

32

Government of Madras.

EDUCATIONAL DEPARTMENT.

Recd.

Recd.

} 1909.

Enclosures

Spare copies

(9)

G.O., No. 596, 1st November 1909.

Judicial Special Tests.

Directing that there should be two sets of papers in the subjects of the three, one set to be answered without books and the other to be answered with books, and requesting the Commissioner for Government Examinations to submit a draft of the alterations to be made in the Special Tests notification.

— A

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2

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GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

Order—No. 596, Educational, dated 1st November 1909.

In future, as in the case of the Revenue Special Tests, there will be two sets of papers in the subjects of the three Judicial Special Tests—one set dealing with the general principles of the law and practice embodied in the Codes, Acts and text-books prescribed, to be answered without books, and the other dealing with the more detailed application of these principles, to be answered with books, as in the Standard examinations of Assistant Collectors.

2. The Government do not desire that this change should result in the standard or strictness of the examinations being lowered or in any reduction in the number of subjects or Acts which should be studied. Special care will indeed be necessary in framing the questions to be answered without books to ensure that they may really test the candidates' knowledge of general principles and their application in practice.

3. The Commissioner for Government Examinations will be requested to submit at an early date a draft of the alterations to be made in the Special Tests notification in order to give effect to the above decision.

(True Extract.)

W. FRANCIS,
Ag. Secretary to Government.

To the Commissioner for Government Examinations.
" Judicial Department.
Editors' Table.

EDUCATIONAL DEPARTMENT.

NOTES CONNECTED WITH G.O., No. 596, EDUCATIONAL, DATED
1ST NOVEMBER 1909.

[SUBJECT.—Question of permitting the use of books in the case of the judicial special Tests.]

Previous papers.

G.O., No.	275, Public	dated	6th April	1893.
" "	818, Educational	"	8th Nov.	"
" "	43, Public	"	19th Jan.	1894.
" "	1673	"	15th Dec.	1897.
" "	1678	"	17th "	"
" "	1237	"	29th Sept.	1898.
" "	879	"	8th August	1899.
" "	981	"	4th Sept.	"
" "	422, Educational	"	3rd "	1900.
" "	490	"	3rd "	1901.
" "	80	"	14th Feb.	1902.
" "	222, Revenue	"	1st March	"
" "	481, Educational	"	15th August	"
" "	162	"	9th April	1903.
" "	384	"	15th August	"
" "	321, Public	"	7th April	1904.
" "	520, Educational	"	22nd August	"
" "	512, Public	"	17th July	1905.
" "	569, Educational	"	18th August	"
" "	549	"	16th "	1906.
" "	69	"	8th Feb.	1907.
" "	280	"	10th May	"
" "	533	"	14th August	1907.
" "	931, Revenue	"	1st April	1908.
" "	596, Educational	"	14th August	"
Special Test notification, dated 19th December				
G.O., No. 476, Educational	"	"	14th August	1909.

PUBLIC DEPARTMENT.

- The percentage of passes in the Special Test, Criminal Higher, is very low.
- A** | Please note the number of candidates examined and passed in this test and in Criminal Lower and Civil Judicial for the last ten years with percentage of
- B** | passes, and say whether books are allowed for any portion of these examinations.

A. G. CARDEW—16-9-09.

A. A statement is appended giving the information.

B. Submitted "no". Please see statement in rule 11 of the Educational Department Notification No. 170, dated 19th December 1908.

K.K.—18-9-09.

C. S. SIMPSON—18-9-09.

STATEMENT showing the number of candidates examined, passed, and percentages of passes in Civil and Criminal Judicial tests for the last ten years.

Years.	Civil Judicial Test.			Criminal Judicial Test, Higher.			Criminal Judicial Test, Lower.		
	Number examined.	Number passed.	Percentage of passes.	Number examined.	Number passed.	Percentage of passes.	Number examined.	Number passed.	Percentage of passes.
1898-1899 ..	56	14	25.0	227	67	29.5	97	22	22.6
1899-1900 ..	78	25	32.0	210	44	20.9	84	31	36.9
1900-1901 ..	83	16	19.2	211	19	9.0	98	21	21.5
1901-1902 ..	92	34	36.9	201	51	25.3	97	34	35.0
1902-1903 ..	109	35	32.1	164	38	23.1	124	35	28.2
1903-1904 ..				(No figures available.)					
1904-1905 ..	119	49	41.1	221	66	29.8	159	41	25.7
1905-1906 ..	107	19	17.7	208	43	20.6	167	49	29.3
1906-1907 ..	106	24	22.6	202	51	25.2	124	43	34.6
1907-1908 ..	107	22	20.5	190	42	22.1	113	36	30.9
1908-1909 ..	115	40	34.7	199	37	18.5	155	43	27.7

The statement above shows the very low percentage of passes in the various Judicial Special tests.

2. The scope of these tests will be seen on pages 2 and 3 of Special Test notification, dated 15th December 1903. It will be noticed that the subjects embrace the Procedure Codes and other Acts.

3. It was decided in G.O., No. 69, Educational, dated 8th February 1907, that, in regard to the Revenue Special tests, there should, in future, be two sets of papers, one set dealing with the general principles and to be answered without books and the other set dealing with more detailed application of the same and to be answered with books, the standard or strictness of the examination not to be lowered. This was ordered by the Hon'ble Mr. (now Sir G.) Forbes and by the present Honourable Member in notes, dated January 1907 on page 12 of notes to G.O., No. 69, dated 8th February 1907.

4. A similar principle, i.e., the division of the examination into two parts, one done with books and one done without books, has been adopted in the case of the Standard examinations of the Indian Civil Service officers. In the notes to G.O., No. 512, Public, dated 17th July 1905, the Hon'ble Mr. Atkinson, then Revenue Secretary, wrote: "I am a strong advocate for books. Whoever disposes of an income 'tax question or one of Customs law without referring to the books? The waste of men's time in cramming up these books, only to be forgotten in a month, is prodigious." The present Honourable Member (then Chief Secretary) wrote: "I think in almost all subjects there is room for examination both with and without books." "The Hon'ble Mr. (now Sir G.) Forbes wrote: "I am entirely in favour of a much larger use of books in the examinations than there is now." The Hon'ble Mr. (now Sir G.) Stokes wrote: "I am a strong advocate for allowing books wherever it is possible." Sir James agreed and orders were issued accordingly.

5. The case for allowing books in Judicial Special tests seems almost stronger than in Revenue tests. If a man does not decide a Revenue question without referring to the Acts, still less would he dispose of a matter of Civil or Criminal Law without reference to the Codes. The fact that 70 per cent. of the candidates in the Judicial tests annually fail to pass shows, I submit, that there is something wrong with the examinations, and I would propose, for the Honourable Member's approval, that the Judicial tests should, like the Revenue tests, now be divided into two parts, one to be done with books and one without, and that instructions similar to these in paragraph 5 of G.O., No. 69, Educational, dated 8th February 1907, may now be issued to the Commissioner of Government Examinations. As the matter affects the Educational Department, this file is submitted through that department.

A. G. CARDEW—30-9-09.

To the Educational Department.

EDUCATIONAL DEPARTMENT.

There appears to be no objection in Educational to the proposals made by the Chief Secretary in his note above. The principle of dividing the examination into two parts, one done without books and one done with books, has been accepted in the case of the Revenue test, and may be extended to the Judicial Special tests also as proposed.

K. RANGASWAMI AIYANGAR—2-10-09.

The proposal may be supported in this department. No Magistrate would dream of giving a decision without consulting his books.

C. A. FOUTER—4-10-09.

Has the subject ever been discussed before? It was for information on this point that I sent the file to office.

W. FRANCIS—5-10-09.

Submitted that the question of permitting the use of books in the case of the Judicial Special tests, does not appear to have ever been raised or considered before. In the beginning of 1903, a proposal was made by the Board of Revenue that the Revenue and Criminal Special tests should be divided into compartments; but this proposal was rejected by Government—vide G.O., No. 162, Educational, dated 9th April 1903. The present proposal is, however, quite different from the one above referred to.

K. RANGASWAMI AIYANGAR—8-10-09.

Permission to use books in examinations is quite a recent departure in Special tests.

C. A. SOUTER—8-10-09.

Submitted that Educational may agree to Chief Secretary's proposal. It is sufficient if the examinee knows *where to find* his law, and it is not necessary to compel him to learn it by heart.

W. FRANCIS—9-10-09.

I would hardly say that it is sufficient for the candidate to know where to find his law—the point is that he must understand it when he finds it—which I am sure the candidates often do not do. Probably it is Evidence which brings to grief most of these men. It is of course a very difficult part of law, and the one which requires thinking rather than memory.

Great care must be taken to insist that the standard is not lowered. The number of Acts to be studied does not require to be reduced.

I agree that, subject to these conditions, the papers may be divided into one with books and one without and an order similar to that of 1907 be passed in Judicial.

M. H[AMMICK]—12-10-09.

[Hon'ble Mr. Atkinson, c.s.r.—with reference to proviso (iv) to rule 6 of the Council rules.]

W. FRANCIS—14-10-09.

I agree to the change proposed. Special care will be necessary in framing the questions to be answered without books, so that they may really test candidates' knowledge of general principles, and their application in practice. This branch of the examination will be of greater importance than the other, as by it alone can "cram" be unmasked.

J. N. ATKINSON—15-10-09.

Draft please. Public should see the draft.

W. FRANCIS—16-10-09.

Draft submitted for approval. If approved, it may be sent to the Judicial Department for acceptance.

T.K.—20-10-09.

K. RANGASWAMI AIYANGAR—21-10-09.

C. A. SOUTER—26-10-09.

To the Judicial Department for acceptance.

W. FRANCIS—27-10-09.

JUDICIAL DEPARTMENT.

May be accepted.

C. A. SOUTER—28-10-09.

Accepted.

A. G. CARDEW—29-10-09.

To the Educational Department.

EDUCATIONAL DEPARTMENT.

Issue.

W. FRANCIS—1-11-09.

[G.O., No. 596, Educational, dated 1st November 1909.]

ORDER:
P.S.

No 596 of 1-11-09

Issue in mss

To be placed on E.I.

col
16/09

DP
///

In future, as

Codes, Acts & text-books prescribed,

The attention of the Government has been drawn to the very low percentage of passes in the several Judicial special tests, both criminal and civil. The fact that nearly 70 per cent. of the candidates in the Judicial tests annually fail to secure a pass shows that some change is imperatively called for in the scope and character of these examinations, of which the subjects embrace the Procedure Codes and other Acts of an intricate character.

2. After a careful consideration of the question, the Governor in Council has decided that as, in the case of the Revenue ^{special} tests, there ^{will} ~~should~~ be two sets of papers in the subjects of ^{three} ~~the~~ ^{special} Judicial tests — one set of ~~papers~~ dealing with the general principles of the law and practice embodied in the ~~texts~~, to be answered without books, and the other dealing with the more detailed application of the ^{principles} ~~same~~, to be answered with books as in the ~~case of~~ the standard examinations of Assistant Collectors.

b 2 p

2.

~~In making this change, The~~

Government do not desire that the standard or strictness of the examinations ^{being} should in any way ~~be~~ lowered or that there should ⁱⁿ be any reduction in the number of subjects ^{or} and Acts which should be studied. Special ~~care~~ care will be necessary in framing the questions to be answered without books

This change should result in

Inded

to ensure so that they may really test the

candidates' knowledge of general principles and their application in practice.

3. 4. The Commissioner for Government Examinations will be requested to submit at an early date a draft of the alterations to be made in the special tests notification in order to give effect to the above decision.

T.H.
20.10.09R.D.
21.10.09C.S.
26.10.09

M.V. 10

To the C.G.E.

" Judicial Department.

E.T.

ORDINARY.

PREFERENCE.

URGENT (a)

EDUCATIONAL
LEGISLATIVE DEPARTMENT.

Current No. 1827, dated 19 ..

G.O., No. 596, dated 1st November 1909.

Number of MS. pages sent { Correspondence including order or orders
(b)
Notes.....

Docket..... Judicial Special Tests Examination

Making certain changes in the scope and character of the ... and regulating the ...
Commission for Govt. Examinations to submit
a draft of the ... to be ... in the
Special Tests Notification

Number (c) of copies required when struck off (not including
copies for volumes and editors' table which are retained
in the Press).

Complete
correspondence
and orders.

Notes

FOR RECORD.*

Madras Records	35	15
Ooty Records	3	2
For filing with original	1	1
Total ...	39	19

FOR ISSUE.†

	Letter only.	Complete G.O.	Special issue copies (b) of G.O.		Notes.
			No.	Papers.	
Signature copies.....					
India Office.....					
Govt. of India.....Dept.					
Public Department.....					
Judicial Department.....		5			
Financial Department.....					
Revenue Department.....					
Public Works Department.....					
Local and Municipal Department.....					
.....Dept.					
Total ...					
Spare copies.	The Director of Public Instruction.....				
	The Comr. for Govt. Examinations.....	5			
	The Superintendent, Govt. Museum.....				
	The Surgeon-General.....				
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	The P. D. B.....				
	The				
	The				
	The				
	The				
	The				
	The				
	The				
	The				
	Total ...				

INSTRUCTIONS FOR THE SECRETARIAT.

(a) If a paper is marked to be printed urgently, the Superintendent of the section concerned should sign the Press slip. The Superintendent should exercise a careful discretion in the matter.

(b) Each letter, memorandum, or order, or set of orders, in the file of correspondence should be headed in succession with the Roman numeral I, II, III, etc., the number being written in red ink or blue chalk above the item. The particular papers to be printed in the special issue-copies should be indicated by the Roman numeral (I, II, etc.) by which that item has been headed in the correspondence file. All matter, including marginal remarks or references, to be printed should be written in ink and matter which should not be printed should be encircled. Initials and signatures that are not quite legible should be re-written distinctly.

(b¹) For rules regarding printing of notes, see the rules in G.O., No. 1220, Public, dated 30th November 1900.

(c) The number of copies and the details of distribution should be filled in by the Superintendent or Referencer concerned.

(d) In the absence of special instructions to the Press to keep matter standing for a specified period, ordinary papers of 8 pages and under will be kept standing for one week, and larger papers for two weeks only. The type of notes and of all confidential papers is distributed immediately after striking.

(e) This slip, properly and completely filled in, should accompany every paper sent to Press; it will be returned by the Press when proofs are furnished; it should be sent to the Press when a call is made for revised proofs or when a corrected proof is sent for striking. When finally returned by Press it should be filed with the original order or letter.

INSTRUCTIONS FOR THE PRESS.

(a) If, in the opinion of the Superintendent of the Press, a paper has been marked urgent unnecessarily, he should send the Press slip to the Deputy Registrar with a remark to that effect.

(b) Unless a note to the contrary is made against the matter, pencil entries should not be printed. The Superintendent of the Press may bring to the notice of the Deputy Registrar any instance of incomplete or careless editing.

(c) Signature copies of letters to the Secretary of State or to the Government of India should be printed on hand-made paper.

(d) This slip should be returned by the Press to the Secretariat when proofs are furnished; it will be sent back to the Press when proofs are returned corrected and should be finally returned to the Secretariat when struck-off copies are supplied.

(e) The names of the Secretary and Members should be printed in full when they occur on the right hand side, but only the first time when they appear on the left side, the initials alone being printed later.

* Copies distributed on.....*(Press Clerk.)

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TO PRESS, MADRAS.
Ooty.

A	B	C
Please send proof in triplicate. The papers have been carefully edited.	Proof returned corrected. Please strike off and send number of copies as indicated.	As the matter is clear manuscript and has been carefully edited, (b) proof need not be sent. Please print and supply number of copies as indicated.
Type may be released after usual interval.	Type may be released after usual interval.	Type may be released after usual interval.
.....Clerk.	Clerk.	Clerk.
.....Supdt.	Supdt.	Supdt.

(b) Three copies of proof of all notes should be sent for approval, except when instructions are given to the contrary.

SPECIAL INSTRUCTIONS.

TO BE FILLED IN BY THE PRESS.

Diary.	Initials of Press official.		
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First proof furnished on.....	12-11-29	Lh	
Call for revised proof received on.....			
Revised proof furnished on.....		Lh	
Corrected proof received for striking on.....	16/11/29	Lh	
Final copies supplied on.....	18/11/29	ST	

Account of copies.	Complete copies.	Notes.	Issue copies.
Supplied to Secretariat for Record.....	39	19	
" " " Issue.....	10		
For Volumes.....	16		
For E.T.....			
Total ...	65	19	