hospital in Chennai; the Police Inspector broke open the window and brought him out.

248. Suriya aged about 9 years studying in the IV Standard having his class in the first floor examined as C.W.223 has said that he ran out of the school immediately, on seeing the thatch catching fire. He sustained minor injuries in the ear, face and leg.

249. Anand aged about 8 years and studying in Sri Krishna Aided School examined as C.W.224 had his class in the first floor; as soon as the thatch roof caught fire he ran out of the school.

250. The xerox copies of the registers maintained at the Tanjore Medical College Hospital were filed before the Commission and they were marked as Exs.C-56, C-57 series and C-58 series.

251.1.1 Jayaraman working as Regional Deputy Tahsildar in Thiruvaiyar Tahsildar's Office has been examined as C.W.235. He has said as follows:

He had seen the file relating to the grant of licence under the Public Buildings Licensing Act and in his capacity as deputy tahsildar he had initialled it and forwarded it to the tahsildar Paramasivam; the tahsildar had inspected the site and recommended grant of licence; the section assistant concerned had prepared the licence; in his capacity as section head, the witness initialled it and forwarded it to the tahsildar; in the sketch it had been noted that it was for school; he did not specifically look into the sketch; the sketch he saw was one approved; later on when he saw the file the sketch was not in the file; the sketches shown to him were not the ones which he saw; the sketch concerned had been signed by engineer Jayachandran; after that stage the tahsildar had to inspect the site and satisfy himself that the building satisfied the requirements and thereafter, he had to say whether licence could be given; after that stage, the file would not come back to him; he saw the file with the licence; in the copy shown to him neither his signature nor his initial was found; he did not know whether annual inspection was done.

251.1.2 In the cross-examination he said that he did not know whether the municipality had approved the plan for the building. He further stated that he did not know about the requirements for grant of licence; the file which came to him related to Saraswathy Nursery School; he did not remember whether the file relating to Sri Krishna Aided Primary School came to him; he did not know whether Tahsildar Paramasivam gave certificate to the primary school.

252.1. A.M. Selvam who was the Municipal Commissioner of Kumbakonam during the period 27.6.2002 to 31.7.2003 has been examined as C.W.236. In his evidence he has set out the procedure for obtaining approval for buildings in the municipality.

252.2. He has further stated as follows:

When he saw the file during police investigation, he found that the building concerned had been shown as a residential building; for T.S.No.762/B under Municipal T.A.No.144/88 in B.L.No.122/88 permission had been granted for the school; thereafter, on 26.4.1989 a revised plan for residential building was given and approval granted; so also, for T.S.No.763/B in B.L.No.36/92 permission had been obtained for residential building; afterwards he learnt that first floor had been put up and schools were being run; the municipal authorities concerned ought to have taken adequate steps when there was transgression of rules; he was not in a position to say as to when the first floor building was put up; during his period as municipal commissioner it had not come up; under Section 195 of the District Municipalities Act, even for putting up a hut permission from the municipality is necessary; it is also stated that only after obtaining such permission there could be thatch structure; there were other rules which had to be followed and in the instant case they had not been followed; so far as municipal schools were concerned, it was the duty of the municipal commissioner to find out whether the noon meal centres were functioning properly; he did not know that even with regard to private management it was the responsibility of the municipal commissioner; he had inspected municipal schools and not private schools; he could not say anything if it was put to him that even with regard to private management schools, it was the responsibility of the municipal commissioner; the salary for noon meal staff was being paid by the municipality; in

which case if it was put to him that it was the responsibility of the municipal authorities to supervise noon meal centres in private managements also, he could not deny the same; during his tenure he did not have occasion to inspect the place; if any problem had arisen it would have come to his notice and he would have certainly inspected the place.

253.1.1. Murugadoss, assistant in the tahsildar's office, Kumbakonam, has been examined as C.W.237. He came to know about the fire accident in the school on 16.7.2004; the tahsildar office had given licence to that school; they had applied for licence for the high school and the nursery school; the applications had been made by the respective correspondents; on the basis of the inspection notes given by the tahsildar, he had prepared the licence; application for licence for the high school had been given on 4.10.2002 and licence was given on 7.10.2002; the sketch given by the engineer had been enclosed to the application, but it was not there in the file later on; he had not accompanied the tahsildar during inspection.

253.1.2 In the cross-examination on behalf of Paramasivam, he has stated as follows:

The application given to the tahsildar was for issuance of a new licence; he did not know whether they had licence for the school earlier; his job was to see whether along with the application the necessary documents were enclosed; the sketch, chalan, certificate from the engineer were all enclosed to the application as also the sanitary certificate.

254. D.J. Dhinakaran working as Regional Executive Director in Thanjavur has been examined as C.W.238. He set out the procedure to be followed for obtaining approval for plans. He has further said as follows:

He had gone and seen the place of the fire accident; after the accident, as far as he knew, the place was not fit for running schools; the entrance was narrow; there was only one entrance; as far as he could comprehend, the noon meal kitchen caught fire, spread to the first floor roof; the school was being run below the thatched roof; he came to know only after the accident; he saw the files relating to the school in the municipality after the accident; they had obtained permission for a school building and converted it into one for residential purpose; for T.S.No.762/B Saraswathy was the owner; after permission was given for running a school it was changed to one for residence; in T.S.No.762/B there are two schools – Krishna High School and Krishna Aided Primary School; in respect of T.S.No.763/B permission had been given for residence in the name of Usha Rani; in respect of both survey numbers permission for residence had been given in 1992; after 1992 there was no application for change for running school; in T.S.No.763/B the nursery school was there; from the file it could not be seen that any official had objected to the running of the school; there were no notings in the file; so far as Tanjore District was concerned, after 1997 subsidy for noon meal was obtained from the District Collector and given to the organizer and her assistants; he was not in a position to say whether government officials had to inspect noon meal centres in aided schools; the relevant G.O. is G.O.No.227 dated 10.7.1997 marked as Ex.C59(Annexure A-28); he was not in a position to deny that after a particular day the entire management of noon meal centres had been handed over to the municipal commissioner; after the

accident he did not peruse the files relating to noon meal centres as it was under the supervisory control of the District Collector; when he saw the files he did not see any sanitary certificate.

255. M. Rajkumar who was the Municipal Commissioner from 6.1.1993 to 15.2.1995 at Kumbakonam has been examined as C.W.239. After the accident he saw the files and learnt that for T.S.No.762/B and T.S.No.763/B permission for residence alone had been given. While he was the Commissioner he did not visit the schools where the fire accident took place.

256. B. Babu working as town planning inspector in Kumbakonam Municipality has been examined as C.W.240. His duty included inspection of buildings, taking proceedings against unauthorized constructions as also constructions with deviations or additions; though there were 14 schools in his area of operation, he had not visited any school; his superior officers did not inform him that there were schools running in the building.

257.1.1 Rameswaramurugan, who was in additional charge of Tanjore District as Chief Educational Officer, has been examined as C.W.242. He handed over charge to the incumbent Ramaraj on 1.8.2004. He perused the files and found as follows:

The school was upgraded as high school on 1.6.1993; for the period 1.6.1993 to 9.9.1996 temporary recognition had been given by the Director of School Education; for the X Standard initial recognition without aid had been granted by the Chief Educational Officer; continuous recognition for three years had been granted from 1993 to 1996; there were conditions imposed in the order of continuous recognition; in every order granting continuous recognition the same conditions had been imposed; in 1993, 1996, 1999 and 2002 conditional recognition had been given; it was the duty of the District Educational Officer to find out whether the conditions were satisfied; it was correct to say that the conditions were not satisfied by the school concerned; he was not in a position to say as to how without satisfying the conditions the school continued to receive recognition; he could not also say why the application for continuous recognition was not rejected; from the files he had seen that for the period 1993 to 2002 there was no notice copy found saying why recognition should not be cancelled; he knew that in the fire accident students totally unconnected with the primary school had also died; he did not know how those children had gone to the aided school; licence could be given only for non-residential place; though licence had been given under the Public Buildings Licensing Act it was the duty of the District Educational Officer to go and inspect the building.

257.1.2 He was cross-examined on behalf of Palanichamy, the then Chief Educational Officer. He has said that it was correct to say that on 4.12.2002 the District Educational Officer in charge Pinagapani had inspected the school; it was also correct to say that in his recommendations he had mentioned that the school had sufficient facilities; it was also further correct to say that the then CEO Thiru Palanichamy, on the basis of such notes by the District Educational Officer, had granted continuous recognition.

258. K. Murugan, Town Planning Officer of Kumbakonam Municipality from 9.1.2004, has been examined as C.W.243. He has stated as follows:

His duties included examination of building plans and granting licence, detecting encroachments and removing them, granting approval for lay outs after inspection and granting permission for installing machinery; he was the only Town Planning Officer; there were three town planning inspectors who were to inspect the sites on receipt of plans; only if necessary he would go in person; the inspectors would report whether the building was for residential or for non-residential purpose; after perusing that report the commissioner would pass orders; schools could be run only in the place meant for schools; it had to be non-residential building; nobody told him till the date of the fire accident on 16.7.2004 that three schools were being run in a residential building; in 1989 a building which had been granted permission for running school was converted into a residential building; conversion was permitted even in the year 1989; it was not correct to say that the officials knew about the running of the schools in residential schools and deliberately did not take action; permission was sought for converting non-residential buildings into residential buildings in both T.S.No.762/B and T.S.No.763/B; with regard to T.S.No.762/B its owner Usha Rani had made a request for such a conversion in 1992; the town planning officer had the responsibility to find out whether there was deviation from the sanctioned plan; his higher authorities had also such responsibility; as per law for thatched roof and huts, permission from the municipality had to be obtained; however, no action was being taken under the Municipalities Act; in Kumbakonam Municipality there were several huts and thatched structures; it was correct to say that the municipality had not taken any action in this regard; the owners concerned had sought conversion from non-residential to residential for the purpose of obtaining loan. He was filing the encumbrance certificates relating to the schools marked as Exs.C-64 and C-65.

259. Sathasivam who was the Senior Town Planning Officer from 13.6.2002 to 20.6.2003 has been examined as C.W.244. He has said as follows:

While he was in service there was no complaint received that a school was being run in a residential building; only if the officials received any complaint, they would take action; he did not know that the school where the accident took place was being run in a residential building; it was not correct to say that he knew about three schools being run in a residential building and deliberately he did not take any action.

260. Karunakaran who was working as the Municipal Engineer for the period 21.4.2002 to 27.11.2003 in Kumbakonam and who was in charge as town planning officer for 13 days between 21.6.2003 and 3.7.2003 has been examined as C.W.245. He has said that he had not seen the files relating to the school; however, he knew that there were schools being run in Kasiraman Street; this he had seen while he was passing that street on work.

261. Narayanan, who had worked as Senior Grade Town Planning Officer during the period 4.7.2003 to 6.1.2004, has been examined as C.W.246. He had occasion to see the file relating to the school after the fire accident on 16.7.2004; on 30.11.1988 the owner of T.S.No.762/B Saraswathy had applied for demolition of the

existing building and for construction of a residential building in that survey number and accordingly on 26.4.1989 the altered plan for residential purpose was sanctioned in B.L.No.122/88; similarly, owner of T.S.No.763/B Usha Rani had applied for construction of a residential building in that number which was sanctioned in B.L.No.36/92/D-1 in 1992; there was no occasion for him to inspect the buildings during his tenure.

262. Palanivel who was working as Assistant in the Kumbakonam Municipality from 1.7.1997 has been examined as C.W.247. His duty was to collect tax for the buildings; in respect of T.S.No.762/B and T.S.No.763/B for the period 1993-1994 to 2004-2005 there were arrears to the tune of Rs.9975/-; it was mentioned as residential in the records; there was difference between non-residential and residential buildings in respect of levy of tax. He has filed Ex.C-66, copy of the extract from the property tax register.

263. C.W.248 is one Adiyapatham, who is working as the District Elementary Educational Officer from 20.8.2004. He has deposed as follows:

He had seen the files relating to all the three schools after the accident; the primary school had permanent recognition; there was recognition for the nursery school from 1993 to 1997 and from 1997 till 31.5.2003 it was functioning without recognition; originally the nursery school was functioning in the name of Saraswathy English Medium School; after 2003 permission had been sought to change as Saraswathy Nursery and Primary School; he did not know as to when permission was granted; however, it was cancelled on 16.7.2004; as permission had not been obtained for the period 1997 to 2003, apparently it was thought that permission could be obtained by showing the school as a new school; this was particularly so because there were deficiencies pointed out so far as Saraswathy English Medium School was concerned and that they were not set right and therefore it was thought that it could be shown as a new school and permission obtained; on 9.1.2004 the Assistant Elementary Educational Officer Balasubramanian had inspected the school and pointed out the defects; it was sent to the then District Elementary Educational Officer Balaji; for about 15 days B. Balaji was the Elementary Educational Officer in charge when he was working as Headmaster in Budalur Government High School; without reference to Balasubramanian, an Additional Assistant Elementary Educational Officer handled the file and was informed that the defects had been rectified and thereafter the school was recommended for permission and the Director of Elementary Education granted permission; it was during Balaji's tenure as District Elementary Educational Officer.

264. Latha, who was Deputy Director of Elementary Education from 3.10.2001, has been examined as C.W.249. Her duty concerned the salary of employees, their increment, welfare schemes and granting of permission and renewal in respect of elementary schools and nursery and primary schools; she had seen the files relating to the schools in question; the files were in order as per the rules; at the time permission was granted there was a school sketch signed by a diploma holding engineer; in case fresh approval was sought there was no need to look into past history; she came to know later, that the nursery school had been functioning in a different name for over 6 years without permission; the file came to

her office on 14.6.2004; it came to her table on 2.7.2004; she made a recommendation on 8.7.2004 and forwarded it to the Joint Director; she had the movement file with her; (She also subsequently produced the movement file marked as Ex.C-76) on the basis of the licence issued by Tahsildar the authorities would grant permission; in case the documents were in order she would recommend permission; after the Joint Director perused the file it would come to the Director; it was enough if orders were passed on the basis of the notings in the files; it was not necessary to make a personal inspection; she recommended for permission to start as a new school; they acted on the notings of the lower officials; in her view, to avoid such accidents in future, inspection procedure had to be tightened; school children should be taught to protect themselves during fire accidents.

265.1. Uma Maheswari, who had functioned as Joint Director of Elementary Education from 5.12.2002, has been examined as C.W.250. She practically reiterated what C.W.249 had stated. She has further said as follows:

Only later on she came to know that in the same building there were three schools; in the file sent to her there was no indication that three schools were being run in the same building; she would suggest tightening of inspection procedure to prevent such accidents in future; it was the duty of the District Officials to have brought to the notice of the higher authorities that there were three schools being run in the same building; it was a big mistake on their part; if they had collected the correct details and taken action, the accident would have been averted.

265.2. In her cross-examination she has stated that because of the fire in the noon meal kitchen the accident happened; because it had been noted as a new school, the authorities recommended permission; it was not necessary for the higher officials to have made separate inspection before granting permission.

266. Kannan, who was the Director of Elementary Education and who is under suspension now, has been examined as C.W.251. He had been suspended as he had granted permission for a third school to be run in the same building where two schools were already functioning; the file relating to the school in question were sent by the District Elementary Educational Officer Balaji to the office of the witness and in his office the officers concerned, examined the files and forwarded them to him; as all the conditions stipulated were found satisfied, he granted permission; there was nothing to show that there was a school already functioning there in the same name; there was a sketch in the file and the same had not been signed by anybody; he did not raise any objection that the sketch had not been properly drawn; as the tahsildar had granted licence he did not make an issue of the sketch not being signed; only after the accident he came to know that there were three schools being run in the same building; after the accident neither the witness, the Joint Director, nor the Deputy Director went and saw the site of the accident; he learnt that out of 94 students who lost their lives, 85 were from the aided primary school and 9 were from the high school. (The witness was shown the inspection volumes 37 and 38 and questioned about there being 3 columns, viz. school register, attendance register and actual presence and how there was a wide discrepancy between the number of students actually present and shown in the attendance register as being present.) He has said that it was done to get more subsidy for noon meal and also to have

more teachers. From the records he stated that after 1.7.1999 the school had not been inspected; he could not know about what happened between 1999 and 2004 when permission was granted; only after the fire accident he came to know, that between 1997 and 2003, the school had been functioning without permission; though Balasubramanian, AEEO, had inspected the school and pointed out several shortcomings, somehow, an application for permission to start as a new school was entertained and permission granted; the department had not taken any action against the management for not obtaining permission for the period 1997 to 2003 and for applying for permission as a new school; he had not seen the files with particular reference to this aspect; the accident took place because of the negligence of the department officials and the school management; as the fire had started in the noon meal kitchen and spread to other parts, the entire blame cannot be placed on the Education Department. In the cross-examination he said that it was not possible for a Director to inspect every school before granting permission.

267.1. K. Mathiazhagan, Assistant Director, Rural Development (Audit), Collectorate, Thiruvapur, has been examined as C.W.252. He has filed an affidavit marked as Ex.C.67 and the related circulars as Ex.C-68 series and the attendance in respect of noon meal for Krishna School for the period 2002 to 2004 as Ex.C-69 series. He has said that so far as municipal schools were concerned, it was the responsibility of the municipal commissioner; for the two years 2002 to 2004 there was no inspection report from the municipal commissioner; he had based the contents of his affidavit on the related documents.

267.2. At this stage the documents furnished by Mathiazhagan were made available to Sathyamurthy, the Municipal Commissioner who was present before the Commission on that day. An opportunity was given to him to cross-examine the witness. But Sathyamurthy said that there was nothing to cross-examine the witness. On 13.11.2004 C.W.252 filed two other G.Os marked as Ex.C-70 series.

268. Khader Mohideen, who was Commissioner during the period 7.9.1995 to 21.3.1996 in Kumbakonam, has been examined as C.W.253. He had seen the files relating to the school building and on the basis of such inspection he stated as follows:

In the quinquennial revision petition dated 1.10.1993 in respect of T.S.No.762/B Saraswathiammal was shown as the owner; the area given was 50 sq.ft. and thatched roof 30 years old, the words "*kali mana*" written was scored out and the word "school" written and signed; this had been filled up by Sanitary Assistant Singaravel of the Municipality; the signature of the petitioner was not there; the tax had been revised from Rs.65/- to Rs.130/-; the then Revenue Inspector Varadharaj Sharma and the then Commissioner Rajkumar had signed the document; with regard to T.S.No.763/B the name of Lalithambal was changed to Usha Rani; the words "2000 sq.ft. thatched shed school building" were written there and the half yearly tax had been fixed as Rs.250/-; it had been signed by Jayachandran, Revenue Inspector and the then Municipal Commissioner Rajkumar; under the District Municipalities Act for thatched structure and brick building permission from the municipality was necessary; he did not know whether permission had been

obtained from the municipality; at the time he was the municipal commissioner the responsibility relating to noon meal had not come to the municipality.

269.1.1 Annadurai, Assistant in the Elementary Education Office, Thiruvudaimarudur, has been examined as C.W.254. He has deposed as follows:

At the time of the accident he was working at Thiruvudaimarudur; when he was in Kumbakonam Office he knew that Pulavar Palanichamy was the correspondent of Sri Krishna School; Pulavar Palanichamy used to come to the office in connection with school affairs; one Dhanapal used to come; so far as the witness was concerned, he had nothing to do with Section B where Pulavar Palanichamy had work; the witness was working in A Section; only to the B Section either the elementary school correspondent or the teachers used to come; still he had occasion to know them; they used to come and make enquiries with him; he used to ask them the purpose of their visit; they used to give him details; he would give his advice; he would tell them what forms had to be sent for proposals; from 1998 to 2002 he was working in Kumbakonam; he did not know how many schools were functioning in the building; only after the accident he came to know that there were three schools functioning there; he used to show the files to the correspondent or to the teachers as the case may be; when either of them came to the office, so that they could know how to make an application, he had shown the files to teacher Dhanapal; he had also given him particulars; after 2002 he went away to Nannilam; but he continued to live in Kumbakonam which was 30 kms. From Nannilam; in October, 2003 he was transferred to Thiruvudaimarudur; even when he was posted to Thiruvudaimarudur, he was living only in Kumbakonam; he came to know through Radhakrishnan, Additional Elementary Educational Officer that Kannan, Director of Elementary Education, had come to Kumbakonam in July, 2004 for worship in the temple; the witness knew that during a particular period of time Saraswathy Nursery School did not have recognition; he knew that proposals had gone up; when he was in Kumbakonam in 2000 he came to know that proposals had gone; there was talk about that; on that day Saraswathy Nursery School had no permission; it was being run without permission; it was wrong on the part of the management to have run the school without recognition; his duty was to find out whether the proposal was proper or not; he had seen the relevant file; when he was working in Kumbakonam he had seen the file containing the proposal; as far as he could see the proposal was for renewal; he did not know whether renewal was done; he did not know whether at the time the accident occurred, renewal had been done; he advised that continuous recognition must be obtained; there were shortcomings pointed out in the file; they were pointed out by the AEEO (Nursery) Balasubramanian; only after rectifying the shortcomings proposals were sent up; this was done by the Office Superintendent Devaki; on the basis of the complaint of one Manivannan, Auditor's Assistant, he was transferred to Nilgiris District from 16.8.2004; as he had not participated in the strike by the teachers, the teachers had grievance against him; on the basis of the complaint he was shifted to Nilgiris; after the proposal for renewal was rejected, this witness only suggested that it could be given as a new proposal; this suggestion he gave when he was in Thiruvudaimarudur; he also told the management that Saraswathy English Medium School should be changed to Saraswathy Nursery School; Dhanapal told him that there were documents showing that the school had a playground; the witness gave suggestions for rectifying the defects pointed out; he

had seen the stability certificate in the files; it would have been given by the engineer; he did not remember as to which engineer gave the stability certificate; he did not remember who the tahsildar at the time was; school teacher Dhanapal showed him the completed forms and the documents; the witness perused them and told Dhanapal that they were in order; he had nothing to do with the nursery school; however, Dhanapal had come and requested and the witness helped him; the correspondent told the Assistant Elementary Educational Officer Balakrishnan that his request for renewal had not been granted; the witness knew the correspondent well as he came to the office very often; the witness knew that the correspondent was running an aided primary school; this he knew as he was in that section; the correspondent told him that the nursery school was adjacent to the aided school; he also learnt it from the application; even before the accident he knew that in the building an aided school and a nursery school were being run; Manivannan was working in the B Section of Kumbakonam Elementary Education Office; if Manivannan had said that the witness was the scribe of all the letters relating to Sri Krishna Aided School, it was not correct; (The witness was shown Ex.P-18 series page 32 where there was a filled up chalan. The witness admitted that he had filled up the chalan.)

269.1.2 He has further said as follows:

He filled up two chalans; he knew the signature of the correspondent; only the correspondent had filled up the forms; in Ex.P-18 series Madhavan who was the Additional Assistant Elementary Officer had signed; the competent officer was the one who had inspected the school and in this case it was Balasubramanian. (This witness was shown Ex.P-14 – 2B and asked whether he had seen the words “new application”. He said he had not seen that.) The witness further said that he did not know whether two applications were given; he had seen the lease agreement in the file; he identified the signatures of Madhavan and Balaji in Ex.P-12; as far as he knew an application for renewal alone was given; however, in the documents shown to him it was given as new application; according to the witness, the documents should have been altered; he did not know who did that; when he saw Ex.P-18 series the requisition letter was not there; he would help the management to the extent possible; during his tenure he had not given any suggestion for flouting the law.

269.1.3 In the cross-examination on behalf of Madhavan the witness said that the Superintendent Devaki of A Section had written the words “counter signed” in Ex.P-18 series over Madhavan’s signature; the witness denied that page 18 of Ex.P-18 series contained his signature; the witness further said that in the chalan filled up on 11.2.2004 it was mentioned as a renewal while in the chalan dated 16.5.2004 it was mentioned as new. He did not know whose signature was there in page 18.

270.1.1 Prabhakaran, headmaster of the high school and correspondent of the nursery school, was examined on 13.11.2004. He was recalled on 14.3.2005 and examined. He is witness number C.W.255. Originally this witness was not prosecuted; however, later on the police charge-sheeted him. He gave a statement before the police; the statement was also made available and marked as Ex.P-30; the witness voluntarily stated before the Commission that the contents of the

statement given by him before the police were true and correct. The witness has stated as follows:

Pulavar Palanichamy was his wife's uncle (aunt's husband); the witness had been working as headmaster of the high school from 1993; he was the correspondent of Saraswathy English School for 6 or 7 years from 1997 to 2003; from 2003 he did not want to be the correspondent as renewal applications were being returned again and again and therefore he told Pulavar Palanichamy that the latter could be the correspondent in future; however, Pulavar Palanichamy prevailed on the witness to sign blank letter pads; the witness trusted Pulavar Palanichamy and signed wherever he wanted him to sign; not only blank papers, but also completed documents; the witness had signed Ex.P-18 series pages 7, 36 and 37 (which contained the lease agreement); he did not verify whether there was any land as specified in the lease agreement; he did not know that there was no such land in existence; he trusted Pulavar Palanichamy and signed the document; Pulavar Palanichamy told him that there was land in existence and got the signature of the witness; he told the witness that it was for obtaining recognition for the English school; on the date of the accident he was on casual leave; at 8 a.m. on that day he gave his leave letter to sewing teacher Usha and another teacher S.K. Kavitha; he went to Tiruppur, and reached there at 4.30 p.m.; at the bus stand his brother and brother-in-law had come; the witness got afraid that something had happened to his mother; he learnt about the fire accident in Kumbakonam School from them; immediately he returned at 6 O' Clock and went to Mannargudi; he had not gone and seen the school till then; he learnt that 6 or 7 girls from the high school had died in the accident; it was a practice to make the high school girls sit in the primary school sections to boost the attendance at the time of inspection by the Education Authorities; only because of that on 16.7.2004 the girls from the high school had been sent to the primary school; on 15.7.2004 he had gone to school; even on that day with his knowledge, girls from the high school had been sent to the aided primary school; this was happening right from 1993; though this was happening for 10 years and the parents had also objected, he could not prevent it; Pulavar Palanichamy got the signatures in documents stating that they were for renewal; it was correct to say that between 1997 and 2003 Saraswathy English School was run without renewal of recognition; without direction by Pulavar Palanichamy the witness would not sign anywhere; even though he knew that particulars contained in the documents were wrong he had signed as correspondent and as headmaster; the post of headmaster had not been sanctioned; he knew that some children from the nursery school had also died in the accident, but he did not know the exact number; he did not know whether 23 children from the nursery school and the high school had died in the accident; he could not deny that to boost the attendance for noon meal subsidy and for more number of teachers this practice was indulged in; it was correct to say that adjacent to the noon meal kitchen LKG and UKG classes were being run; when he came to the school in 1993 the nursery school was functioning; he did not know as to who was the correspondent then; he had not seen any document.

270.1.2 In his further examination on 14.3.2005 he has reiterated the contents of the statement made by him before the police. The statement has been marked as Ex.C-77. He has further said as follows:

Prior to the accident on 16.7.2004 the noon meal kitchen was in a thatched shed inside the school premises; before that the noon meal food was prepared in the residence of Pulavar Palanichamy; in the school complex in the evening hours boys and teachers from other schools used to come and tuition classes were being run; this was going on for over 4, 5 years prior to the accident; there was one marriage and one engagement taking place in the school complex; the witness did not know whether Pulavar Palanichamy got any payment for that; in his view, the noon meal kitchen caught fire and spread to other places; 193 girls studied in the high school, about 120 in the nursery school and as per attendance register 600, but actually 350 studied in the aided primary school; the idea, according to the witness, in making children from the other two schools sit in the aided primary school was to retain the teachers already deployed at 1 : 40; two or three days prior to the accident Pulavar Palanichamy directed the shifting of boys and girls from the two schools to the aided school; several parents had met the witness and reprimanded him saying whether their children were being sent to the school to learn to lie, that is to say, when children from the two schools were asked to sit in the aided primary school, they were given different names and the teachers were asked to familiarize the children with their new names; the parents were furious about this; the witness had told Pulavar Palanichamy several times; Pulavar Palanichamy responded saying that all the three schools belonged to him and he would discuss the matter with the parents; the witness could not do anything further about this; adjacent to the noon meal kitchen on the southern side there were toilets; east of the toilets was the stage; on the stage and adjacent to the stage were classes with thatched structure; ever since 1993 both in the first floor northern side and in the ground floor on the stage and on the eastern and southern sides of the stage there were thatched structures and under those structures classes were being run; at the time when he joined the high school as teacher in 1993 the school was in the second floor under thatched roof; only in 1996 or subsequently the second floor was converted into RCC roof; Classes 6, 7 and 8 were functioning till 1996 only under thatched roof in the second floor; middle school had recognition even then; in 1993 when he joined the school he was given the post of headmaster of the middle school; only after he joined IX and X standards were started and he was made headmaster of the school; in 2000 there was dispute between Usha Rani and her husband on the one hand and Pulavar Palanichamy and others on the other with regard to T.S.No.763/B and Pulavar Palanichamy lodged a complaint with Kumbakonam East Police Station against Usha Rani and her husband Kamaraj and there was an enquiry; thereafter Kamaraj did not come to the school; but Usha Rani continued to be a teacher; in his view, it was not correct to say that Usha Rani had used some chemical and set fire to the school; it was not possible; even on the occasions when he had refused, at the instance of the correspondent, girls from VI and VII standards were being sent to the aided school; this happened against his protest.

270.1.3 In the statement before the police on 20.12.2004 marked as Ex.P-30 the witness has reiterated whatever he had said as witness on the two occasions he was examined. He has in no unmistakable terms said that he was only a tool in the

hands of Pulavar Palanichamy and did whatever Pulavar Palanichamy directed him to do. The witness has further said that the schools did not have adequate infrastructure facilities; there were no toilets; the passage and the staircases were narrow, no light or ventilation; though there were windows on the northern and the southern walls, as they were common walls, the neighbours on either side had a right, the windows could not be opened. He also said that as far as he knew no tahsildar, engineer or official came to the school personally and inspected the same; only for the aided school there were three visits and one inspection.

270.1.4.1. At a special sitting of the Commission on the 24th of May 2005 at Thanjavur, PWs 17 and 18 were permitted to cross examine CW255, as he had earlier been recalled and examined in their absence. In the course of the cross examination, CW255 stated as follows: the Place where the accident took place and where the High School was run were separate buildings; there was enough ventilation in the second floor; but there was no ventilation in the first floor; the High School was run there also; the staircase was narrow; there was another staircase inside; both the staircases were being used by the school students; PW16 used to attend functions in the school; besides he was also taking Tamil class for the 10th standard students in the afternoon between 2 and 4 p.m. it was not correct to say that children from the High School and the Nursery School were not sent to the Aided Primary School; this was happening with the knowledge of the witness; it was not true to say that he attended school on the 16th of July 2005 and that he had not given any leave letter.

270.1.4.2. In reply to the question put to him by the Commission he stated that for going to the Aided School classes in the first floor under the thatched roof, Students had to go through the Nursery and High school classes in the ground and the first floors and there was only one passage between the two buildings.

271.1.1 Hemalatha examined as C.W.256 is the wife of C.W.255 Prabhakaran. C.W.256 has stated as follows:

She is working as Assistant Professor in the Kumbakonam Government Engineering College; she is the niece of Saraswathy, wife of correspondent Pulavar Palanichamy (brother's daughter of Saraswathy); Usha Rani working as teacher in the aided primary school is her sister; the witness was one of the members of the school committee; she used to sign if any resolutions were passed; Pulavar Palanichamy retired from service and no loan could be obtained in his name; for constructing an additional building in the school premises he obtained loan in the name of Usha Rani, but the full loan amount was paid only by Pulavar Palanichamy; there was dispute between Palanichamy and Usha Rani since she had claimed ownership of the additional building constructed in the school premises and they were not on talking terms; the witness would support only Palanichamy as he only educated her.

271.1.2 She was cross-examined on behalf of Madhavan. She has stated that to oblige Palanichamy if resolutions were passed she would sign without knowing the contents; the English medium school was there when she finished her

studies in 1988; she did not know that then there was separate correspondent for that school.

272.1 Dr. C. Palanivelu, who was the Director of School Education for two years and one month and retired in May, 2004, was examined as C.W.257 on 14.3.2005. In his deposition he has stated as follows:

He did not remember whether he had seen the files relating to the schools involved in the fire accident; he did not remember the name of the correspondent; he also did not remember whether he had occasion to deal with any appeal petition in respect of the school. At this stage the witness was shown the order dated 12.1.1995 in Ex.P-6 series. He admitted that he had passed that order. He further said that he would peruse the documents in the files and then only pass orders in the appeal petitions. Though in the order dated 12.1.1995 there was no indication to show that he had seen other documents and passed orders, still he would swear that he had seen the other documents and passed orders. He has further said that he had passed orders as per rules with a clear conscience.

272.2 At this stage it has to be pointed out that the order dated 12.1.1995 was passed by the witness in his capacity as Director of School Education in the appeal filed against the order dated 8.12.1994 of the Joint Director of School Education refusing temporary recognition for running IX Standard in Sri Krishna School for Girls. The order by CW 257 merely sets down the various grounds raised in the memorandum of grounds of appeal petition and abruptly says that the appeal grounds were accepted and direction was being issued for grant of temporary initial recognition for the period 1.6.1993 to 9.9.1996. It was pointed out to the witness that he had not mentioned as to what documents he perused and what documents he relied on. In effect it was pointed out that it was not a speaking order.

272.3. P.Pinagapani who was in charge DEO at Thanjavur from 25.10.2002 to 7.1.2004 was examined as C.W.258 on 25.4.2005. Ex.C-77 is the affidavit filed by the witness.

272.3.1. In his affidavit he has stated as follows:

He was in additional charge of the post of DEO, Thanjavur, from 25.10.2002; Pulavar Palanichamy, Secretary of Sri Krishna Girls High School, Kasiraman Street, Kumbakonam, had sent a proposal dated 8.10.2002 for the continuance of recognition of the school from 10.9.2002; the proposal was received at the office on 11.10.2002 before the witness assumed charge as DEO, Thanjavur; he was new to the post and he was not aware of the procedure to be followed for the grant of continuance of recognition for schools; in the office note A-4 Section Assistant Mr. Munusamy had noted that the file was placed for the officer's school visit and for recommending the proposal; but A Section Superintendent Govindarajan in his office note has stated that the officer's visit to the school was not necessary for continuance of recognition; this was also endorsed by the P.A. to the DEO; the witness consulted A-4 Section Assistant regarding the procedure to be followed for recommending the proposal; the assistant gave him a recommendation proforma which was to be filled up and submitted to the CEO for grant of continuance of recognition; the assistant also informed the witness that for the high school

Standards VI to X, the first and the second floors of the building had been given temporary recognition; the witness visited the school on 4.12.2002 and noted down the necessary particulars asked for in the proforma; during his visit the witness noticed that there was no separate building for laboratory and site for the playground; he noted down the same in the proforma and forwarded it along with the proposal to the CEO on 19.12.2002; The CEO, Thanjavur, sent a letter dated 27.12.2002 instructing the DEO Office to collect details of the arrangements made by the secretary to the school for the playground or the steps taken to provide the same; the copy of the letter had also been sent to the secretary of the school; the secretary sent a reply dated 20.1.2003 enclosing a letter from the owner of Vinayaga Rice Mill, Dhabeer Street, Kumbakonam, permitting the students of Sri Krishna Girls High School to use the three acre vacant site near his rice mill as playground and a letter from the headmistress and secretary of Bala Saraswathi Aided Middle School at Palakarai, Kumbakonam, permitting the students of Sri Krishna Girls High School to use her school playground; A-4 Section Assistant Munusamy placed before the witness a draft dated 5.2.2003 of the letter to be sent to the CEO with two enclosures received from the secretary, Sri Krishna Girls High School, with xerox copies of the document for the playground and the letters already mentioned; the witness wrote to the secretary, Sri Krishna Girls High School asking him to send the registered documents of the site of his own or lease for the playground; this was done on 13.2.2003; on 24.2.2003 the secretary of the school resubmitted the proposal enclosing the original document of the site for lease for the playground and a xerox copy of the same; this was brought to the notice of the witness on 5.2.2003; the office Superintendent Govindarajan (C.W.259) told the witness that the proposal might be forwarded to the CEO, Thanjavur; this was endorsed by the P.A. to the District Educational Officer Sivaraman (C.W.264); the proposal was sent to the CEO, Thanjavur, on 11.3.2003; on 29.7.2003 the CEO, Thanjavur, sent a letter asking the DEO, Thanjavur, to collect from the secretary, Sri Krishna Girls High School and send a copy of the document for the school site attested by the DEO, Thanjavur, the document of the site for 15 years lease for the playground which was not registered and a copy of the school teachers attendance; the witness sent a letter dated 11.8.2003 to the secretary of the school to produce the documents required by the CEO; this was followed by a reminder dated 26.9.2003 marking a copy to the secretary of the school; the secretary of the school sent a letter dated 10.10.2003 with a copy marked to the witness; the CEO thereafter sent a xerox copy of the document of the school site and a xerox copy of the document of the site on lease for the playground for the attestation of the DEO, Thanjavur; the witness submitted a letter dated 11.11.2003 to the CEO, Thanjavur, along with the copy of the unregistered document of the site on lease attested and the xerox copy of the document to the site unattested; it was noted in the letter that the unregistered original document for site on lease for playground was produced and the xerox copy of the same compared with the original and was attested; however, the original document of the school site was not produced and therefore it was not attested; the witness applied for leave on medical certificate due to ill-health and was relieved from the additional charge as DEO, Thanjavur, on 7.1.2004; he was succeeded by L.N. Srinivasan, Headmaster, Government Higher Secondary School, Ayyampettai.

272.3.2. In his deposition he has stated as follows:

He has given an affidavit which has been marked as Ex.C-77; the contents of the affidavit could be taken as his evidence; he had gone and seen Krishna High School on 4.12.2002; at the time he went, there was a school functioning in the ground floor; he did not find out as to what that school was; a teacher took him upstairs stating that the high school was functioning only in the first floor; the high school was functioning in the first floor and the second floor; there was only one staircase in that school; as one enters the school, on the left side is the room of the headmistress; the staircase is on the right side; he went up the staircase; classes 6, 7 and 8 were functioning in the first floor and classes 9, 10 and the laboratory were there in the second floor; when he went and saw, only the high school classes were functioning in the first floor; the classes in the first floor were in a long hall; he went and counted the students in each class; he was unable to say as to which class was functioning last on the western side; he did not see whether toilet facilities were there; he saw *jollies* on the northern and the southern walls; he did not look out through the *jollies*; in the photograph Ex.C-78 shown to him the names of three schools functioning in the same building are seen; so far as he knew two schools were functioning in the same building; he did not however take any action; he did not inform the CEO; he did not take any other action though it was his duty to have taken action; it was correct to say that he had not discharged his duty properly; so far as playground was concerned, he was shown an unregistered lease agreement; he asked for the original; Govindaraj the Superintendent showed the original document; it was not a registered document; he did not find out whether it was a true document and whether any playground as stated in the document existed; thereafter, he forwarded the papers to the CEO giving the details along with his proposals; he had given a statement to the police marked as Ex.C-79; the details given in Ex.C-79 are correct; he has given another statement written in his own hand marked as Ex.C-80; he had not inspected the school in full; that was the reason why he did not see another staircase on the western side or the collapsible gate leading to the open terrace in the first floor; he did not also see through the *jolly*.

272.4 Govindarajan, who was the Superintendent in the DEO's Office at Thanjavur from 2000 to 2005 January 18th, was examined as C.W.259 on 27.4.2005. In his deposition he has stated as follows:

As Superintendent he had not gone and visited the schools; it was also not his duty; as CW 258 Pinagapani was in charge and it was his first posting as DEO he used to consult the witness about office matters; regarding Krishna Girls High School, CW 258 asked the witness about going for inspection; the witness told him that it was not necessary to inspect the school as it was a case of continuance of recognition; in the rules it is not mentioned that it is not necessary to inspect schools seeking continuance of recognition; Pinagapani did not take his advice; he went and inspected the school; he got the documents relating to the playground; he informed the DEO that the document had not been registered; the school secretary had also not filed the original document; they told the school secretary that the document had not been registered and therefore it could not be accepted; he had seen the school secretary; he did not remember as to who brought the original document; however, it was not Pulavar Palanichamy who brought the document; it was a serious mistake that the document was not registered; still he did not inform the secretary concerned

or the headmaster; it was his mistake not to have informed them; the witness did not commit any mistake wantonly.

272.5. Tmt. Kothai Nayaki, P.A. to the District Educational Officer, Thanjavur, from 2.7.2003 was examined as C.W.260 on 29.4.2005. She has stated as follows: she received the file in the matter in October, 2003; before her, one Sivaraman was the P.A. to the D.E.O.; she had gone through the records in the file; since the school had already been inspected, she thought it was not necessary to do anything in respect of that; she did not know that for a long time the school had not been inspected by the Education Department Officers; the file also did not contain any details; she had seen that the superintendent Govindaraj had noted that it was a case of continuance of recognition and therefore it was not necessary to inspect the school; she had also seen that her predecessor Sivaraman had initialled in the files; Pinagapani said that he had inspected the school, that the matter related to recognition of the school and that if quick action was not taken, it would affect the students studying in the school and therefore, it was proper to send the files immediately to the CEO and accordingly, the files were sent to the office of the CEO; within a month or two continuance of recognition was granted.

272.6. P. Kulasekaran, Director, Public Libraries, was examined as C.W.261 on 29.4.2005. In his deposition he has stated as follows:

He had served in Thanjavur District from 1.4.1991 to 14.10.1992 as CEO; during that period one Shanmugasundaram was the DEO; for granting upgradation of primary schools as middle schools, the DEO had powers; only when it came to upgradation of the middle schools as high schools, the matter would come to the notice of the CEO; when it came to upgradation of the middle school as high school, the DEO would inspect the school first and thereafter the CEO would do the inspection; when the witness was working as CEO in Thanjavur District, there was no occasion to inspect Krishna Girls High School; he did not also inspect; in 1991 the school management gave an application for upgradation of the middle school as high school; as far as he could make out from the files, the school did not have infrastructure facilities; there was not enough space for the students; it had no playground; he had also mentioned that the school did not have proper amenities; he had therefore refused permission for upgradation; during his tenure as CEO, Thanjavur, for 1-1/2 years he had inspected about 50 schools.

272.7. Karunakaran, presently Joint Director, Elementary Education and who was working as the Chief Educational Officer in Thanjavur District for one year - 2000 to 2001 - was examined as C.W.262 on 29.4.2005. In his deposition he has stated as follows:

During his tenure, files for continuance of recognition with recommendations by the District Educational Officer came to him; he accepted the recommendations and granted continuance of recognition; after he was asked to appear before the Commission, he gathered the particulars by going through the files; he did not remember, whether during his tenure as CEO, Thanjavur, he had seen Krishna Girls High School; in 2001 Karmegam was the DEO in Thanjavur; from the files he learnt that three schools were being run in the same complex; after the bifurcation in 1995 and the coming into existence of the District Elementary Educational Office, the

department ought not to have permitted two schools to be run in the same building; he did not know as to when the nursery school was started; only if he saw the files he could give the date; as per the rules, once permission was sought to run a school in a building, it was against law to have another school in the same building; during his tenure in Palani as District Educational Officer, he found two schools functioning in the same complex; he took necessary steps and stopped it; while he was functioning as CEO, Thanjavur, he did not know that three schools were being run in Kumbakonam Kasiraman Street; there was no chance to know about it; it was the duty of the DEO to go in person and find out whether the conditions imposed for recognition were satisfied in respect of schools seeking continuance of recognition. It was not necessary for the CEO to personally inspect; only if the proposals given by the DEO were not satisfactory, the CEO would go and inspect.

272.8. Ex.C-78 is a photograph of the school. The names of all the three schools functioning in that building are seen in the photograph, that is to say, in a single building complex there were three schools functioning without any objection from the Education Department.

272.9. Ex.C-79 is the statement given by C.W.258 Pinagapani under Section 161(3) of the Criminal Procedure Code and Ex.C-80 is also a statement by him in his own handwriting given to the police.

272.10. Ex.C-81 is the proceedings No.49375/G1/93, dated 30.6.1993 of the Joint Director (Secondary) of School Education according provisional permission to upgrade the then existing Sri Krishna Middle School, Kumbakonam, Thanjavur District, into Girls High School without grant in aid for ever from the academic year 1993-1994. In the proceedings there is reference to the orders issued in the Government letter No.89, Education (R-1) Department, dated 20.1.1993, on the basis of which the provisional permission was accorded. The provisional permission, no doubt, sets out about 15 terms and conditions which had to be fulfilled by the school. The Government letter No.89, Education (R-1) Department, dated 29.1.1993, which is also part of Ex.C-81, is an undertaking proforma to be executed on a stamp paper of the value of Rs.5 by an Educational Agency for the opening of private unaided school. The conditions to be satisfied are set out in the form of undertakings.

272.11. At the instance of the Commission the Directorate of Elementary Education and the Directorate of School Education produced six files. The first file is Pa.Mu.No.9692/90 consisting of 20 pages and it relates to permission for starting VI Standard by Sri Krishna Aided Primary School in the year 1990-1991. The second file is Na.Ka.No.17/91/A-3. This file relates to granting of permission for starting the VII Standard by the school. The third file is Na.Ka.No.6633/91/A-3 relating to granting of permission for starting VIII Standard by the school. The first three files are respectively marked as Exs.C-82 series to C-84 series

272.11.1. In the first file there is a copy of the letter written by Saraswathy, Correspondent, Sri Krishna Aided Primary School addressed to the Hon'ble

Education Minister of Tamil Nadu Government seeking orders for starting VI Standard. There is an endorsement made by the Gazetted Special Personal Assistant to the Minister for Education on 20.2.1990 addressed to the then CEO, Thanjavur, stating that "the request may be considered". Thereafter, on 16.5.1990 the then DEO N. Ranganathan (C.W.266) writes a letter to the CEO, Thanjavur, in Na.Ka.No.8361/B-2/90 stating that the Assistant Educational Officer, Kumbakonam, in Na.Ka.No.733/A-3/89, dated 5.4.1990 had recommended upgradation of Sri Krishna Primary School as Middle School, that the management of the school had not deposited the endowment fee of Rs.25,000/-, that it had not also made the application before 31.12.1989, that the Assistant Educational Officer had remarked that in case the school was permitted to open VI Standard, there was possibility of 200 students joining the school and that in those circumstances, subject to the school depositing the endowment fee of Rs.25,000/- the upgradation as middle school could be examined. Thereafter, on 25.5.1990 the then Chief Educational Officer, Thanjavur, S. Chandrasekaran writes to the Director of Elementary Education in Na.Ka.No.9692/E-1/90, stating that proposals had been received for upgradation of Sri Krishna Primary School during the academic year 1990-1991, that within a radius of 1-1/2 km. of the school there was no middle school, that the Assistant Educational Officer had inspected the school and reported that all infrastructure facilities were available in the school and the school could be upgraded, that the DEO concerned had also recommended the upgradation of the school during 1990-1991 academic year and that the CEO was seeking the consent of the Director for upgradation of the school on the basis of the recommendation of the DEO.

272.11.2. At this juncture, it has to be pointed out that the CEO in his letter dated 25.5.1990 refers only to the letter dated 15.5.1990 of the DEO in Na.Ka.No.8361 and it may be recollected that the DEO had merely said that subject to the school depositing Rs.25,000/- the claim for upgradation could be examined. There is nothing to show that the DEO had recommended upgradation. Thereafter, in proceedings M.M.No.35442/B-20/90, dated 25.6.1990, the Director of Elementary Education grants permission for opening VI Standard from the academic year 1990-1991 subject to the school not seeking aid for a period of three years and functioning as per the 1993 Act and the 1974 Rules relating to Recognized Private Schools Regulation Act. Subsequently, in communication Na.Ka.No.9692/E-2, dated 17.9.1990 the CEO, Thanjavur, writes a letter to the management of the school with copies marked to the DEO, Thanjavur, and AEO, Kumbakonam, stating that the school should comply with the conditions imposed in the order granting permission to open VI Standard and also take further steps such as applying for recognition within three months from the date of opening VI Standard, that prior permission had to be obtained from the officials concerned for starting higher classes, that teachers had to be appointed as per rules and the salary of the teachers had to be paid by the management for three years, that there should be adequate attendance of the students as per G.O.No.250, Education Department, dated 29.2.1969, that adequate equipment and educational aids should be provided and that more space, class rooms, toilets and drinking water facilities had to be provided. The files came to be closed on 30.7.1990.

272.11.3 Thereafter, the school sought permission for starting VII Standard in 1991. The same routine came to be followed and during the relevant time R. Vittal Doss (C.W.267) was the DEO in charge and Sethuramachandran was the AEO, Kumbakonam. In the detailed remarks set out by the AEO which form part of Ex.C-83 series (Na.Ka.No.17/91/A-3), it is stated that he visited the school on 5.2.1991, that the building was suitable for accommodating the additional pupils, that other facilities had been adequately provided, that the area of the playground was 2500 sq.ft., the area of the garden was 10 sq. ft., that there was adequate area for further development of the higher class, that there were adequate furniture and aids, that stability certificate and building licence were enclosed and that the general condition of the school was satisfactory. The remarks conclude with an endorsement by the AEO stating "recommended for opening of VII Standard". Similar procedure came to be followed for opening VIII Standard in 1992-1993. Sethuramachandran was the Assistant Educational Officer during that period also and he makes almost identical remarks in his report and concludes by saying that permission to open VIII Standard during 1992-1993 could be granted under self-finance. It is stated in his detailed remarks that he visited the school on 4-3-1992 (Ex.C-84 series).

272.11.4. The further three files made available from the Education Department at the instance of the Commission, are as follows:

No.1 is Na. Ka. No.49375/G-1/93. This relates to granting of permission to start the IX Standard by Sri Krishna Middle School. The file consists of 167 pages of which the first four relate to office note by the Directorate of School Education. Some of the documents are duplicated. The documents relevant for our purpose have been xeroxed and together marked as Ex.C 85 series.

272.11.4.1. The first of the documents is the application dated 28.12.1992 sent by Pulavar Palanichamy (P.W.18) as manager of Sri Krishna Aided Middle School for upgradation of the school as high school. Among other things, it sets out the immense need for upgrading the school and details the infrastructure facilities available in the school, which would entitle its upgradation. Some 12 items are mentioned at the end of the application, as enclosures.

272.11.4.2 It is mentioned in the application that the school has a three storied terraced building and a two storied terraced building on the northern side immediately adjacent. There are two plans accompanying the application. They are respectively of the ground and the first floors combining both the southern and the northern bays. The length of the building is given as 130' east-west and 32' north-south on the eastern side and 47' on the western side. The buildings together are in the shape of the letter 'T' cut into half and the left half portion retained. The plans show as many as 9 class rooms in the ground floor, besides a car parking lot, a noon meal kitchen and a long corridor on the southern side. In the first floor there are 14 class rooms shown. Besides the class rooms, an office just above the car parking, a staff room and a laboratory are shown. The plans produced are not plans approved or sanctioned by the municipality. It is an imaginary plan giving an absolutely false picture of the composition of the building. It has been noticed already that in actual

fact the building has ground plus two floors on the southern side and only ground floor on the northern side, the northern wing of the first floor having a thatched structure.

272.11.4.3. The application further says that the school has 2 acres of land as playground. A communication Na. Ka. No.24932/92/C-1, dated 29.12.1992 from the then Commissioner of Kumbakonam Municipality one Ramiah is also an enclosure. It shows that an extent of 8220 sq.ft. in S.No.775/Block No.23, Down Ward No.1, which was already earmarked as playground for the Municipal Primary School, could be used as playground for Sri Krishna Aided Middle School subject to certain conditions. However, in the application, this extent of 8220 sq.ft. which is just over 3 grounds, is shown as 2 acres of playground which works out to 36 grounds?

272.11.4.4. The, then AEO, Sethuramachandran, in Na. Ka. No.5540/A-3/92, dated 8.1.1993 strongly recommends the upgradation of the school as high school by permitting the starting of the IX Standard. This communication is addressed to the then District Educational Officer, Thanjavur District. This recommendation by the AEO is followed by the then DEO of the district T. Venkatachalam's communication to the CEO, Thanjavur, in Na. Ka. No.847/93/B-6, dated 9.3.1993. The, then CEO, P.N. Shanmugasundaram in his communication Na. Ka. No.956/E-1/93 dated 30.3.1993 addressed to the Director of School Education, seconds the recommendation of the DEO for upgradation of the school as high school.

272.11.4.5. It is now necessary to refer to the office note found at the threshold of the file. Under clause 5 (the amenities available to pupils and teachers), sub clause (c) (accommodation) it is mentioned as three storey terraced building and two storey terraced building on the northern side. Under sub clause (g) (play area) it is mentioned that the school has 2 acres of play area, that the Municipal Commissioner had granted permission to the school to use the playground belonging to the Municipal Primary School and that the Secretary of Sri Krishna Aided Middle School had undertaken to get 3 more acres for playground. The note concludes seeking orders for upgradation of Sri Krishna Aided Middle School as Girls High School. On 14.6.1993 the Director of School Education accords permission for upgradation.

272.11.4.6. There are two photographs found in the file. One of the photographs shows an opened cupboard displaying a number of books apparently constituting the library for the school. The other photograph is the more significant one. It is the photograph of the school building from a south-east angle showing the ground plus two floors on the southern side. Significantly there is no photograph produced showing the northern side of the building. However, a portion of the thatched structure on the northern bay is clearly visible. There are two names of the schools seen on the front side of the building. One reads as Sri Krishna Middle School. The other name is Saraswathy Matriculation School. A clumsy attempt appears to have been made to smudge the name Saraswathy Matriculation School.

272.11.4.7. The second file is Pa. Mu. No.156244/G-3/94, dated 8.12.1994 which relates to refusal of initial recognition for Sri Krishna Girls High School.

272.11.4.8. The third file Na. Ka.No.169226/G-3/94 dated 12.1.1995 deals with grant of initial recognition to Standards VI to IX.

272.12. Mariappan, presently Director, Elementary Education, was examined as C.W.263 on 29.4.2005. In his deposition he has stated as follows:

He worked in Thanjavur as Chief Educational Officer from August, 1993 to May, 1995; it is not mentioned in the 1973 Tamil Nadu Recognition of Private Schools (Regulation) Act that there could be temporary permission; on 30.6.1993 the then Joint Director had granted temporary permission in Ex.C-81; it had been granted on the basis of the recommendations of the Inspector of Girls Schools and the District Educational Officer; before the witness, one Shanmugasundaram was the C.E.O. from 14.10.1992 to 25.6.1993; thereafter somebody else was in charge for some time; it is stated in Ex.C-81 that the recommendations were given by the CEO on 30.3.1993; as per rules, schools given temporary permission should apply for recognition, within three months; at that time the then Inspector of Girls School Thiru Appu Rao sent the file with his recommendations to the witness who was the CEO then; he in his turn with his recommendations forwarded the file to the Directorate; on 8.12.1994 the then Joint Director Kulasekaran passed orders rejecting the application for recognition stating that that there were shortcomings; however, the management filed an appeal to the Director of School Education who allowed the appeal and granted recognition; the time between rejection and granting of recognition was just one month and during that period there was no occasion for the witness to inspect the school; it should have been verified whether the defects had been rectified and only thereafter recognition should have been granted; from his perusal of the records it did not appear that such a course had been followed; the Education Department was to a great extent responsible for the accident.

272.13. S.V. Sivaraman, who was the P.A. to the District Educational Officer, Thanjavur, during the period 3.8.2001 to 30.4.2003, has been examined as C.W.264. In his evidence he has stated as follows:

His duties required him to peruse the files in the office, check them up, initial them and forward them to the District Educational Officer; during his tenure at Thanjavur, there were three District Educational Officers Subadhra, Chockalingam and Pinagapani (C.W.258); as Subadhra and Pinagapani were in charge D.E.Os. the witness used to guide them; in cases where continuance of recognition is needed, it is not necessary for the DEO to go and inspect the school in person; in the case of continuance of recognition for three years the DEO has to go in person and inspect; this was the practice; in Thanjavur District there were about 120 high schools and higher secondary schools; the office used to receive 5 or 6 applications for continuance of recognition; during Pinagapani's tenure as in charge DEO the office had received an application from Sri Krishna Girls High School for continuance of recognition. The witness had told the DEO (C.W.258) that since it was a case for continuance of recognition it was not necessary to personally inspect the school; still the DEO went and inspected the school; the witness did not remember whether anybody – the secretary, teacher or assistant from the school – met him in connection with the continuance of recognition; it was correct to say that Govindarajan, the then superintendent had made a remark in the file that since it was a case for continuance of recognition it was not necessary to inspect the school;

the witness had also initialled the above noting; C.W.259 Govindarajan had in his evidence stated that there was no rule saying that it was not necessary to inspect the schools in the cases for continuance of recognition; the witness might have seen Pulavar Palanichamy, but did not remember; he did not also know whether he was the headmaster or the correspondent; it was correct to say that there was some problem for grant of continuance of recognition with regard to the said school; he did not however remember whether it related to playground or any other subject matter; it was a serious flaw that the document relating to playground had not been registered; it was the duty of the Superintendent and the witness to have pointed out this mistake; it was the fault of the witness not to have done that.

272.14. Srinivasa Appu Rao who had served the department for 38 years and retired as Headmaster of the Government Higher Secondary School, Patteeswaram in 2001, has been examined as C.W.265. In his evidence he has stated as follows:

In 1991-1992 he was working as Headmaster of Alathur Government Higher Secondary School, Thanjavur District; between 1993 and 1995 he was Headmaster in Ayyampettai in Thanjavur; in 1994 he was in charge DEO for Thanjavur District; during that period high schools were under the jurisdiction of the District Educational Officer; he had personally gone and inspected schools during that period; he had met Pulavar Palanichamy; during 1993-1994 he had occasion to go to Kumbakonam in connection with examination work; because of the witness's position as DEO it was possible for Pulavar Palanichamy to know about the witness; the witness did not remember whether during his tenure he had recommended for upgradation of Krishna Middle School as high school; in cases of upgradation it is necessary to personally inspect the schools; in 1993-1994 three schools were not there in Kasiraman Street; the three schools came into existence only later on; in case there were more than one school in a building complex, it was the duty of the Assistant Educational Officer to bring it to the notice of the District Educational Officer; in any given year the department might receive applications for upgradation from 10 to 15 schools; during his in charge period, he might have inspected 4 or 5 schools seeking upgradation; he did not remember whether he recommended for upgradation of Krishna Middle School; in case during his 10 month tenure as in charge DEO, he had gone and inspected Krishna Middle School, occasion would have arisen for his recommending for upgradation, as in his view, at that point of time there was only one school functioning in that complex; in case during the inspection it was found that there was only one school in the complex, there was every likelihood that he would have recommended upgradation.

272.15. N. Ranganathan, who served as the District Educational Officer, Thanjavur, from December, 1988 till July, 1990, has been examined as C.W.266. In his deposition he has stated that it was the duty of the DEO to inspect the school when proposals for upgradation were received. However, he did not remember whether he inspected Sri Krishna Aided Primary School after the department received the application for upgradation.

272.16. Vittal Doss has been examined as C.W.267. He was in charge DEO for a period of five months in Thanjavur district. He does not remember whether

during his period he visited Sri Krishna Aided Primary School or dealt with the file relating to its upgradation into middle school. Nothing turns on his evidence.

272.17. C. Shanmugavelu, who was the AEO, Kumbakonam, from 1989 July has been examined as C.W.268. He has stated as follows:

He served as Deputy Inspector of Schools from 1983 to 1989 and as AEO from 1989 to 1995; his service was confined to Thanjavur District; during his tenure, application for upgradation was received from the correspondent of Sri Krishna Aided Primary School beyond time; he rejected it; however, on the basis of a recommendation made by the gazetted Special P.A. to the then Education Minister, he had to recommend upgradation; while doing the inspection he had seen a nursery school functioning in the premises; he did not, however, take it up with the management; he ought not to have recommended upgradation for the school, still having regard to the pressure brought on him, he had to necessarily send proposals for upgradation; on the basis of his proposals the DEO had forwarded the file to the CEO, who addressed the Directorate for permission to upgrade the school as a middle school, what he had done was outside law, still in view of the peculiar circumstances he had to break the law.

272.18. S. Ramachandran, who was the AEO at Kumbakonam from 1991 to 1995, has been examined as C.W.269. In his evidence he has stated as follows:

During his tenure at Kumbakonam he had inspected all the 33 schools under his jurisdiction and those schools included Sri Krishna Aided Primary School as well; he had visited the school in connection with the opening of the VII and VIII Standards; he had found that the school satisfied the norms for opening of high classes; he signed the original of the remarks found at page 920 in Ex.C-84 as also the remarks at pages 899 and 900 in Ex.C-83; on the basis of the information furnished by him the office staff filled up the remarks and they were correct; the corrections in pages 901 and 902 were carried out on his instructions; he was fully responsible for the contents found in the remarks; at the time of his inspection he found that two schools were functioning in the same building; one of them was a nursery school; it was run by Pulavar Palanichamy; it was wrong to run more than one school in the same building; he asked Pulavar Palanichamy about this; he replied stating that the nursery school had been started as a feeder school for the aided primary school; the reason given by Pulavar Palanichamy for running a nursery was not an acceptable one as the medium of instruction in the nursery school is English while in the primary school it is Tamil; notwithstanding these things, the witness sent his recommendations for starting the VII Standard; there was no playground for the school as mentioned in his remarks; Pulavar Palanichamy showed the open space opposite to the school and told the witness that it was the playground for the school; the witness accepted the same; the sketches for the ground floor and the first floor given in Ex.C-85 series are correct; he does not remember as to whether there was a thatched structure in the first floor; the details given in the remarks that the building was pucca and thatched shed; it was correct to say that in the remarks it was mentioned that building stability certificate was enclosed and the same was scored out; in such eventuality it has to be taken that no stability certificate was enclosed; the person who attended to the school affairs was only Pulavar Palanichamy; he alone used to meet the officials; it was correct to say

that the letter found at page 910 in Ex.C-84 was written by the witness; the date of inspection as 4.3.1992 as found in page 919 in Ex.C-84 was correct; the signature found therein is his; the photograph found in Ex.C-85 series, of the school is correct; as the management has said that the school had pucca building, the witness accepted it; however, it was correct to say that there was thatched structure in the first floor; the witness alone had recommended for opening IX Standard; the recommendation letter found at page 932 in Ex.C-85 series is his; in the long hall found on the southern side as one enters the school housed the nursery school; it was correct to say that the plans furnished by the management to the department were not correct; it was equally correct to say that in the first floor on the northern side there was a thatched structure; Ex.C-86 series shown to him projected the correct picture of the school. At this stage the witness says that having regard to the circumstances prevailing then he had to recommend for upgradation; however, he could not explain as to what those circumstances were during that time. Now the witness corrects himself and says that it was a mistake to have granted permission for starting the higher class during that period; even if the AEO recommends opening of higher classes it is the duty of the DEO to personally inspect the school concerned; he is not in a position to say as to who the DEO was at that point of time; the original of the letter found at page 992 in Ex.C-85 recommending upgradation of the middle school as high school was received by him from the management and forwarded to the higher authorities; it was not correct to say that as stated in the letter from the management there were three storeys for the school on the southern side and two storeys on the northern side; equally it was not correct to say that the school had 2 acres of playground; it was false to say that the school had 2 acres of playground; it was also false to say that the building had 10 toilets for the children and 6 toilets for the teachers; the Municipal Commissioner had permitted the school to use 8220 sq.ft. belonging to the municipality as playground by the school, it was therefore incorrect on the part of the management to have said that the municipality had given permission to have playground in 2 acres belonging to the municipality; on the basis of the recommendation made by him, the DEO and the CEO had written to the Directorate for consent to permit upgradation as high school.

272.19. S.Chandrasekharan, who was the CEO Thanjavur District, has been examined as C.W.270. In his deposition he has stated as follows:

He was the CEO, Thanjavur District, between August, 1989 and March-April, 1991; during his service there he had not visited Sri Krishna Aided Primary School; he had, however, passed the school for upgradation on the basis of the recommendations made by the AEO and the DEO; as CEO he had occasions to yield to pressure and accept proposals for upgradation, recognition, etc.; it was correct to say that during the period he was CEO he had interpreted the letter dated 15.5.1990 from the DEO as one for recommending upgradation though actually the letter from the DEO does not say so; in that context he read the letter as one of recommendation though it is stated that subject to the school authorities depositing the endowment money the claim for upgradation could be examined; the letter from the management addressed to the then Hon'ble Education Minister with the endorsement of the gazetted P.A. stating that 'the request may be considered had passed through his office only'; though the witness has elaborately stated in his

letter to the Directorate that the AEO had recommended upgradation, the communication as such from the AEO is not found in the reference portion.

272.20 The refusal and the subsequent grant of provisional recognition and regular recognition have already been dealt with. It is therefore not necessary to go into details, except to reiterate that the then Director of School Education had allowed the appeal preferred by the secretary of the school against the order of the Joint Director rejecting the application for recognition on the basis of only the grounds raised. In the normal circumstances, there should have been a remand for verification by the authorities as to whether the conditions imposed or the shortcomings noticed by the Joint Director had, indeed, been rectified and all the criteria for recognition were satisfied by the subject school.

272.21. CWs 258 to 270 were examined on various dates. As the examination was done in the absence of PWs 17, 18 and CW 255, the latter three were permitted to cross examine the new witnesses at the special sitting of the Commission at Thanjavur on 24.05.05. Mr.Rajagopal, the learned counsel for PWs17 and 18 cross examined some of the witnesses and with regard to others he represented that there was no cross examination. CW 255 was one of the witnesses cross examined the details of which have already been given in paragraph 270.1.4. In the cross examination of the other witnesses nothing material was elicited. Only CW 268 Shanmughavelu attempted to go back on what he had deposed in chief. According to him he had recommended upgradation only because the aided primary school was functioning well. We may immediately recollect the witness saying in chief examination that but for the pressure brought on the department, he would not have recommended upgradation and that he was sorry for what happened. Apparently attempts had been made on behalf of PW 18 to win the witness over and make him go back on what he had said in the chief examination.

272.22. In the view of the Commission, the attempt to win over the witness, though perhaps has succeeded, has not yielded results. His admission that the recommendation for upgradation had been made by him improperly stands. All the other witnesses cross examined stuck to their stand in the chief examination and did not go back on that.

271.23. So far as CW 266 Ranganathan is concerned, though there was no cross examination, the Commission put Ex C 82 series to the witness. After going through the same, the witness said that in his letter dated 15.05.90; he had only said that the application for upgradation could be examined if the endowment deposit was made by the management and that his letter would not amount to recommendation for upgradation.

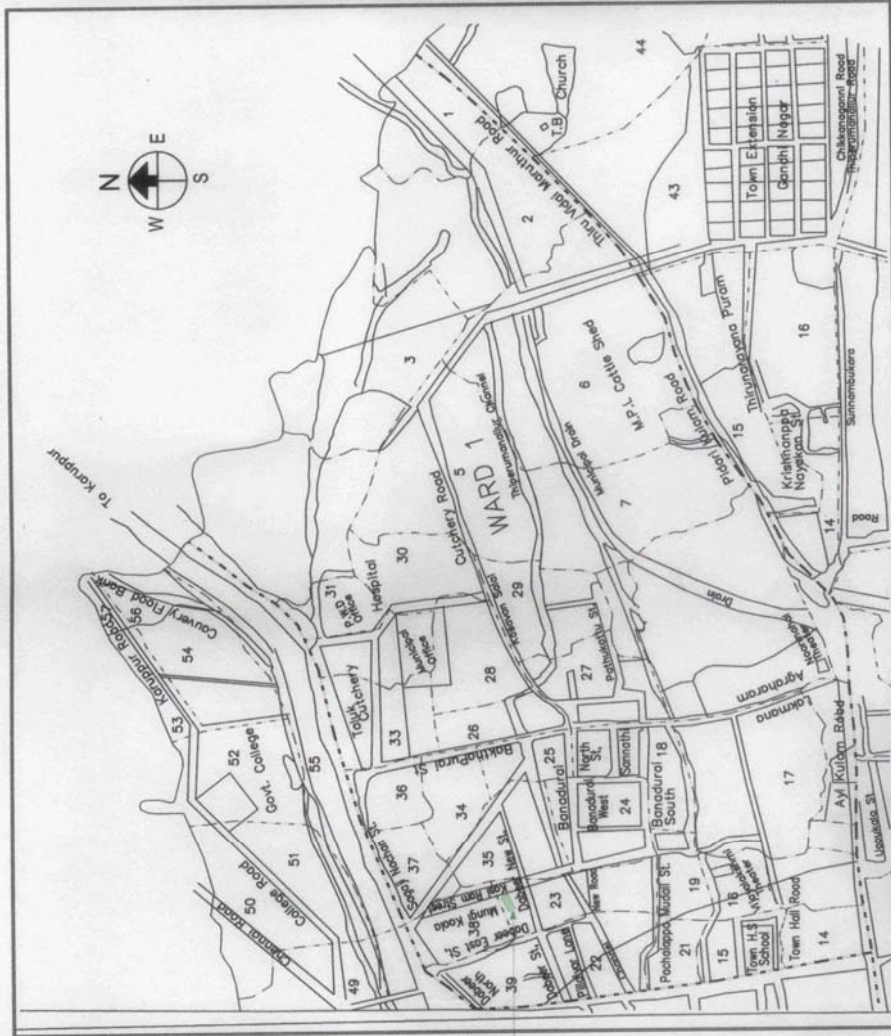
272.24. So much for the oral and the documentary evidence.

CHAPTER - III
Location – situation of the schools
(Paragraph 273)

273.1.1. The Commission has visited the place and site of the gruesome accident several times. It has also perused the affidavit marked as Ex.C-54 filed by Thiru D. Kalyanasundaram, Additional Superintendent of Police and the Investigating Officer in the criminal case filed by the State. In its view, the affidavit gives a fair and accurate description of the topography and the situation of the schools and the details contained in Ex.C-54 are followed hereunder with modifications wherever necessary.

273.1.2. The schools were located at Kasiraman Street, Kumbakonam. (Past tense is deliberately used as the schools were directed to be closed immediately after the accident.) The building complex is situated about 1-1/2 km. north-west of Kumbakonam East Police Station and about ½ km. from the Kumbakonam New Bus Stand. The building bears Door Nos.12-E and 13 in T.S.Nos.762/B and 763/B. There were three schools run in the complex. The names of the schools were (1) Sri Krishna Aided Primary School, (2) Saraswathy Nursery and Primary School and (3) Sri Krishna Girls High School. Kasiraman Street runs north to south. There is a road running east west about 15 meters south of the complex. The main building faces east. It is a street building without any compound wall. On the north and the south there are residential buildings. There are two properties on the northern side. They belong to Mohan, son of Manickam. Mohan lives in the front house and has leased out the rear house to one Murthy and his wife Manjula. North of Mohan's house is Suriya Travels and further north is Dharsan Travels. All these buildings face east. On the south of the school complex is a house belonging to Nagarajan, son of Govindaraj. Next to his house further south is a vacant property also belonging to Nagarajan and further south of this vacant property is Vedhavinayagar Temple and further south of the temple is East Dubeer Street. Kasiraman Street is 27 feet wide and has a tar road. Opposite to the school complex on the eastern side of Kasiraman Street is Morivaikkal running north to south. Opposite to the gate of the school complex is the house of K.R. Venkataramani, son of Ramamurthy and to the north of this property, there is a small road running east to west proceeding to Anna Nagar. To the south of Venkataramani's house is the house of Nagarajan, son of Radhakrishnan. The houses to the east of Kasiraman Street face west. To the west of the school complex is the conservatory lane, which on all accounts served as urinal for the school children, there being no separate urinal inside the building. It was a very crowded locality. Diagrams-A to C below will give a reasonably good idea of the location of the school building.

KUMBAKONAM TOWN WARD NO.1



- Sri Krishna Aided Primary School
- Sri Krishna Girls High School
- Saraswathy Nursery School

DIAGRAM- A

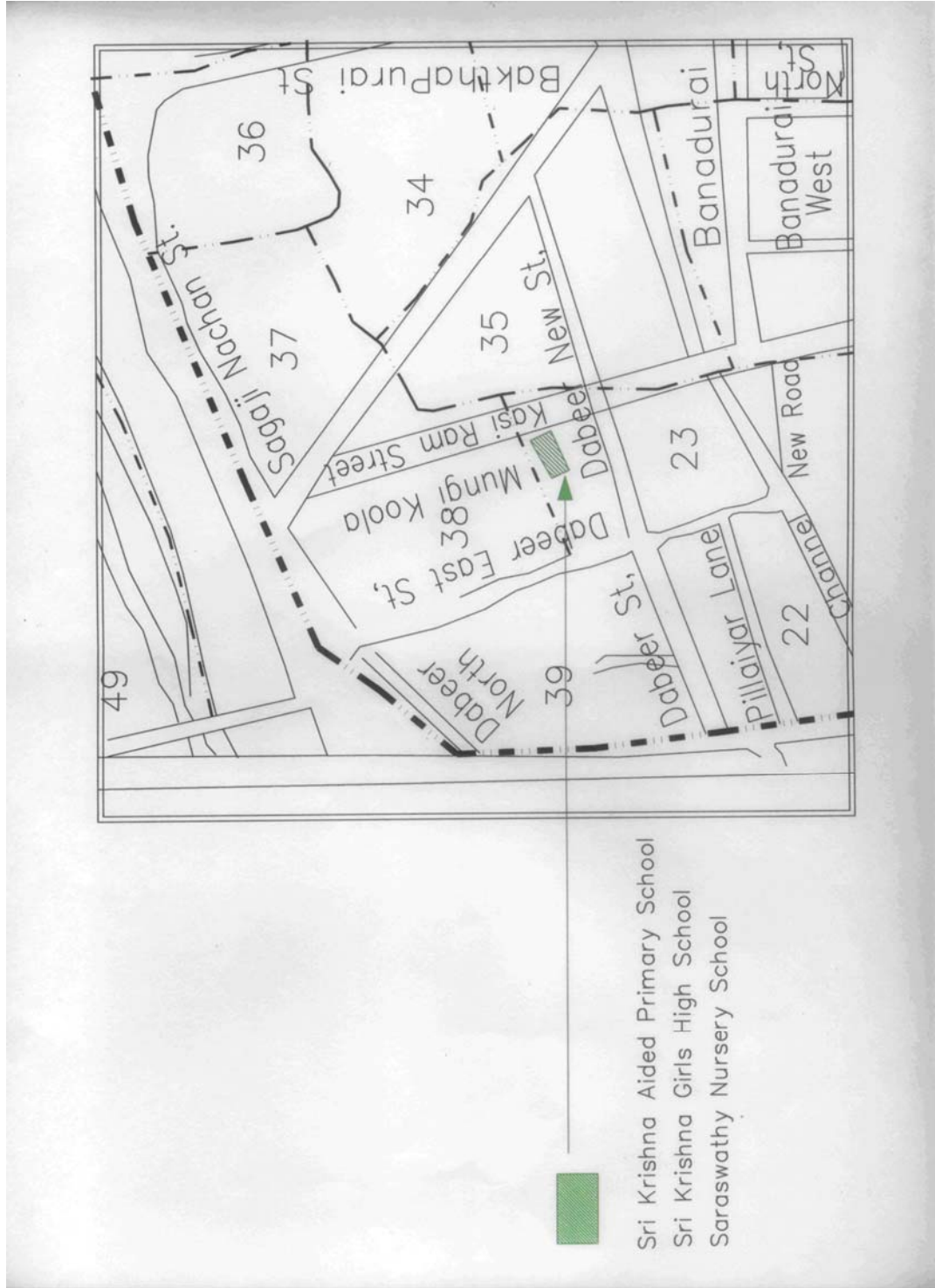


DIAGRAM- B

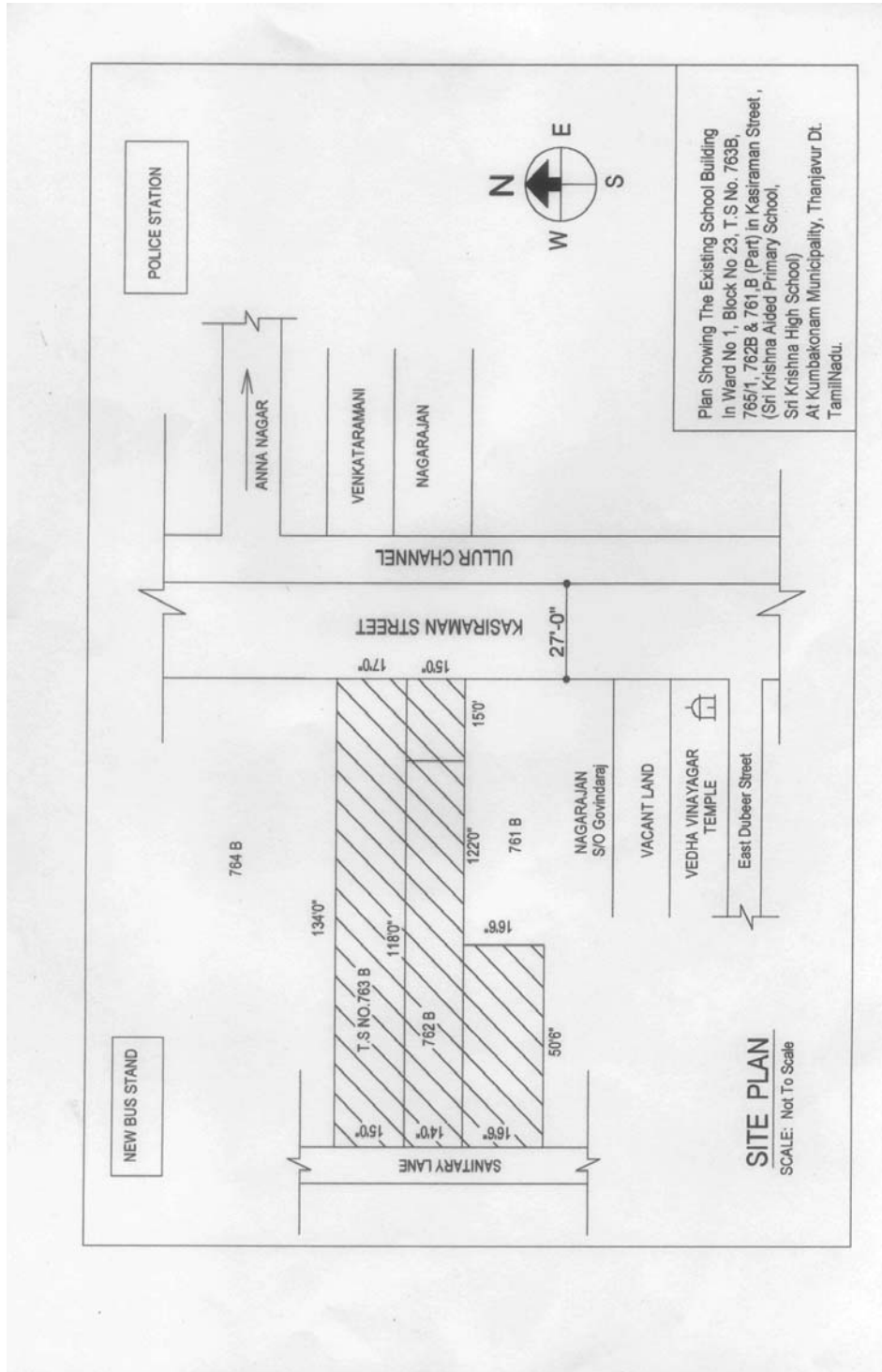


DIAGRAM- C

CHAPTER - IV
Internal Lay Out of the School Building-School Strength
(Paragraphs 274,275)

274.1.1. There is a small iron gate about 4 feet wide as we enter the school building. (See Diagram D) On the southern side in the front is the headmistress's room 6-1/2 feet X 13-1/2 feet. Beyond the northern wall of the headmistress's room is the entrance to the class rooms of the aided primary school. It is a long narrow dark hall without any partition. The class rooms were in the following order: I-A, II-B, II-A, II-C and I-B from east to west. Further down west there is an open hall (which apparently was thatched). Beyond this open hall on the western tip of the school building were classes IV-A and IV-B. North of class IV-B is a platform/stage where III-A class was being run. North-west of the stage was the nutritious noon meal centre kitchen having its entrance facing east on the north-west corner. The dimensions are 12' 7.5" X 11' 6". There were two ovens, one on the eastern side of the kitchen and the other on the southern side. At the time of inspection the kitchen was found to be full of burnt thatched leaves. There were some cooking vessels kept there. At the entrance of the noon meal kitchen a few bicycles and TVS-50 were found parked. Classes IV-A, IV-B and III-A, the cycle stand and the noon meal kitchen were fully thatched and were connected to the first floor roof of the building. We will come back to the rest of the classes in the aided primary school after dealing with the northern part of the ground floor.

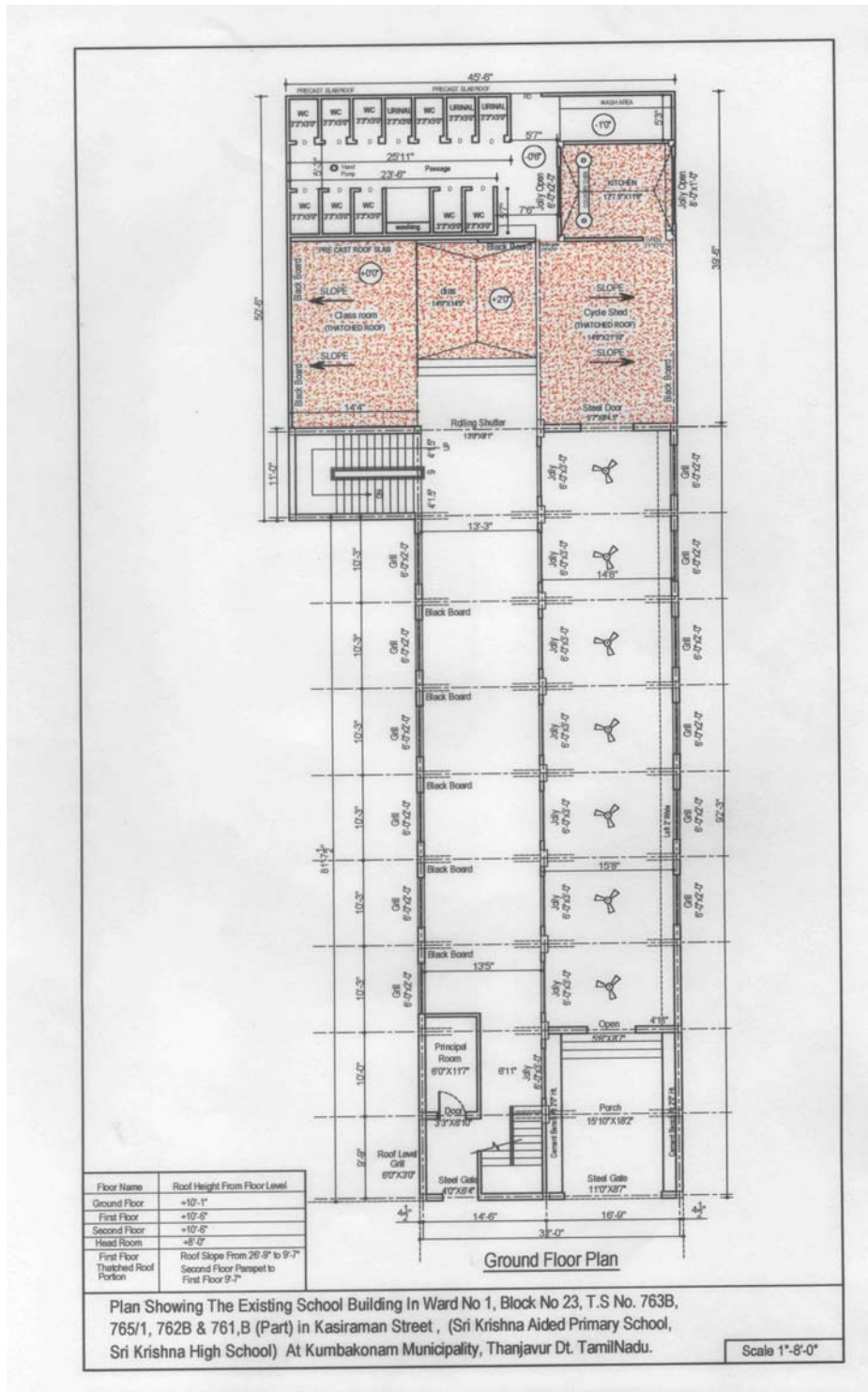
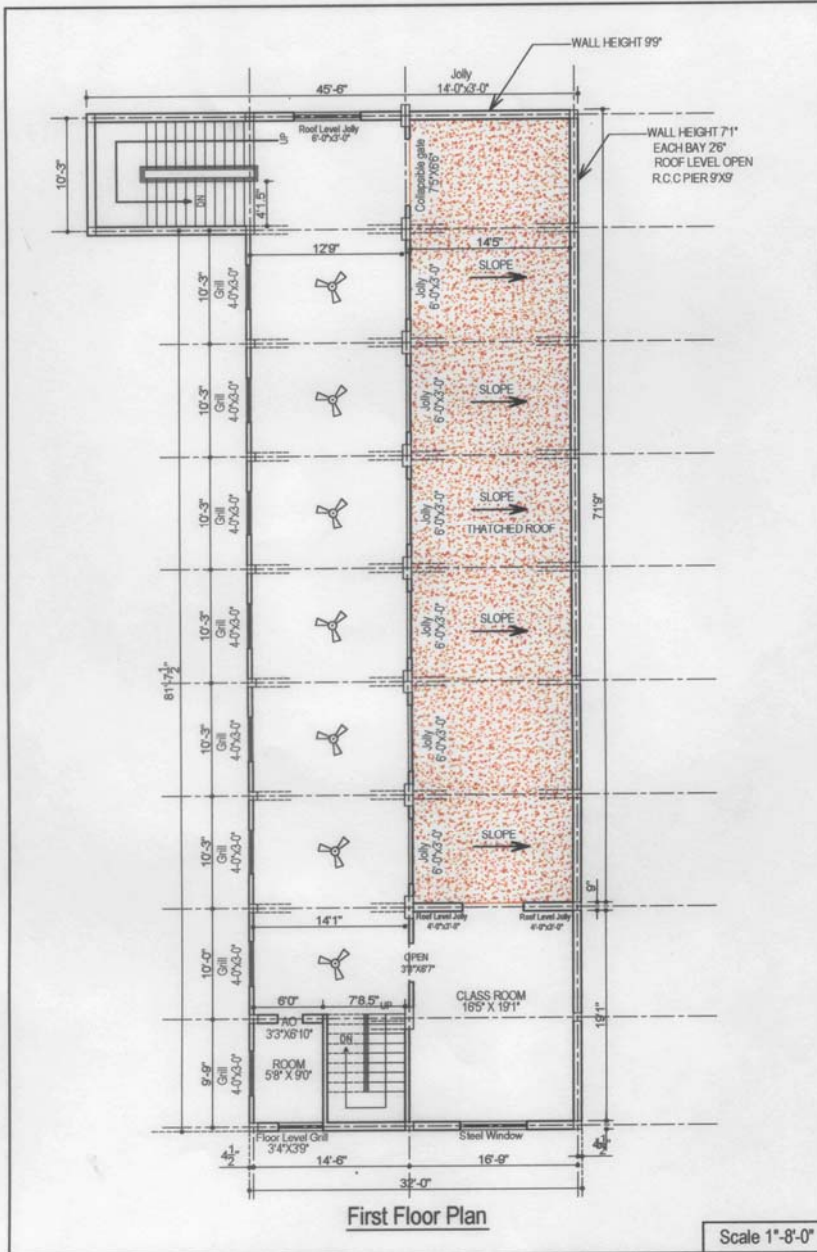


DIAGRAM-D

Saraswathy Nursery and Primary School was being run in the northern wing of the ground floor of the building in T.S.No.763-B Door No.13 measuring 15' 10" X 72'. This school also faced east. As we enter this portion of the building from the road side we find a shed measuring 19' 15.10" X 18' 2". Apparently, this was used as the parking shed for the school van. There is an opening 5' 8" X 8' 7" from the shed to the nursery school. There were 6 classes run in this part of the building – LKG, UKG, Standards I, II, IV and V. The fact that the building is a street building would show that there is absolutely no scope for light or air. No doubt, some grills as shown in Diagram-D were found on the northern wall. This northern wall appears to be a common wall belonging to the owner of T.S.No.763-B and the northern owner Mohan. On the south western side of the kitchen there is a small exit with an iron gate, which was also found locked. On the south western side just 15 feet from the noon meal kitchen were situated 9 toilets and 8 taps on the western side. Further west of the toilets is the service or conservatory lane running north south about 10 feet wide, which as already noted, was being used as urinal by the school children. It has to be pointed out again that the situation of the class rooms both in the aided primary school and Saraswathy Nursery School was in such a way that no natural ventilation or natural light was available for the classes. Though *jollies* were found fixed on the northern wall in the building in T.S.No.763/B and the southern wall in the building in T.S.No.762/B they really served no purpose. There was no separation between classes.

274.1.2. Near the eastern entrance of the aided primary school (in T.S.No.762/B) there is a staircase 4-1/2 feet wide. The steps in the staircase are very narrow and steep.

274.1.3. As we move to the first floor (Diagram E) we find a hall similar to the ground floor hall in the aided primary school classes on the southern side. Here also there was no ventilation or light though the grills and cement *jollies* were found fixed in the southern section of the first floor where III Standard of Saraswathy Nursery and V-B and V-C of the aided primary school were being run. There is a solitary collapsible gate connecting this portion of the first floor to the northern portion. This collapsible gate is situated on the western end of the wall separating the northern and the southern wings. On the northern portion where the gruesome tragedy occurred there was thatched roof. There was no separate entrance to any of the classes situated under the thatched roof. The classes were V-A, IV-A, IV-C, III-B, III-A and III-C of the aided primary school. On the eastern wall of this stretch of the northern portion, one found traces of a previous door exit, now closed with brick and mortar. In effect, the only connection between the northern wing and the southern wing was the passage through the collapsible gate at the western end of the wall separating the two bays. The tapering end of the class on the western side was connected to the noon meal kitchen thatched roof and the cycle stand roof, that is to say, the thatched portion of the roof of the noon meal kitchen was connected to the thatched roof in the first floor. To the east of the wall where originally there was an



Plan Showing The Existing School Building In Ward No 1, Block No 23, T.S No. 763B, 765/1, 762B & 761,B (Part) in Kasiraman Street , (Sri Krishna Aided Primary School, Sri Krishna High School) At Kumbakonam Municipality, Thanjavur Dt. TamilNadu.

DIAGRAM- E

opening in the first floor northern wing Krishna Girls High School Standard X was being run. The entire first floor was dark without electricity or ventilation. Burnt broken bamboos, benches and stools, school bags, tiffin boxes, water bottles and chappals were found strewn all over the classes on the northern wing of the first floor under the thatched roof.

274.1.4 As we go up to the second floor (Diagram F), we find the southern wing terraced (in T.S.No.762/B). The second floor measures 62-1/2' X 13'. There is an office room at the entrance from the western staircase with toilet on the south west end of the room facing north and further westward, Standards VI, VII, VIII and the IX of the girls high school were conducted there. Above this floor is the open terrace where the water tank of the building is situated.

274.1.5. There were also some crotons in the terrace. The ground floor, the first floor and the second floor had classes everywhere and as already noted, the southern wing on the ground, the first and the second floors (in T.S.No.762/B) were all RCC roofed while only the ground floor of the northern wing had RCC roof and the first floor had thatched roof with only one access through the collapsible gate mentioned above. It is needless to point out that this was an invitation to danger. To put it in a nutshell: Three schools were functioning in one and the same building. The building had ground floor, first floor and second floor and the first floor had two bays while the second floor had only one bay. The first floor northern bay had a thatched roof. The other bays had all RCC roofs. The noon meal kitchen was in a thatched shed adjoining the main building on the rear side and the thatch was in line with the thatch in the first floor and one was resting on the other.

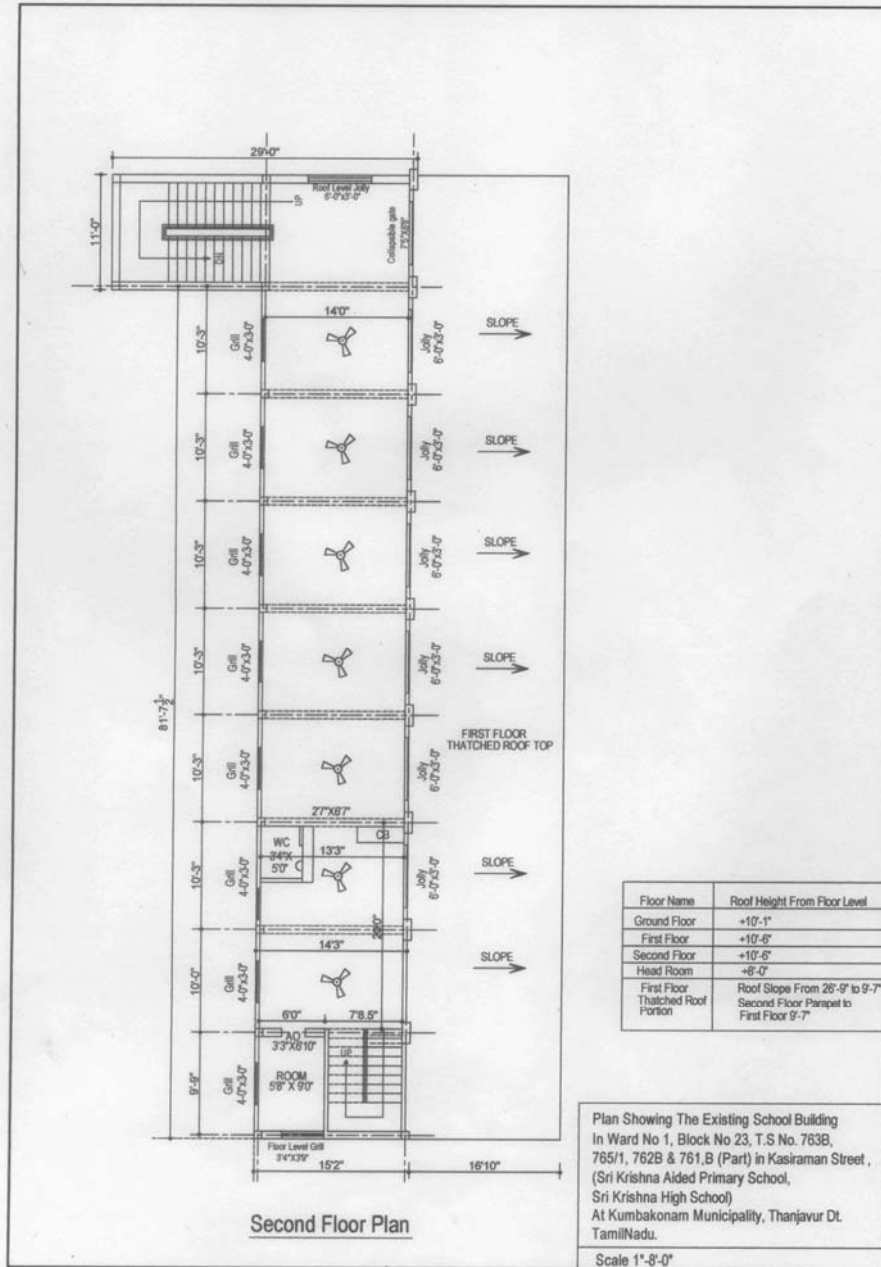


DIAGRAM- F

229A & 230

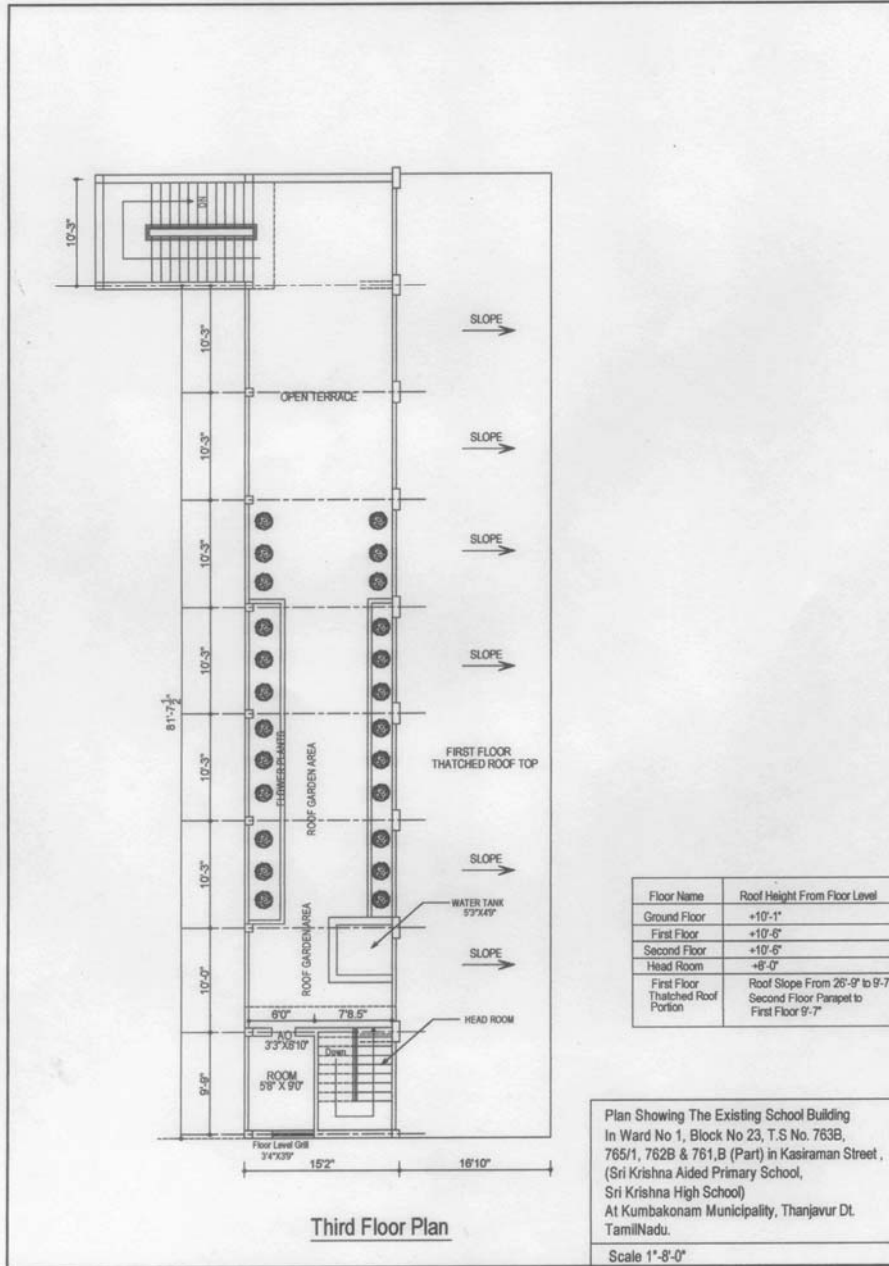


DIAGRAM - G

275. The School Strength

Sri Krishna Girls High School	179
Sri Krishna Aided Primary School	477
Saraswathy Nursery & Primary School	126
	782

CHAPTER - V
How did the accident happen?
Origin, Discovery and Spread of Fire
(Paragraph 276.1)

The classes of the schools commenced at 9.15 hours with prayer. The duration of each period was 45 minutes, 9.30 to 10.15 hours was the first period. 10.15 to 11 hours was the second period and so on. Between 10.30 and 10.45 hours one of the girl students while returning from the toilet noticed the fire breaking out from the noon meal kitchen. She alerted her class teacher. News spread to the other classes. However, during the short period it burned, before discovery, the fire developed very rapidly. As already noted, the noon meal kitchen was of thatch as also three classes in the ground floor close to the kitchen – the northern segment of the first floor also had only thatched structure. All the thatched structures were contiguous and rested on one another. In a matter of minutes, the fire which was fanned by strong winds rose to the first floor thatch and totally destroyed the structure – the classes in the first floor under the thatch had accommodated more than 150 boys and girls. The sketches-diagrams show the situation of the classes. The thatch and the bamboo poles supporting it caught fire and fell on the children. It effectively blocked the only way out, namely, the passage through the collapsible gate and cut off the means of escape. The locals rushed to help.

The Fire service response and Rescue Operations
(Paragraph 276.2)

The fire service was informed at 11 hours. They were at the site within minutes. Even at that time the fire was blazing. They put out the fire and also joined others in the rescue operation. They and the general public broke the cement *jolly* of the building and made a valiant attempt to rescue the children huddled there. Unfortunately, they were unprepared for the size of the task and sadly many of the children who were caught under the fire had died. The details find their place elsewhere. (Annexures A12 to A 20)

How did the Administration Respond?
(Paragraphs 276.3 to 276.6)

The, then District Collector Dr. J. Radhakrishnan has filed an affidavit before the Commission and the same has been marked as Ex.C-43. The details given in the affidavit stand uncontroverted. From Ex.C-43 it is seen that on that fateful day, the District Collector was conducting the agriculturists' grievances day at Thanjavur. Between 11 and 11.05 hours he got a phone message that a major fire accident had occurred in Kumbakonam Town, and that the Revenue Divisional Officer, Fire Service, Municipal Officers, local police and others were at the spot and high casualty was anticipated. He immediately rushed to Kumbakonam and while doing that he parallelly alerted the fire service people at Thanjavur asking them to rush additional fire tenders, the Superintendent, Government Hospital, Kumbakonam, to be ready for receiving the injured and treating them, the Dean, Thanjavur Medical College Hospital, to arrange for receiving patients at Thanjavur Medical College Hospital, if required, and also to rush to Kumbakonam with experts. He also

informed the School Educational Secretary in charge and the High Officials. He reached the place around 11.45 hours to 12 noon. The last 200 meters from the school he had to get down from the car and run as he found thousands of people thronging the approaches of the school. On reaching the school he found that all casualties had been removed by the local public and the Government Officials and the Station Fire Officer and his team were found to be putting off the fire. He inspected the noon meal kitchen at the site of the accident and telephonically conveyed the message to the higher authorities and rushed to the Government Hospital at Kumbakonam. He took all necessary steps to ensure that there was no further problem. The injured were being shifted to burn wards and other wards. In the mortuary he found more than 70 bodies. To facilitate the identification by the families of the victims, in consultation with the higher officials in Chennai, he shifted the dead children to the vacant infectious ward. The bodies were arranged on white cloths in rows and parents and relatives were allowed inside the ward to identify the victims. The private doctors at Kumbakonam had also gone to the hospital by 12 noon to assist in the treatment. BSNL Officials came and a parallel line was installed. Arrangement was made to enable the parents to identify the children, who had died.

Everything was done in consultation with the higher officials in Chennai. Formalities of disposal of bodies had to be speeded up.

276.4. In the meantime, the Honourable Chief Minister of Tamil Nadu **Dr.J.Jayalithaa** arrived and announced the following decisions:

- (1) Withdrawal of recognition of the schools functioning in the premises;
- (2) Launching of prosecution on the correspondent and the management of the school;
- (3) Suspension of the educational authorities such as the Chief Educational Officer, the District Elementary Educational Officer and the Assistant Elementary Educational Officer for dereliction of duty;
- (4) Sanction of *ex-gratia* of Rs.1 lakh to the next of kin of the deceased, Rs.25,000/- each to those severely injured and Rs.10,000/- to those with simple injuries from the Chief Minister's Public Relief Fund; and
- (5) Facilitating and counselling the children from the school who survived the accident to join other schools.

276.5. Thanks to the announcement by the Chief Minister, the subsequent developments were smooth and no untoward incidents were reported. By nightfall 76 bodies were handed over by the District Administrative Body to the parents. There was problem with regard to disposal of bodies. Additional grave diggers were pressed into service. The digging of graves went on till 3 a.m. on the next morning and 56 bodies were buried by then. Union Ministers sent by the Prime Minister visited Kumbakonam met the injured in the hospital and also visited the mortuary. They held discussions with the officials and the Collector. The Collector also briefed the press and the local people, consistently, about the status of the accident. By 10

p.m. on 16.7.2004 specialists from the Kilpauk Medical College Hospital had arrived. They also examined the patients. Medical briefing by the specialists to the press and the public was also done. The next day the relief announced by the Chief Minister was disbursed from the Chief Minister's Public Relief Fund. The other reliefs announced subsequently by the Prime Minister were also distributed. The death had increased to 90 and out of 90, 89 bodies had been identified and handed over to the parents. During the course of the day, i.e. on 16.7.2004 itself 3 children were shifted to Thanjavur Medical College Hospital. In the meantime, additional doctors from JIPMER Medical College Hospital, C.M.C., Vellore, Salem and Coimbatore came and helped in the treatment. On 16.7.2004 two children Divya and Rahul were shifted by their parents to A private hospital at Kumbakonam, as desired by them, while Kousalya and Vijai were shifted to Apollo Hospital, Chennai, and Mercy to Apollo Hospital, Madurai, for further treatment. Two more children were shifted to Thanjavur Medical College Hospital, making it 65. Out of 65, 4 died subsequently despite best efforts as they had a higher degree of burns coupled with inhalation problem. The final death toll went up to 94.

276.6. The Collector also took up developmental works in Natham Village, a habitation of Puranatham of Kumbakonam Taluk. He visited the parents of the deceased along with Medical Counsellors and N.G.Os. 13 concrete roofed houses to the families of all the victims from Natham Village worth Rs.4.42 lakhs, black topped link road to the habitation for a length of 1.9 kilometers for Rs.9 lakhs, metalled pathway to burial ground for a length of 1.1 km. for Rs.6 lakhs, platform to public water taps worth Rs.0.14 lakh, conversion of 198 thatched roof kitchen sheds to concrete structures under SGRY Scheme worth Rs.99 lakhs throughout the district and starting of a primary school at Natham Village under Educational Guarantee Scheme for 43 children were all taken up by the district administration. Personal counselling, medical counselling and professional counselling helped the tragedy stricken families to start coming to terms with the tragedy. That much, for a job, well done.

The Accident (Paragraph 277)

We will now deal with the questions as to why the accident happened?; whether it need to have happened?; what could be the reasons for the accident?; whether the casualty was on the high side?; whether it could have been less?; what were the roles of the management, the education department officials, the municipal authorities and the revenue authorities?; what was the role of the teachers?; whether they abdicated their responsibility and they are to be blamed?

CHAPTER - VI
Why did the accident happen?
(Paragraph - 277.1)

277.1.1. To have a fire three things are needed: (a) air (b) fuel and (c) a source of ignition. Well, all three were there at the ill-fated school. Fire was sparked by dry coconut leaves used as firewood in a thatched shed used as a noon meal kitchen. Thanks to strong winds, spoken to by C.W.10 Anuradha, the kitchen fire rose so high that the thatched roof of the first floor class rooms caught fire and as already noted the blazing roof supported by bamboo poles gave way and collapsed on the children. The school was a death trap. How did it become one? For this we have to know about the origin and growth of the three schools that were functioning there.

277.1.2.1 The Aided Elementary School got temporary recognition in Proceedings No.2842/D-2/50, dated 27.5.1950 from the Director of Public Instruction, Madras and was started on 7.9.1950. The location was given as Dabir Street Block, Kumbakonam. The school got permanently recognized as a complete school with Standards I to V with effect from 1.1.1954 in Proceedings L.Dis.616-D2/53, dated 28.11.1953 of the District Educational Officer, Tanjore West, giving the accommodation as thatched school house with 101 school places. {Ex.C-75 series}

277.1.2.2 Pulavar Palanichamy got control of the school in the 1960s. The school was functioning in T.S.No.763/B with door number 12-E. On 28.4.1975, Annapoorni Ammal and others sold T.S.No.762/B with the huts thereon to Saraswathy Ammal, wife of Pulavar Palanichamy, for Rs.2300/-. The extent of the site is given as 133 x 15 and the portion occupied by the hut is given as 370 sq.ft. The northern boundary is given as Sri Krishna Aided Primary School (T.S.No.763/B – Door No.12-E). {Ex.C-75 series}

277.1.2.3 In 1982, in the statement submitted to the department by the correspondent, it is mentioned that the school had two RCC buildings and one thatched structure. {Ex.C-60}

277.1.2.4 Permission was obtained for putting up a building in 1988 for the school (non-residential purpose). The nursery school –Saraswathi English Medium School was started in 1988. Pulavar Palanichamy P.W.18 has deposed that he started the nursery school after obtaining permission from the Education Department. Unfortunately the file relating to this has not been produced by the Department. Be that as it may, whether it was with permission or without permission is immaterial since as a fact a nursery school was started in the same building as the primary school – in the same building declared to be the property, leased or otherwise, of the earlier school. The Education Department Officials, in case they had permitted the school to be started in the same building, had acted in an irregular manner and against the rules. It would however appear that the nursery school had obtained recognition in L.Dis.No.13368/Tho.Ka./A-1/95, dated 2.5.1995. Recognition was there till 1997 and not thereafter.

277.1.2.5 The permission for non-residential purpose was converted into one for residential purpose in 1989 for T.S.No.762/B at the instance of the owner, when at least two schools, the elementary and the nursery were running. It may incidentally be pointed out that the building was more of a godown than a school. The diagrams clearly show that.

277.1.2.6 The aided primary school was upgraded as middle school with effect from 1.6.1990. By proceedings in K.Dis.23081/B-2/91 dated 28.11.1991, the DEO, Thanjavur, granted permission for starting VII Standard and by K.Dis.No.9698/B-2/92, dated 1.9.1992, permission was granted for starting VIII Standard and recognition for VI to VIII Standards without aid was granted for three years. Provisional permission for upgrading the middle school as high school was granted subject to certain conditions on 13.6.1993. However, the Joint Director Thiru Kulasekharan (C.W.261) by order dated 8.12.1994 cancelled the provisional permission for want of infrastructural facilities. But on 12.1.1995, the then Director Thiru Palanivelu granted permission setting aside the order of the Joint Director. For the period 10.9.1996 to 9.9.1999 permission was granted on 15.7.1997 again subject to certain conditions. Similar permissions were granted for subsequent periods, subject to the same conditions. However, nobody ever bothered to find out whether any of the conditions was fulfilled.

277.1.2.7 Meanwhile, as already noted, the nursery school had been functioning from 1997 to 2003 without recognition in the same premises. In 2003, the management in collusion with the Education Department officials, applied for permission for the nursery as a new school and manoeuvred to obtain recognition in June, 2004. However, the new incarnation had to close down pursuant to orders by the Government, immediately after the fire accident.

277.1.2.8. Thus, the nursery school- Saraswathi English Medium School was started in 1988 with or without permission, in the same premises declared to be the property of Sri Krishna Aided Primary School. Whether the Education Department, knowingly, granted permission or not, is not clear as the relevant records have not been made available. However this is immaterial as in either case they were at fault.

277.1.2.9. In 1990, the management applied, out of time, to open VI Standard. Initially, the AEO Shanmughavelu (CW268) rejected the application. However, the correspondent Saraswathi approached the State Education Ministry. The Gazetted P.A. to the then Education Minister endorsed 'the application may be considered' which in that context meant to the educational department officials as a mandate to consider favourably- and forwarded it to the Office of the Chief Educational Officer, Thanjavur who in his turn had forwarded it to the DEO's office. The then AEO, CW268 dutifully, obliged with recommendation for opening VI Standard. Though, during his examination before the Commission, CW268 stated that it was wrong on his part to have yielded to pressure and recommended opening of the VI Standard and that he had his regrets, during his cross examination on behalf of Saraswathi (PW17) and Pulavar Palanichamy (PW18) he wanted to give a go bye to his earlier stand and support them by saying that the primary school was functioning well and therefore he recommended opening of the VI Standard. In the view of the

Commission he is a dishonest person. Though the then DEO N. Ranganathan (C.W.265) in his communication to the CEO stated that subject to the management making the requisite deposit, the request could be examined, the then CEO S. Chandrasekharan (CW270) took the contents of the said communication as recommending opening of the higher class and wrote to the Directorate seeking its consent for granting permission. And the VI Standard was opened.

277.1.2.10 The next year there was change in the personnel. Sethuramachandran (C.W.269) was the new AEO. He had visited the school twice on 5.2.1991 and 4.3.1992. He knew all the rules. He also knew that so many things about the school were wanting. Still he recommended opening of the VII and the VIII standards. The upgradation of the Primary School as Middle School was complete now. It was time to get a high school.

277.1.2.11. The management set the ball rolling by applying for upgradation as high school. CW269 continued to be AEO. From the plans produced and forming part of Ex.C-85 series, it is clearly seen that in the ground floor the southern wing is not shown to have classes while the northern wing in the ground floor and both the wings in the first floor are shown to have classes. We have already referred to the photograph of the school from the south-east angle. Apparently, in the ground floor southern wing the nursery school was functioning. This is also admitted by C.W.268. The application contained wrong particulars. The annexures were false documents. CW 268 was fully aware that a nursery school was functioning in the same building, that the plans furnished by the management were bogus ones and did not give a correct picture of the state of things, that there was thatched structure in the first floor northern bay contrary to the claim in the application and the plans enclosed and that there was no playground as projected. Still C.W.268 chose to recommend opening of higher classes and then the upgradation as high school. The management got away with every conceivable infraction. Not only did it get higher classes, but a high school, exclusively, for girls, as well. CW 268 failed in his duty to report this to his higher authorities. This was a deliberate misfeasance. He knew and in any event he ought to have known that more than one school could not be run in the same property without express permission or sanction from the Education Department. He had colluded with the school management and omitted to mention about the running of the nursery school or the English medium school in the ground floor of the premises. The management ought not to have been permitted to open the VI Standard in 1990-1991. The mischief was continued for the subsequent years 1991-1992 and 1992-1993 and the management succeeded in getting the school upgraded as middle school. Thereafter, the process started for upgradation as high school and starting from the academic year 1993-1994 the upgradation as high school was provisionally permitted and subsequently recognition granted by the department and the illegality was perpetuated by the continuance of recognition every three years subsequent thereto.

277.1.2.12. Thus, though the school did not satisfy the norms required for upgradation, still for some extraneous reasons it was permitted to be upgraded first as middle school and then as high school. The school had furnished wrong and false particulars claiming that it satisfied the requirements or criteria for upgradation as

middle school and later as high school. The Education Department officials also had toed the line of the school and recommended upgradation at every level. The management had given totally wrong sketches/plans as if the school had all the infrastructure facilities entitling it to get upgradation as a matter of course. One is left wondering how the Education Department officials fell an easy prey to the machinations of the school management and recommended/accorded permission for upgradation.

277.1.2.13. Again, Pinagapani (C.W.258) had noticed the existence of a school in the ground floor, but he was taken to the first floor by a school teacher stating that the high school was only in that first floor. He ought to have found out as to what school was functioning in the ground floor, particularly when the legal position is that more than one school cannot function in a single building. But still he chose to ignore the existence of a school functioning in the ground floor of the building, which he visited and recommended continuance of recognition for the High School housed in the same building. He ought not to have acted on the mere unregistered document for the playground. We have already noticed that the then P.A. Sivaraman as C.W.264 stated that the unregistered document for the playground ought not to have been accepted by the department and that such an acceptance was a serious blunder on the part of the Education Department officials holding charge during the relevant time. The CEO had acted on the recommendation of Pinagapani (C.W.258) stating that the recognition for the school could be continued. It was not a mere accident and in all probability it was deliberate. Govindarajan (C.W.259), Pinagapani (C.W.258) and Sivaraman (C.W.264) had not acted in accordance with the rules and regulations.

277.1.2.14. It may also be seen that provisional permission to upgrade was accorded by the Joint Director (Secondary) of School Education, though really the conditions set out were not satisfied by the school to entitle it to upgradation. We may immediately notice that every three years when continuance of recognition was applied for, it was being acceded to, subject to the same terms and conditions. None in the Education Department ever bothered to find out whether the conditions were at any time fulfilled by the Educational Agency. After 1993 in the order for continuation of recognition the same conditions are repeated, so also in 1996, 1999 and in 2002.

277.1.2.15. We have already noticed that in 1988 apart from the Aided Elementary School, the English medium school started functioning. It is admitted by C.W.266 Mr. N. Ranganathan that it is the duty of the DEO concerned to personally inspect the school seeking upgradation and either recommend or reject. If in 1990 the then DEO had visited the school to find out whether the infrastructures required for upgradation were satisfied, he would have definitely noticed that besides the Aided Elementary School, the English medium school was being run. Rules say that more than one school cannot be housed in a single building, in which event upgradation ought not to have been recommended at all. If, on the other hand, the DEO had not inspected the school and still had recommended, even then he would have been at fault. The school ought not to have been permitted to upgrade and the

Education Department officials concerned are fully responsible and have to take the blame.

277.1.2.16. Thus the mischief had started even in 1988 and during the subsequent years this was perpetuated.

277.1.2.17. Thus at the time of the accident three schools were functioning in the same building. This was illegal and in utter disregard of the Rules and the Regulations. Prior to the coming into force of the Code of Regulations for Approved Nursery and Primary Schools, the schools were governed by the provisions of the Tamil Nadu Recognized Private Schools Regulation Act and the Rules made thereunder (Annexure A37). This was so, notwithstanding the fact that the aided school had obtained permanent recognition from 1954. Under the relevant provisions the management was required to furnish annually a list of properties of the private schools to the Competent Authority. There is also a provision in the Act prohibiting transfer of the properties of the schools in any manner whatsoever, except with the permission of the Competent Authority. It has already been noticed that in 1982 (Ex.C-60) the correspondent of the school, had declared that the school had two RCC buildings and one thatched structure.

277.1.2.18. In 1988, the English medium school was started in the same premises. This was followed by upgradation of the Aided Primary School first into middle school and then as high school in the early 1990s and the splitting of the high school into two independent schools – the Aided Primary School getting its original status and the high school getting an independent identity as Girls High School – all three confined to a single complex sharing the non-existent infrastructure facilities. The Education Department had winked at this state of affairs.

277.1.2.19 It is admitted on all hands that the thatch was there at all material times – it was a thatched school house in the 1950s – though the various Education Department officials, the municipal and the Revenue authorities closed their eyes to its existence conveniently and deliberately. In the normal scheme of things, the Aided school should have been located in the ground floor as it was the earliest to arrive. But then, it had to make room in 1988 to the English medium school and then to the High School in 1993. The result was that, it was relegated to the thatch in the first floor northern wing, while the other two schools had the luxury of conducting their classes under safer structures. Perhaps the interest of the students studying in those schools was more precious.

277.1.2.20. Thus, the fact remains that there were only aided school classes conducted under the thatch in the first floor northern bay. The further unfortunate fact remains that the fire spread to the aided school thatch in the first floor northern wing. The kitchen which was close to the class room had combustible roof contrary to the G.O. of 1982 (Annexure A 26) (C.W.255 Prabhakaran had stated that the noon meal kitchen was always in a thatched structure.) and caught fire from the fire in the oven which had been lighted with the old thatch removed and heaped there. This is spoken to by several witnesses. The fire spread to the adjacent thatch – they were not separated - on the first floor and the calamity occurred.

277.1.2.21. Again, the Tamil Nadu District Municipalities Act prohibits use of inflammable materials, for buildings, without permission from the municipal authorities concerned. There are several sections in the District Municipalities Act providing for precautions against fire. There are also provisions in the Act with reference to unsanitary buildings. The rules framed under the Municipalities Act also provide for permission to be obtained to construct, reconstruct or alter a hut. There are also rules providing for ventilation of building as also rules dealing with stairs, drains and sanitary conveniences.

277.1.2.22. Thus for putting up thatched roof permission from the municipality concerned is required. There are several requirements to be complied with before an applicant could be granted licence to put up a thatched roof. (The relevant provisions are set out elsewhere as Annexure A-35). So far as the thatched roof in the subject premises was concerned, it would appear that at no point of time any permission was obtained from the municipality to put up the same. The relevant laws and the rules had been flouted. The management had been merrily carrying on with an illegal structure on the property. It was therefore no surprise that the structure became a tinderbox inviting trouble.

277.1.2.23. Again, the Tamil Nadu Public Buildings (Licensing) Act, 1965 has innumerable provisions to ensure that safety norms are satisfied before a construction could be given the status of a public building. (The relevant provisions are set out elsewhere as Annexure A-36.) Section 2(8) states that public building means any building (a) used as school (including a tutorial school) or college (including a tutorial college) or university or other educational institutions. The competent authority under the Act, viz. the tahsildar purports to act on the stability certificate and the sanitary certificate and issues D Form licence for a stated period to the applicant for having a public building. There are other provisions in the Act which entitle the competent authorities, authorized engineers, appellate and revisional authorities to enter such building with such assistance at all reasonable times for ascertaining the structural soundness of any building. It is also provided in the Act that the competent authority has power to prohibit the use of public building if the said building is in a ruinous state or there is reason to apprehend imminent danger to life or property or that there is no licence.

277.1.2.24. It would appear that in the present case, the Tahsildar concerned, viz., Paramasivam (P.W.8) had given licences under the Tamil Nadu Public Buildings (Licensing) Act, 1965 for the nursery and the high school, apparently, without inspecting the site, on the basis of the structural soundness certificates issued by Jayachandran, Chartered Engineer (P.W.9). The evidence of the engineer would clearly show that he had not visited the site at all. The description of the property given by him does not tally with the actual state of affairs. In all probability, the certificate as also the licence had been purchased. The tahsildar was also examined. The relevant portion of his evidence has been extracted as also the inference drawn stated. He had known about the existence of the thatch, but still winked at it. As a responsible government servant he ought to have refused licence as a public building. It was not open to him to say that the aided primary school was

not the subject matter of inspection. Further under the Code of Regulation for Approved Nursery and Primary Schools, the aided primary school was required to hold a licence permitting the use of the school building under the Tamil Nadu Public Buildings (Licensing) Act, 1965 and sanitary certificate. The aided primary school did not have any sanitary certificate and consequently no licence as required under Annexure-I *proforma* column 15, Code of Regulations for Approved Nursery and Primary Schools (Annexure A-38). This is mandatory, notwithstanding the position that the aided primary school had permanent recognition. Earlier the Government of Tamil Nadu in their memo No.78522-L1/71-2, Education dated 18.3.1972 (Annexure A-21) had informed the Director of School Education that thatched sheds in the schools would also come under the purview of the Public Buildings (Licensing) Act, 1965. The tahsildar had acted in a highly improper and irregular manner by granting licence for running a nursery in the premises. He jeopardized the interest of the children who were to study in that school. A building not fit for running even a single school, had been utilized for running three schools by the management by successfully hoodwinking the authorities or winning them over.

277.1.2.24.1. There was total lack of implementation and enforcement of existing laws and safety standards for schools. The accident was caused by sparks from the dry coconut leaves/thatch which was used as firewood in the kitchen made of thatch. The noon-meal cook had lighted the oven, closed the kitchen door and gone away to get rice and provision. By then the sparks from the kitchen fire reached the thatched roof of

the kitchen which spread to the thatched first floor class rooms. The roof in the first floor which was supported by bamboo poles gave way and collapsed on the children. This also effectively blocked the only way out, viz., the passage through the collapsible gate. If only there had been another exit it might have been a different story and in any event the casualty would have been much less. This conclusion based on the materials available is also in accord with what Dr. J. Radhakrishnan, the then District Collector has mentioned in his affidavit Ex.C-43. In the view of the Collector, the cause of fire to the best of his knowledge was that the noon meal shed caught fire and the other old thatches, which were removed earlier and kept there as firewood also caught fire and spread to the first floor thatched shed or roof area of the building and then even to the building on the opposite side of the road. On that day, students in the first floor drifted to the corner of the thatched roof class rooms away from the exit door with no other escape route and subsequently the thatched roof fell on them leading to high casualties. The evacuation time taken for about 600 students in the other floors who safely moved out, also apparently delayed the evacuation of the children from the first floor thatched structure. According to the Collector, he could notice that the local people, Fire Service, Revenue and police personnel made their best efforts as soon as they received the information and if there had been another exit in the first floor, probably the casualty would have been much less.

277.1.2.24.2. There was blatant violation of school safety regulations. It was not an accident of fate, but an accident on account of utter disregard of rules for safety. It was an accident waiting to happen. The school did not have enough doors and windows to help the children to run out. Open terrace was converted into class

rooms by erecting a thatched roof. Below another thatched roof on the rear side slope into the compound wall was the kitchen for the noon-meal scheme. As already noted, the fire spread from the kitchen to the thatched roof housing class rooms on the first floor.

277.1.2.25. It is very unfortunate that the parents of the school children never bothered (though some of them claimed that they had time and again brought it to the notice of the management) about the poorly maintained noon meal kitchen, the thatched roofs, the dark and the narrow school rooms, the non-existing sanitary facilities, unsafe building structures and the lack of recognition for the nursery. Poor people, they were, they were probably reconciled to this, because they could afford educating their children only in these schools. The stairs were steep. The class rooms were badly illuminated. Two files of children were not in a position to walk in the opposite direction at the same time.

277.1.2.26. In the view of the Commission, the accident need not have happened and would not have happened if only the norms and the rules had been followed. It was the duty of the management of the aided school to have provided a safe noon meal kitchen. Equally it was the responsibility of the authorities and in this case the municipal authorities to have inspected and ensured the removal of the thatched kitchen which was impermissible as per 1982 G.O., and was violative of safety norms, on pain of refusal of subsidy. It was also the responsibility of the municipality to have taken note of the illegal thatched structures housing the classes and directed their removal. But then there was defiance of law at every step, by the management. And this was winked at, by the authorities.

277.1.2.27. Again apart from the criminal negligence on the part of the school management, there was slack supervision by the Education Department authorities.

277.1.2.28. While dealing with the school building, the infrastructure facilities available have been elaborately dealt with. There were three schools operating under one roof and how the managements got recognition for all the three schools to function inside a single building is anybody's guess. It was very sad that aided school children were taught under the thatched roof, while the other two schools functioned under safer areas. There was total lack of basic amenities like ventilation, lighting, usable toilets, broad entry and exit points and wide staircases. There was no separation of class rooms. They were conducted in long bays more in the nature of godowns than class rooms. There was no direct access to the rear staircase from the northern wing of the first floor where there was thatched roof and aided primary school classes were conducted. All the children in those classes had only a collapsible gate to get in and get out.

277.1.2.29. It may also be recalled here that originally the management had applied for a plan from the municipality for non-residential constructions. However, in respect of T.S.No.762/B the owner (Saraswathi Ammal) applied for permission for change of the building plan into one for residential purposes in 1989 and this was granted. So far as the northern wing was concerned (T.S.No.763/B), a similar request was made in the year 1992 by the owner (Usha Rani) for conversion for

residential purposes. It might have been for various reasons. But the fact remains that there was no attempt made subsequent to 1992 for reconversion into non-residential building where alone schools could be run.

277.1.3. It has already been noticed that the aided primary school obtained permanent recognition in 1953. In the routine course, the primary aided school should have been functioning only in the ground floor. But, to accommodate the other two schools, after the building was constructed some of the classes in the primary aided school were made to function in the first floor northern wing under a thatched roof. This was done to make room for the nursery school (Saraswathy English Medium School) which came into existence in 1988 and Sri Krishna Girls High School which gained recognition as a full-fledged high school with effect from 1993. Unfortunately, the authority to have control over the three schools was not one and the same. For the aided primary school an Additional Assistant Elementary Educational Officer (Primary) was in charge. For the nursery school there was an Assistant Elementary Educational Officer (Nursery) in charge. For the high school it is the District Educational Officer. No doubt, Nursery AEEO and the Additional Assistant Elementary Educational Officer report to the DEEO. But then the officer concerned with the nursery wanted to give the impression that he was entitled to wear blinkers and would have nothing to do with the other two schools. So was the case with the officers having charge over the other two schools. It is unbelievable that the AEEO (Nursery) would not have been aware of the existence of the other two schools in the same premises against rules and regulations. Similarly, it is not possible that the officer concerned with the aided primary school would not have noticed the existence of the other two schools. Equally, the District Educational Officer, who has charge over the high school, would not have missed the existence of the other two schools in the same building. In fact, it is in evidence that the DEO Pinagapani (C.W.258) visited the high school and mentioned that the school had sufficient facilities (see the evidence of C.W.242 Rameswara Murugan). The infraction by the management commenced in 1988 when the nursery school was started. The buildings declared as belonging to the aided school in 1982, were allowed to house the nursery in 1988, without reference to the Education Department the permission from which was mandatory. The nursery authorities of the Education Department had given permission for running the nursery. They ought to have inspected the building while processing the application for permission/recognition. If they had noticed the earlier aided school in the premises and still granted permission/recognition to the nursery, it was highly improper. Again, during upgradations from the primary school to middle school and from middle school to high school, the authorities concerned ought to have visited the school premises and it was impossible for them to have missed the nursery school being run there. They knew that this was against the rules. Again after the order passed on 21.10.1997 in G.O.No.448, Pa.Ka.Thu. the aided primary school and the high school were treated as separate entities with effect from 1.6.1993. This was again very irregular and ought not to have been permitted. May be as spoken to by P.W.6 the then CEO, this was done to enable the management to have independent HMs. and noon meal staff. Again, when the Joint Director (Secondary) C.W.261 had rejected the application for recognition on several grounds, the then Director C.W.257 allowed the appeal by the management, for the mere asking. The Education Department

Officials at the relevant times, had played dubious roles and thus been indirectly responsible for the tragedy that overtook the children on the 16th of July. The management successfully colluded with the department officials and ran the three schools in the same building for so long, right under their nose. The connivance of the department people hits us on the face.

277.1.4. P.W.7 Paramasivam, the tahsildar who had to act as the competent authority under the Tamil Nadu Public Buildings (Licensing) Act, 1965 had acted in a very irresponsible manner throwing all rules and consequently all caution to wind. In his evidence he has said that during the two visits he made to the schools he did not see any thatched structure. He has also said that there was no roof over the stage in the ground floor. And he wants us to believe his words.

277.1.5 Prabhakaran examined as C.W.255, Pulavar Palanichamy examined as P.W.18, P.W.5 Balakrishnan who was the Assistant Elementary Educational Officer and several others have in no unmistakable terms said that there were thatched structures. In particular, P.W.5 Balakrishnan had gone to the schools in 1999 and 2000 and had found the thatched structures. Paramasivam (P.W.7) had gone in 2002 and 2003. He had not seen the thatched structures. In 2004, it is a matter of record, that the noon meal kitchen was housed in a thatched structure as also the aided primary school classes. It is impossible to conceive that when P.W.7 visited the spot in 2002 and 2003 the thatched structure disappeared and suddenly reappeared in 2004. Many of the witnesses have admitted that the aided primary school was being run only under the thatched roof. It is not fair for a responsible government servant to try to get away, by saying that he had relied on the stability certificate given by a Chartered Engineer Jayachandran examined as P.W.8 and the sanitary certificate issued by Dr. Sivapunniyam examined as C.W.218. It is highly improbable that Dr. Sivapunniyam would have visited the school at all, as could be seen from the discrepancies found in his evidence, already noticed. He had no idea about the situation of the toilets. He did not verify whether the teachers had separate toilet. He could not deny that next to the noon meal kitchen on the eastern side there was a cycle stand and not toilets. The toilets were only on the south of the stage and not on the west of the stage. There can be least doubt that the sanitary certificate and the stability certificate on which Tahsildar Paramasivam relied and issued D Form licence under the Tamil Nadu Public Buildings (Licensing) Act, 1965 were purchased by the unscrupulous management. These witnesses had also fallen as easy prey to the machinations of the management headed by Pulavar Palanichamy.

277.1.6 Balakrishnan, Assistant Elementary Educational Officer, examined as P.W.5, had clearly noticed the existence of the thatched structure during the inspection. He had also noticed that no permission was obtained by the management for having a thatched shed and no permission was granted to run the school there. However, he did not inform his higher authorities. He did not take steps to have the recognition cancelled either.

277.1.7.1 Abundant materials are available to show that children who did not belong to the aided primary school and who were studying in the other two schools

were made to move and sit in the aided primary classes under the thatched roof at the instance of the management and the headmistress of the primary school.

277.1.7.2 C.W.32 Subramanian, C.W.39 Sivakumar, C.W.44 Murthy, C.W.48 Magesh, C.W.51 Shanti, C.W.57 Ilangovan, C.W.61 Muruganatham, C.W.74 Chidambaram, Teacher, C.W.98 Gayathri, C.W.123 Anitha, C.W.124 Priyadharsini, C.W.125 Renuka, C.W.137 Saranya, C.W.140 Nishanti, C.W.143 Durga Devi, C.W.149 Rosy, C.W.153 Manjula, C.W.154 Jaffrullah, C.W.158 Amutha, C.W.160 Jayalakshmi, C.W.162 Jothi, C.W.163 Maheswari, C.W.172 Mala, C.W.173 Saravanan, C.W.174 Chitra, C.W.175 Ramamurthy, C.W.176 Samuel, C.W.177 Rajendran, C.W.178 Sakunthala, C.W.179 Ramya, C.W.180 Vadivel, C.W.181 Narasimhan, C.W.182 Mohan, C.W.183 Muthupandian, C.W.191 Mathumitha, C.W.192 Jennifer, C.W.193 Vijayakumar and C.W.207 Govindarajan, father of C.W.106, apart from the teachers themselves C.W.3 Usha Rani, C.W.4 Anthoniammal, C.W.5 Devi, C.W.6 Shanti, C.W.7 Poonkodi, C.W.8 Latha, C.W.13 Geetha, C.W.15 Mahalakshmi and C.W.18 Maria Angeline, have in no unmistakable terms stated that the children from the nursery classes and the high school were made to sit in the aided primary school for the purpose of boosting the attendance.

277.1.7.3 P.W.5 Balakrishnan again had noted in the inspection reports that the number of children shown as being present in the attendance register varied very widely from the number actually found on head-count. The difference was in the region of 150. That would mean noon meal subsidy for more children and teaching grant for more teachers. The manager, Pulavar Palanichamy had absolutely no answer to this state of affairs. Thus if children from the other two schools had not been herded and made to sit in the aided primary school under the thatched roof, casualty could well have been very much less. Even though there was only one escape route, namely, the passage through the collapsible gate, more children could have escaped or been rescued from the wrath of the fire. It was avaricious cruelty on the part of the management to have made so many innocent children sit in the classes under the thatched roof and lose their precious lives.

277.1.7.4 In an attempt to show that the admitted strength as per attendance register was kept in the aided school, children from the other two schools were made to sit in the classes under the thatched roof. There is overwhelming evidence in this regard by the teachers themselves, parents, children and the Education Department Officials. One of the teachers Dhanapal (C.W.73) said that he had planned to complain to the inspecting officer about this on the date of the latter's visit. There was no licence obtained for running the classes under the thatched roof. There was total lack of infrastructure facilities. No permission was obtained for running three schools in the same complex. The authorities had been hoodwinked or purchased outright for allowing the management to run three schools where not even one school could be run. There was no approval. Permission was obtained only for residence as noted already. Commercial considerations ruled over safety standards and as regards mandatory inspections, the less said about it the better. There was no inspection of the high school and the nursery school. Sanitary facilities were hopeless. The sanitary certificate ought not to have been granted by the Municipal Health Officer.

277.1.7.5 We have noted elsewhere that even in 1982 a G.O. had been passed prohibiting noon meal kitchen in thatched sheds. It was the responsibility of the municipal authorities to have made inspection and personally verified. Unfortunately, the municipal authorities had not made any visits.

What was the role of the teachers?

(Paragraph - 277.1.8)

277.1.8 The incidental question would be as to what was the role of the teachers? Whether they abandoned the school students and fled the scene? There are of course two views on this.

277.1.8.1 One view is yes – they did desert the children. The evidence for this may be summarized as under.

Mariappan and his wife Amutha who have filed Ex.C-35, Sekar C.W.23 and C.W.24 Anandhi, a school girl, all said that the teachers with a view to save themselves abandoned the children; Mathiazhagan C.W.26, Subramanian C.W.32 have said that the teachers did not bother to rescue the children – without sending the children out immediately were careless and because of that more lives were lost.

277.1.8.2 For the other view: the teachers apparently thought that it was a routine feature in the school to get smoke in the class rooms and asked the children to stay put. At a particular point of time the fire went out of control and was intensified by the good supply of strong winds. The teachers realized that the children should rush to safety and tried their best to rescue the children. Some children did escape through the collapsible gate, as could be seen, even from the thatched roof area. Older children studying in the IV and the V classes could easily rush out. However, the younger ones got stuck and tragically lost their lives. As fate would have it the only escape route in the first floor through the collapsible gate got blocked by the burning bamboo and the thatch collapsing in that area. It is in evidence that due to heavy smoke some of the young children swooned and died of suffocation. Many children could not rush out fast. Some children though came out went back in search of their siblings and in the process got caught in the fire and lost their lives. Santhalakshmi, the headmistress of the aided school, examined as P.W.17 has in her statement before the police, marked as Ex.P-26, which she admitted to be correct, stated that because smoke had engulfed the area she thought that all the children had escaped. She has further stated in Ex.P-26 that the school teachers also to the extent possible took efforts to rescue the children. Again, the teachers were not trained in disaster management. However, it has to be said to their credit that nearly 700 children escaped. But for their efforts, this would not have been possible. It cannot also be put against them that none of them got hurt in the accident. Some stated they received some minor injuries. Did any of the rescuers receive injuries and get treated in any hospital? There is no material on this. In the view of the Commission, there was only lack of judgment on the part of the teachers and not culpable negligence. That was sad indeed.

277.1.8.3 The burn victims of the hazardous fire were affected emotionally and physically. Miasma of dark fears which soon arose has yet to dissipate. The emotional trauma would be there for a long long time. The picture will haunt them.

They say things happen for a reason. What could be the reason? Is it Providence's way of punishing? But why the poor innocent children?

Whether the collapsible gate was locked?

(Paragraph - 277.1.9)

277.1.9.1 Anandakumar (C.W.78), Murthy (C.W.79), Vijai (C.W.107) and Mercy (C.W.215) have all said that the collapsible gate was locked.

277.1.9.2 But C.W.4 teacher Antoniammal, C.W.80 Gopal, C.W.81 Suresh, C.W.83Nagarajan, C.W.96 Soosaimary - student, C.W.100 Devi – student, C.W.101 Naveena, C.W.102 Kamali – student, C.W.103 Vigneshwaran – student, C.W.117, Gayathri – student, C.W.122 Rajkumar – student, C.W.126 Punithavathy – student, C.W.137 Saranya - student, C.W.140 Nishanti - student, C.W.143 Durgadevi - student, C.W.222 Vijay - student, C.W.223 Surya - student, and C.W.224 Anand - student have all maintained that the collapsible gate was open. It should have been so. The teachers and some of the children had escaped through the collapsible gate. Unfortunately, at a particular point of time, the burning bamboo and the thatch fell on that side and closed the passage and it was not possible to use the passage through the collapsible gate.

Infrastructure facilities

(Paragraph - 277.1.10)

277.1.10.1 That in the schools the infrastructure was poor, the staircases and passages were narrow, ventilation – air and light were practically non-existent admit of no doubt.

277.1.10.2 Most of the teachers and other witnesses have spoken to this. C.W.36 Selvarasu, C.W.37 Anthonidoss, C.W.47 Easwari, C.W.48 Magesh, C.W.49 Mariammal, C.W.50 Rajeswari, C.W.54 Marimuthu, C.W.56 Inbaraj, C.W.58 Alagesan, C.W.61 Muruganantham, C.W.66 Raj, C.W.69 Dhanalakshmi, C.W.70 Ilangovan, C.W.154 Jaffrullah, C.W.155 Alagarsamy, C.W.171 Jansirani and C.W.173 Saravanan have all lamented over this.

277.1.10.3 The Commission itself, as already noted, visited the place of occurrence and noticed the abominable conditions in which the schools were functioning.

277.1.11 That it was a death trap was being warned by many parents. Some have filed affidavits and also deposed. Inbaraj (C.W.56) – affidavit Ex.C-21, Alagesan (C.W.58) – affidavit Ex.C-22, and Sridharan, an old student of the school from 1975-1980, two of whose sister's children lost their lives in the accident, had brought it to the notice of the management many a time. He had asked Pulavar Palanichamy that it was thatch in 1975 but how could it be there even in 2004. Muruganantham (C.W.61), Mariappan (C.W.158) and his wife Amutha (Ex.C-35) and Sulochana (C.W.186) claimed that they had time and again brought it to the notice of the management about the lurking danger in the shape of thatch. The management did not pay heed to that.

**Children from the other two schools were made to sit in the aided school
(Paragraph 277.1.12)**

277.1.12.1 There are abundant materials to show that children from the other two schools were made to sit in the aided primary school. There was systematic hiking of attendance, noticed several times by the department people. Children, parents and teachers themselves have mentioned about this deplorable practice. C.W.32 Subramani, C.W.39 Sivakumar, C.W.48 Magesh, C.W.51 Shanti, C.W.57 Ilangovan, C.W.58 Alagesan, C.W.61 Murugananthan, C.W.98 Ramesh, C.W.106 Rahul Raghavan, C.W.111 Lakshmi, C.W.117 Gayathri, C.W.122 Rajkumar, C.W.123 Anitha, C.W.124 Priyadharsini, C.W.125 Renuka, C.W.137 Saranya, C.W.140 Nishanti, C.W.149 Rosy, C.W.153 Manjula, C.W.154 Jaffrullah, C.W.156 Shanthi, C.W.158 Amudha, C.W.160 Jayalakshmi, C.W.162 Arul Jothi, C.W.163 Maheswari, C.W.172 Mala, C.W.173 Saravanan, C.W.174 Chitra, C.W.175 Ramamurthy, C.W.176 Samuel, C.W.177 Ravichandran, C.W.178 Sakunthala, C.W.179 Kannarasu, C.W.180 Vadivel, C.W.181 Narasimhan, C.W.182 Mohan, C.W.183 Muthupandian, C.W.191 Mathumitha, C.W.192 Jennifer, C.W.193 Vijayakumar and C.W.207 Govindarajan.

277.1.12.2 Some of the above knew the reason why the children were shifted. Some did not know. But the fact remains that the children from the other two schools were made to sit in the aided primary school classes and lost their lives. How sad? The management opened its avaricious mouth too wide. Most of the teachers have spoken to this exodus from the other two schools. But according to them they were helpless. They had no choice but to obey orders.

278.1. Recognition of the nursery school as a new school

So far as the nursery school was concerned, it did not have recognition from 1997 till 2003. One of the formalities required is inspection by the Assistant Elementary Educational Officer (Nursery) and in the instant case, Balasubramanian inspected the schools, noted down several shortcomings and forwarded to the District Educational Officer. After that, Balasubramanian was sidelined and the Additional Assistant Elementary Educational Officer Madhavan examined as P.W.6 entered the scene. There was collusion between the management on the one hand and the department people headed by Balaji (P.W.13), DEEO, Thandavan (P.W.11), Sivaprakasam (P.W.12) and Annadurai (C.W.254) on the other, which resulted in the application being treated as a new application and recognition being recommended by the District Officials and being granted by the Director of Elementary Education Thiru Kannan examined as C.W.251. In the normal course, if rules had been adhered to and proper checks had been made, the school would not have qualified for recognition. Several misleading details were given and documents were created to get recognition as a new school. We have already noted that a non-existent property was made subject matter of a make-believe lease agreement for playground for the high school and the nursery school. The Department Officials, by toeing the line of the management and obliging it with favours, totally undeserved had miserably failed to discharge their duties in an upright manner.

278.2. It is a moot question whether non-granting of recognition to the nursery school would have made any difference. It is to be noted that the management had been running the school from 1997 to 2004 without recognition. Apparently, the papers for recognition were not in order and it was the brainwave of the persons in the department to have suggested applying for recognition for a new school by burking the fact of existence of the school for over 7 years without recognition. Even if the management had not succeeded in obtaining recognition as a new school, it is to be assumed that the kind of management it was, it would have merrily carried on running the school without recognition, as is its wont.

CHAPTER - VII
The Reason for the heavy casualty.
(Paragraph - 279)

279.1. The main reason for such a heavy casualty was the packing of the aided primary school with children from the other two schools to mislead the inspecting authorities into believing that the teacher-student ratio was correct and the attendance for the noon meal centre was true. The management is responsible for the high casualty in the fire accident. The fire accident could very well have been averted if only the management had been less avaricious and had had more concern for the welfare of the children studying in the schools.

279.2. The Main Culprit and Those Who Stood By and Waited.

The man mainly responsible for all the woes is Pulavar Palanichamy. He was the monarch of all that he surveyed and there was none to dispute his hegemony over the schools. He was a manipulator par excellence and he had the education, the municipal and the revenue department officials, under his thumb, to do his bidding. Many of them were afraid of his vaunted political clout. His wife Saraswathy, niece Santhalakshmi (wife's brother's daughter) were all his assisting puppeteers, another niece Hemalatha's husband Prabhakaran, was a puppet; resistance by Usha Rani, another niece, was not tolerated by him; the schools were his fiefdom; he would defy every law under the sun and yet get away with it; because of his avarice and shady dealings 94 precious lives have been lost and 18 more will carry marks of the sordid episode for the rest of their lives.

279.2 The role of the Noon Meal Organizer. Vijayalakshmi (P.W.15) was working as noon meal organizer and also as teacher in the English medium school and getting double payment. She said that what she had stated before the police that Vasanthi lighted the oven on that day was correct. She had also said that Sivasankari (C.W.212) had come on that day and that she, after sweeping the store room went out to put the waste outside, but did not return. As noon meal organizer it was P.W.15's responsibility that sufficient safety precautions had been taken in the kitchen. This she did not do.

279.3. The Cook's Role. Vasanthi (P.W.14) was the noon meal cook. Though she said initially that her assistant Sivasankari used to light the oven everyday, on 16.7.2004 Sivasankari did not attend duty, that the old thatch was stacked over the toilets next to the noon meal kitchen, that they used to light the oven only using the old thatch and that on that day Sivasankari came late at 10.45 a.m. (though originally she said Sivasankari did not come) while the thatched roof had caught fire and was burning. She denied that she had lighted the oven. She however said that only negligence was the reason for the accident and that nobody from the municipality came for inspection. Vijayalakshmi (P.W.15) has said that Vasanthi lighted the oven. If Sivasankari had come late and at the time she came, the roof had already caught fire, it was very likely that Vasanthi had lighted the oven with the old thatch, gone to get rice and provisions and by the time she returned, it was late, the roof had caught fire and it had also spread fast. Sivasankari (C.W.212)

cannot also be let off easily. There was something clandestine about her appearance and disappearance from the scene of accident.

279.4. Tahsildar Paramasivam. S. Paramasivam (P.W.7) had acted in a most dishonest manner by granting licence under the Tamil Nadu Public Buildings (Licensing) Act, 1965. It is very likely that he did not visit the school at all. Otherwise he would have seen the thatched structure which had been there since 1982, was there in 1999 and 2000 when Balakrishnan (P.W.5) inspected the school and also in 2004 when the accident took place. He has claimed that he visited in 2003.

279.5. The Chartered Engineer. Another person who lied about his visit is the Chartered Engineer Jayachandran (P.W.9). No honest upright man would have given a stability certificate particularly when he came to know that more than one school was being run there. His plan was wrong and his description of the building and the facilities available, betrayed the fact that he sold the stability certificate.

279.6. The Additional AEEO Madhavan. P.W.8 Madhavan who had admitted that he was aware that three schools were being run in the premises, wanted to get away by saying that he had jurisdiction only with regard to aided primary school, but still had signed in the papers for recognition with respect to English medium school, bypassing Balasubramanian. He had felt that three schools could not be run in the premises. Still he kept quiet and signed the papers on instructions from Devaki, his section writer. Again, he was aware of the boosting of attendance by the school management. He did not inform his higher authorities or contemplate action against the school.

279.7. T. Thandavan (P.W.11), Superintendent, DEEO Office, was aware that Madhavan had no business to sign the papers for recognition relating to the English medium school; he was also aware that the school had been running without recognition for over 6 years; still he okayed the documents as one for fresh recognition. He admitted that mistakes had occurred in the matter, that he was sorry for the same and that the entire blame could not be fastened on him.

279.8 Sivaprakasam (P.W.12), Assistant in the Elementary Education Office, was yet another who knew about Madhavan not being the competent authority to handle applications for recognition of English medium schools, but yielded to the threat of Pulavar Palanichamy.

279.9. Balaji (P.W.13) was the DEEO at the relevant point of time who admitted to his having been careless in passing the papers signed by Madhavan and not by Balasubramanian.

279.10. Health Officer Dr. Sivapunyam (C.W.218) had his own role to play when he gave a false sanitary certificate.

279.11. Annadurai (C.W.254) who was close to Pulavar Palanichamy was his advisor for circumvention of rules.

279.12. Pinagapani (C.W.258) went for inspection of the high school. He saw a school functioning in the ground floor. But it was an elementary school. It was beyond his jurisdiction and therefore he did not evince any interest, but blindly got led to the floor where the high school was functioning. He failed in his duty even as DEO in not finding out why there were two schools there.

279.13. We should also travel back in time and find out who were all responsible for permitting a nursery school to come up, for upgrading the elementary school as a middle school and the middle school as a high school and for granting independent recognition to the high school all in a building which could not house even a single school if the norms relating to recognition had been enforced in letter and spirit.

279.14. The officials who were in charge, when Pulavar Palanichamy opened his nursery school must be traced and taken to task. **AEOS Shanmughavelu** (CW268) and **Sethuramachandran** (CW269) who had yielded to pressure acted against the rules and recommended upgradation, were definitely at fault. So also was, the then **CEO Chandrasekharan** (CW270) who had stated wrongly that the then DEO Ranganathan had recommended upgradation. So far as **Dr.Palanivelu** (CW257) is concerned, he had, for the mere asking allowed the appeal by Pulavar Palanichamy and passed an order directing issuance of temporary initial recognition.

279.15. P.W.2 Durairaj, P.A. to DEEO from 2.11.2003 was also aware that Saraswathy English Medium School had been functioning from 1997 without recognition or permission and that it was not proper to have sought for permission to run as a new school. But because of the threat by Pulavar Palanichamy, he had to give in.

279.16. P.W.5 Balakrishnan was AEEEO from 1999 to 2003. He was aware of the thatched structures and also the exaggerated attendance. Still he did not initiate any action or inform his higher authorities.

279.17. The above two persons are less culpable than the earlier mentioned individuals.

279.18. So far as Narayanasamy (P.W.1) in charge DEO for 32 working days, J. Radhakrishnan (P.W.3) who held additional charge as AEEEO and Additional AEEEO for just 1-1/2 months and B. Palanichamy (P.W.4) who held additional charge as DEEO from 30.6.2004, are concerned, they cannot be fastened with any liability, for the tragedy.

279.19. So also M. Palanichamy (P.W.6) the then CEO of Tanjore District is absolutely blameless. He had an excellent record of service. He had no control or jurisdiction over the elementary schools. Chief Educational Officers had been so instructed several times. He had perused the file relating to high school with the notings of Pinagapani, the then DEO and on that basis recommended continuous

recognition from 2002 to 2005 subject to certain conditions. According to him, if only the Education Department officials who inspected the schools had brought it to the notice of the higher officials and taken proper action, the accident could have been averted.

279.20. P.W.10 Balasubramanian also cannot be found fault with. He did his duty when the file came to him, by pointing out the defects and thereafter he was eased out of the scene.

279.21. CW 251(Kannan) the Director of Elementary Education (Under suspension) had simply acted on the recommendations found in the file. Though he had visited Kumbakonam in July 2004, there is nothing to show that it had anything to do with the granting of recognition to the nursery school. Unless any tangible evidence is found against him, he has to be exonerated.

CHAPTER - VIII

280. Thus in sum, the reasons for the accident and for such a high casualty are:

(1)	Prohibited thatched structure for kitchen close to the class rooms;
(2)	Classrooms themselves of thatch and interconnected at the roof level to the kitchen thatch and the adjacent cycle shed thatch;
(3)	Heaping of old thatch close to the kitchen – poor housekeeping and use of the old thatch as fuel;
(4)	The person who lighted the oven left the scene after closing the kitchen door;
(5)	Inadequate exit facilities – the only exit through the collapsible gate was blocked due to lighted bamboo and thatch falling there;
(6)	No fire fighting equipment; No water
(7)	Teachers not trained in disaster management;
(8)	Children unconnected with the aided school being stacked like sardines with the ulterior purpose of boosting the attendance;
(9)	Smoke engulfing the area otherwise poorly ventilated and dark.
(10)	Authorities not enforcing the rules.

281. The gruesome accident and the consequent 94 deaths are an indictment of the management, the noon meal centre staff, the Revenue authorities, the chartered engineer, the municipal authorities and the Education Department officials who refused to recognize their obligations towards the children in housing or accommodating them in structures which were death traps. It was an accident due to the carelessness of the noon meal staff, the callous indifference and criminal insensitivity on the part of the management running the schools compounded and abetted by the departments concerned which failed to implement and enforce the laws and safety standards.

282. The individuals indictable are:

1.	Pulavar Palanichamy	(P.W.18)
2.	Saraswathy	(P.W.17)
3.	Santhalakshmi	(P.W.16)
4.	Prabhakaran	(C.W.255)
5.	Vijayalakshmi	(P.W.15)
6.	Vasanthi	(P.W.14)
7.	Sivasankari	(C.W.212)
8.	Parmasivam	(P.W.7)

9.	Jayachandran	(P.W.9)
10.	Thandavan	(P.W.11)
11.	Sivapragasam	(P.W.12)
12.	Madhavan	(P.W.8)
13.	Balaji	(P.W.13)
14.	Annadurai	(C.W.254)
15.	Dr. Sivapunyam	(C.W.218)
16.	Muthusamy	(C.W.219)
17.	Dr.C.Palanivelu	(C.W.257)
18.	Pinagapani	(C.W.258)
19.	Shanmughavelu	(C.W.268)
20.	Srinivasa Appu Rao	(C.W.265)
21.	Sethu Ramachandran	(C.W.269)
22.	Govindarajan	(C.W.259)
23.	Sivaraman	(C.W.264)
24.	Dr.S.Chanrasekharan	(C.W.270)

282.2. Of the aforesaid persons serial numbers 1 to 6 and 8 to13 are already in the dock. There should be an enquiry with regard to the others mentioned above and the Education Department officials who were in charge when the nursery school came into existence and the municipal authorities in charge after the municipality took over the management of the noon meal centres and proceedings launched against them in case it is found that they had positive roles to play in the irregular upgradation, recognition etc., of the schools concerned and which could be stated to have cumulatively contributed to the catastrophe at Kumbakonam. Some of them like **Durairaj** (P.W.2) **Balakrishnan** (P.W.5) **Dr.C.Palanivelu (CW 257)** and **Dr.Chandrasekharan** (CW270) may be less culpable. But then this can be known only at the time of further enquiry.

283. Ninety four precious lives have not been lost for nothing. It is a wake up call to instill discipline in enforcing safety standards, without any compromise whatsoever. Safety is paramount – it has to be done if it has to be done. Managements of schools have a moral and legal responsibility to provide a hazard free environment for the teachers and the taught. The Government should tighten the implementation and regulation of safety measures and insist on higher safety standards. It is better to be safe than sorry. If we invest in safety we can prevent loss of lives and resources.

CHAPTER - IX
285. ACKNOWLEDGEMENT

285.1. It would have been very difficult to conduct and complete the enquiry without the active co-operation of the officers and the staff associated with the Commission.

285.2. For the proper and orderly conduct of the enquiry at Thanjavur the then Collector of Thanjavur Dr.J.Radhakrishnan and his dedicated officers and staff gave a lot of support by making available a court hall and other facilities like accommodation, boarding, transport etc., on tap.

285.3. The police department at the District level had made adequate security arrangements. Thiru D.Kalyanasundaram Additional S.P. and Investigating Officer, Thiru Perumal, Deputy Superintendent of Police and Thiru Ramachandran, Inspector of Police ensured that public order was maintained before, during and after enquiry hours at Thanjavur. Thiru Kalyanasundaram also played a pivotal role in making several material documents available for the enquiry.

285.4. Thiru N.Chandrasekharan Counsel for the Commission did his job with competence and was of immense assistance to the Commission.

285.5. Thiru G.James, Assistant Registrar, High Court, Madras, on deputation, did his duty as Court Officer with dedication. He was a great asset to the Commission. Tmt. I.G.Palammal, Retired P.A to the Honourable Judges of the Madras High Court and Thiru Krishnan Pitchai, Senior Personal Clerk, Public Department on deputation to the Commission did a very satisfactory work by taking dictation, transcribing it and taking printouts. Thiru L. Anandan, P.A. to the Honourable Judges and Thiru K. Muniapillai, Senior O.A. also from the Madras High Court ably helped the Commission and the smooth conduct of the Commission work was in no small measure due to them.

285.3. The Commission places on record its deep appreciation of the very constructive roles played by the above for the successful and satisfactory completion of the enquiry.

Dated at Chennai this the 30th day of June 2005.

Justice K. Sampath
Commission of Inquiry