

# Government of Madras.

## EDUCATIONAL DEPARTMENT.

*Recd.*

*Regd.*

} 1909.

*Enclosures*

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G.O., No. 619, 23rd November 1909.

### Delegation of powers.

Delegating to the Director of Public Instruction the power to grant permission in the case of officers of the Provincial and Subordinate Educational Services to undertake literary work, and directing that officers of the Indian Educational Service should continue to obtain the sanction of Government as hitherto before undertaking such work.

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## GOVERNMENT OF MADRAS.

## EDUCATIONAL DEPARTMENT.

READ—the following paper:—

**G.O., No. 498, Educational, dated 26th July 1906.**

ABSTRACT.—Permitting the acceptance by Mr. Stone of a sum of £90 offered by Messrs. T. Nelson & Sons, Edinburgh, for preparing three English Reading books; and directing that officers of the Educational Department should not undertake editing work of this nature without the permission of the Director of Public Instruction and the Government.

**Order—No. 619, Educational, dated 23rd November 1909.**

In paragraph 2 of G.O., No. 498, Educational, dated 26th July 1906, officers of the Educational Department were prohibited from undertaking editing work of the kind referred to therein without the sanction of the Director of Public Instruction and the Government. This order appears now to be interpreted as requiring officers to obtain permission of Government before undertaking literary work of any kind. Such an interpretation is in conflict with paragraph 14 of the Government Servants' Conduct Rules, 1904, which permits a Government servant to undertake occasional work of a literary or artistic character, provided that his public duties do not suffer thereby, and provided also that the Government may, in their discretion, forbid him to undertake, or require him to abandon, any employment which in their opinion is undesirable.

2. It was not the intention of Government to modify this rule but merely to prohibit Educational officers from accepting without Government sanction specific literary employment of an editorial or compilatory character from a public or private employer.

3. On further consideration of the matter the Government have resolved to delegate to the Director of Public Instruction the power to grant the requisite permission in the case of officers of the Provincial and Subordinate Educational Services. Officers of the Indian Educational Service should continue to obtain the sanction of Government as hitherto before undertaking work of the kind referred to in paragraph 2.

4. For occasional literary work no sanction is required, and the conditions of paragraph 14 of the Government Servants' Conduct Rules, 1904, will apply.

(True Extract.)

L. M. WYNCH,  
Ag. Secretary to Government.

To the Director of Public Instruction.

## EDUCATIONAL DEPARTMENT.

NOTES CONNECTED WITH G.O., No. 619, EDUCATIONAL,  
DATED 23RD NOVEMBER 1909.

[SUBJECT.—*Permission to undertake literary work.*]

*Previous papers.*

G.O., No. 498, Educational, dated 26th July 1906.  
" " 516 " " 8th September 1909.

In connection with an application from S. Balakrishna Aiyar, Fifth Assistant, Teachers' College, Saidapet, for permission to publish a book on Experimental Geometry, the Secretary (Mr. W. Francis) enquired—

" Might not the Director of Public Instruction be left in future to give these permissions himself, so long as they are covered by the conditions which are invariably required in the Government Orders sanctioning them? "

2. Paragraph 14 of the Government Servants' Conduct Rules, 1904, prohibits a Government servant from engaging in any trade or undertaking any employment other than his public duties without the previous sanction of the Local Government. An exception is, however, made to this rule in the case of occasional work of literary character and it is laid down that " a Government servant may undertake occasional work of a literary or artistic character, provided that his public duties do not suffer thereby; but the Government may, in its discretion, at any time forbid him to undertake or require him to abandon any employment which in its opinion is undesirable. "

3. Under the above rule a Government servant may undertake occasional work of a literary character without the previous sanction of Government. But in 1906 the Director of Public Instruction in connection with an application from Mr. Stone for sanction to receive from Messrs. T. Nelson and Sons, Edinburgh, a remuneration of £90 for preparing three English Reading books for use in Indian schools, raised the question whether the officers of the Educational Department required the Director's permission to undertake editing work and to receive remuneration for the same, or whether in any case applications for permission to do such work should be submitted for the orders of Government.

4. The Government then did not decide the questions raised by the Director of Public Instruction; but they were of opinion that they should have a voice in the extraneous employment of their servants. Sir George Forbes then observed: " I think Government must have a voice in the extraneous employment of their servants whose whole time is Government's. Of course the rule will be worked reasonably. But we ought not to minimize it. I would accord the specific sanction of Government to Mr. Stone's acceptance of the sum in the circumstances. "

In G.O., No. 498, Educational, dated 26th July 1906, sanction was accordingly given to the acceptance by Mr. Stone of £90 from Messrs. Nelson and Sons for preparing the three English Reading books but it was ruled that

" no officer of the department should undertake editing work of this nature without the permission of the Director of Public Instruction and the Government. "

5. Since then applications from officers of the Educational Department for permission to edit or write books on their own account or to undertake to edit or write books for the University or for publishing firms have been submitted to Government for orders and sanction to undertake such works has invariably been given in each case.

6. Four such sanctions were given in 1906 after the issue of G.O., No. 498, Educational, dated 26th July 1906; eight in 1907; fifteen in 1908; and seven up to date during the current year. There have been, however, no cases in which such permission was applied for, but was refused by Government.

7. In these circumstances, there appears to be no objection to authorize the Director of Public Instruction in future to give these permissions himself, subject to the usual condition that the officer retains no interest in the sale of the book and disposes of the copyright in the book soon after its publication.

T.K.—16-10-09.

Please see the notes and orders in G.O., No. 498, Educational, dated 26th July 1906.

K. RANGASWAMI AIYANGAR—18-10-09.

Mr. Forbes in 1906 laid down that the sanction of the Director of Public Instruction *and the Government* was necessary in cases like this. It seems for consideration however whether the sanction of Government is really necessary. No case has been refused in recent years. If it were laid down that the author must dispose of the copyright and dissociate himself from the sale of the book in all cases, the Director of Public Instruction would seem quite competent to grant sanction. The remarks of Financial may be invited.

C. A. SOUTER—19-10-09.

For orders. Submitted that the 1906 Government Order may be modified and the matter left to the Director of Public Instruction, who is responsible that his officers do not neglect their work to gather rupees by the wayside.

W. FRANCIS—20-10-09.

*Through the Financial Department.*

#### FINANCIAL DEPARTMENT.

No account objection to paragraph 2 of G.O., No. 498, Educational, dated the 26th July 1906, being modified as suggested above.

T. HARI RAO—27-10-09.

C. REILLY—28-10-09.

The Educational G.O., No. 498, Educational, dated 26th July 1906, seems to have been misapplied. It was loosely worded and spoke of "editing work of this nature", i.e., presumably editing work for which a fee is paid by a publishing firm, as in the case dealt with in that Government Order. But it seems to have been read as meaning that no Educational officer may write and publish any book at all without sanction of Government. This seems to go beyond the terms of rule 14 of the Conduct Rules, which lays down that a Government servant may write provided that (1) his public duties do not suffer, (2) Government may intervene on sufficient cause arising. In modifying paragraph 2 of G.O., No. 498, Educational, dated 26th July 1906, Educational may perhaps make its scope clearer.

A. G. CARDEW—29-10-09.

I agree with the Chief Secretary that the meaning of paragraph 2 of G.O., No. 498, Educational, dated 26th July 1906, has been misinterpreted and that rule 14 of the Government Servants' Conduct Rules should be more closely adhered to. Financial is only very indirectly concerned, as the interpreter of the Civil Service Regulations. I should have no objection to the proposal of the Educational Secretary *supra*. If the Director of Public Instruction were too indulgent to his men and Government work were thereby to suffer, Government would, I imagine, soon become

aware of the fact. Moreover Government work is probably less likely to be neglected by him who does literary work for money, than by him who does it for love, and the lastnamed does not come within the rule.

J. N. ATKINSON—30-10-09.

*To the Educational Department.*

#### EDUCATIONAL DEPARTMENT.

L. M. WYNCH—2-11-09.

I agree, the position may be more clearly laid down and we may delegate to the Director of Public Instruction power to grant permission in all such cases to officers below the Indian Educational Service. In the case of officers in the Indian Educational Service the sanction of Government should, as now, be first obtained.

M. H[AMMICK]—2-11-09.

Please draft.

L. M. WYNCH—3-11-09.

Draft submitted for approval.

T.K.—4-11-09.

K. RANGASWAMI AIYANGAR—5-11-09.

C. A. SOUTER—8-11-09.

Fresh draft submitted.

R. F. AUSTIN—12-11-09.

Make a clean typed copy of the amended draft please.

L. M. WYNCH—13-11-09.

Draft typed and submitted.

T.K.—15-11-09.

K. RANGASWAMI AIYANGAR—15-11-09.

C. A. SOUTER—16-11-09.

The draft below is submitted for approval. The last sentence of paragraph 4 is for orders. The point was referred to at A on page 2 of the notes file but no specific orders on it were passed.

L. M. WYNCH—17-11-09.

*Last sentence of paragraph 4 of the draft order.*—"Officers writing or publishing books should retain no interest in their sale and should dispose of the copyright as soon as possible after publication."

No. I don't think we need lay down this rule. It will go too far. I do not see why, if the officer's Public work does not suffer, he should not be allowed to write, say, a novel, and get his profit from it. Each case must be decided on its merits. I think the Government of India rule states the case as well as it can be stated. If we find an officer writing regularly to make money and neglecting his work we can drop down upon him.

Issue.

M. H[AMMICK]—22-11-09.

R. F. AUSTIN—23-11-09.

[G.O., No. 619, Educational, dated 23rd November 1909.]

*Rule 15 of Govt Servants' Conduct Rules*

Read again G.O. No. 498 Edl., dated 26th July 1906.

ORDER.  
P.S.

No 619 of 23-11-09

y

Not for E.T.

Lump.

mm S.  
22-7-

DP  
23/11

In paragraph 2 of G.O. No. 498 Educational, dated 26th July 1906, officers of the Educational Department were prohibited from undertaking editing work of the kind referred to therein without the sanction of the Director of Public Instruction and the Government. This order <sup>appears now</sup> ~~has come~~ to be ~~an~~ interpreted as requiring officers to obtain permission of Government before undertaking literary work of any kind. Such an interpretation is in conflict with paragraph 14 of the Government Servants' Conduct Rules, 1904, which permits a Government servant to undertake occasional work of a literary or artistic character, provided that his public duties do not suffer thereby, and provided also that the Government may in their discretion forbid him to undertake, or require him to abandon, any employment which in their opinion is undesirable.

2. It was not the intention of Government to modify this rule but merely to prohibit Educational officers from accepting without Government

ment sanction specific literary employment of an editorial or compilatory character from a public or private employer.

3. On further consideration of the matter the Government have resolved to delegate to the Director of Public Instruction, the power to grant the requisite permission in the case of officers of the Provincial Educational Services. Officers of the Indian Educational <sup>Service</sup> Department should continue to obtain/sanction of Government as hitherto before undertaking work of the kind referred to in paragraph 2..

4. For occasional literary work no sanction is required, and the conditions of paragraph 14 of the Government Servants' Conduct Rules, 1904, will apply. ~~Officers writing or publishing books should retain no interest in their sale and should dispose of the copyright as soon as possible after publication.~~

*And subordinate*

*Print in notes as follows: —*

*Para 4 of Draft over.  
(H.E. para 4 in full)*

*This is for orders.*

*Please see note at A  
on p 3 NF*

*Sub  
17-11-09*

*Sub  
17-11-09*

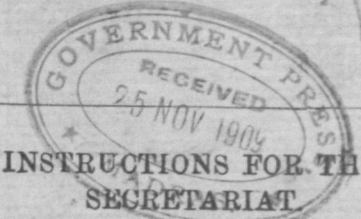
ORDINARY.

PRESS SLIP.

PREFERENCE.

URGENT (a).

EDUCATIONAL  
LEGISLATIVE DEPARTMENT.



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(b)  
Number of MS. pages sent { Correspondence including order or orders  
(b<sup>1</sup>)  
Notes.....

*Docket Library work. Directing that officers of the Ind. Ed. Service should continue to obtain the sanction of Govt. before undertaking literary work of an editorial or compilatory character from a public or private employer and that officers of the Prov. or Sub. Ed. Service should obtain permission from the D.O. for the same and for occasional literary work no sanction is required.*

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