

Government of Madras.

EDUCATIONAL DEPARTMENT.

Recd.

Regd.

} 1910.

Enclosures

Spare copies

Letter, No. 309, 31st May 1910.

Précis-writing test.

Declining to accept the recommendation of the High Court to abolish the — as a qualification for candidates for the post of District Munsif and Subordinate Judge and to exempt Abraham Verghese, Head Clerk, District Court, South Malabar, from passing the test.

Government of Madras.

EDUCATIONAL DEPARTMENT.

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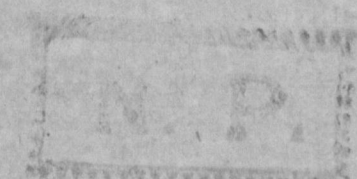
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GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

READ—the following paper :—

Letter— from J. T. GILLESPIE, Esq., I.C.S., Registrar, High Court, Madras.
To—the Secretary to Government, Educational Department.
Dated—the 14th April 1910.
No.—R.O.C. 784.

I am directed to forward, for the orders of His Excellency the Governor in Council, a copy of letter No. 656, dated 7th March 1910 (with its enclosures) from the District Judge of South Malabar requesting that the sanction of Government may be obtained for the exemption of K. Abraham Verghese, sub. *pro tem.* Head Clerk, District Court, South Malabar, from passing the Précis-writing test, so that he may become eligible for the post of District Munsif.

2. Apart from the present application which appears to the High Court to be somewhat premature, I am to state that the Honourable the Chief Justice and the Judges after having had the matter under consideration for some time, have come to the conclusion that in view of the other tests required of candidates for the post of District Munsif and Subordinate Judge it is unnecessary to require them to pass the Précis-writing test as well, and would therefore recommend that the Précis-writing test may be abolished so far as candidates for the office of District Munsif and Subordinate Judge are concerned.

ENCLOSURES.

Letter—from the District Judge of South Malabar.
To—the Registrar, High Court, Madras.
Dated—the 7th March 1910.
No.—656.

I have the honour to forward herewith a memorial addressed to Government by A. Verghese, B.A., B.L., sub. *pro tem.* Head Clerk of this Court praying that he may be exempted from passing the Précis-writing test.

2. The memorialist has been working under me for nearly 2½ years as acting Head Clerk and has done his work efficiently. He is a young man of ability and in my opinion well fitted for the post of a District Munsif. His character is excellent. He belongs to a respectable Syrian Christian family and some of his relations hold responsible posts under the Government. There are very few Indian Christians in the higher grades of the Judicial Department and I consider it necessary in the interests of the public service that he should be exempted from this test.

I have therefore the honour to request that the High Court may be pleased to recommend to Government his exemption from passing the Précis-writing test.

Memorial—from K. ABRAHAM VERGHESE, sub. *pro tem.* Head Clerk, District Court, South Malabar.
To—His Excellency the Governor in Council (through the Honourable the High Court of Judicature, Madras).
Dated—Calicut, the 7th March 1910.

MOST RESPECTFULLY SHOWETH,—That your memorialist is a Syrian Christian and has put in a service of seven years in the Judicial Department.

2. That your memorialist is the only graduate in Law in Malabar, belonging to the Indian Christian community.

3. That your memorialist was first in the first class in the Criminal Procedure Code Examination for graduates in Law, and that your memorialist took a fairly high place in both F.L. and B.L. Examinations.

4. That while your memorialist has completed all the tests necessary for a Munsifship, his failure to pass the Précis-writing test for which he unsuccessfully appeared five times, deprives him of the chances of further advancement in the Judicial service.

5. That your memorialist is of good social standing and belongs to one of the oldest and respectable Syrian Christian families in Travancore.

6. That your memorialist begs to state that members of his family have most loyally served the British Government in different capacities; that his father was in Government service as a schoolmaster for 25 years, that his grandfather who was the first Christian Munsif in Malabar was in service for about 30 years, and that his father's brother's son served as a Military Assistant Surgeon in the Manipur Expedition and the Third Burmese war, and was awarded medals in recognition of his services.

That his eldest brother is the present Acting District Medical and Sanitary Officer, South Canara, another brother is the manager of the office of the Resident in Travancore and Cochin and a third is a Government Pleader in the Travancore State, and that his father-in-law is the Anjel Superintendent (Postmaster-General) of Travancore.

7. That your memorialist begs to submit that the Indian Christian community is not sufficiently represented in the higher ranks of the public service, a fact which received the gracious attention of His Excellency the Viceroy in the course of his reply to the addresses presented to him recently at Madras.

8. That your memorialist's aim in entering the service was to obtain advancement in the higher ranks of the Judicial Department, which does not seem possible now for want of a pass in the Précis-writing test.

9. That your memorialist ventures to submit that Government have been pleased to exempt certain persons in this district from similar disabilities in order to enable them to obtain further advancement in the judicial service.

10. That in the above circumstances, your Excellency's humble memorialist most respectfully prays that your Excellency may be graciously pleased to exempt him from passing the Précis-writing test so as to enable him to obtain further advancement in the judicial service.

Copies of Testimonials.

I know Mr. Abraham Verghese, B.A., B.L., personally. He belongs to a very respectable Syrian family and is well connected. He bears a good character.

EPISCOPAL PALACE, MARAMANNU,
1st October 1906.

T. MAR THOMA MALABAR,
Suffragan Bishop, Syrian Church,
Malabar.

MADRAS CHRISTIAN COLLEGE.
12th December 1903.

Mr. Abraham Verghese, B.A., studied for two years in the B.A. classes of this college. He was a good student and stood well in all his classes. His conduct was always satisfactory and he bore an excellent character in the college.

WILLIAM SKINNER, M.A.,
Ag. Principal.

CHRISTIAN COLLEGE,
MADRAS.

Mr. Abraham Verghese, B.A., was a member of my history classes during the years 1898 and 1899. He did his work steadily and intelligently and gained good marks in the class examinations. He bore a good character and his conduct was excellent.

E. MONTEITH MACPHAIL, M.A., B.D.,
Professor of History.

MADRAS CHRISTIAN COLLEGE,
1st October 1906.

Mr. Abraham Verghese, B.A., was known to me as a student in the B.A. class in this college during 1898 and 1899. I have pleasure in bearing testimony to his diligence, zeal and ability as a student. His character and conduct were in all respects satisfactory.

GEORGE PITTENDRIGH, M.A.,
Professor of English.

Mr. A. Verghese was a student of the Trivandrum Law College for three years (1900-1902) and graduated in Law from this institution.

I have a very high opinion of Mr. Verghese's attainments. His conduct throughout his stay here was exemplary and he showed a marked ability.

Mr. Verghese always gave me the impression of being a practical individual, and in appearance he was singularly smart. He belongs to a very respectable family of Syrian Christians, a body for whom I have a great respect and deserving of every encouragement.

TRIVANDRUM, SOUTH INDIA,
25th October 1906.

F. J. R. V. HUNT, *Bar-at-Law*,
Judge of the High Court of Travancore,
and *Principal, Law College, Trivandrum*.

I have had opportunities of hearing much about Abraham Verghese, the Head Bench Clerk of the Sessions Court of South Malabar and all I have heard is good. His training in the Sessions Court (three years) with his degree in Law will prove useful to him.

He comes of a good Syrian Christian family and has several of his relations in public service.

I consider he is well fitted both by social position and educational qualifications for the post of Deputy Superintendent of Police.

CALICUT,
29th October 1906.

F. S. MULLALY,
District Superintendent of Police,
Malabar.

A. Verghese, B.A., B.L., has worked under me for nearly two years and has always done well. I think he would do for the * post he is thinking of applying for.

CALICUT,
29th October 1906.

J. H. MUNRO,
District and Sessions Judge.

*Dy. Superintendent of Police.

Letter—from the Hon'ble Mr. L. M. WYNCH, C.I.E., I.C.S., Acting
Secretary to Government, Educational Department.
To—the Honourable the Chief Justice of the High Court of
Judicature at Madras.
Dated—Ootacamund, the 31st May 1910.
No.—309, Educational.

With reference to Mr. Gillespie's letter R.O.C. No. 784, dated 14th April 1910, I am directed to state that the Government regret that they are unable to exempt Abraham Verghese from passing the Précis-writing test.

2. The Government also regret their inability to accept the recommendation of the Honourable the Chief Justice and the Judges of the High Court that the Précis-writing test should be abolished as a qualification for candidates for the post of District Munsif and Subordinate Judge. They consider that the Précis-writing test is a most valuable one to District Munsifs and Subordinate Judges and the Governor in Council would therefore maintain it in respect of these officers.

EDUCATIONAL DEPARTMENT.

NOTES CONNECTED WITH G.O., No. 309, EDUCATIONAL, DATED 31ST MAY 1910.

[SUBJECT.—*Exemption from Précis-writing test of Abraham Verghese, Head Clerk, District Court, South Malabar, and abolition of the Précis-writing test as a qualification for District Munsifs and Sub-Judges.*]

G.O., No.		Previous papers.	
401, Public,	dated 4th June	1890.	
" " 342	" " 18th May	1892.	
" Nos. 875-76	" " 16th December	1892.	
" No. 869	" " 26th October	1893.	
" " 136	" " 23rd February	1894.	
" Nos. 325-26	" " 11th May	"	
" No. 512, Educational,	" " 9th July	1908.	
" " 13, Public,	" " 6th January	1910.	

From the Registrar, High Court, dated 14th April 1910, No. 784.

The current read above deals with two questions—

(i) Exemption of K. Abraham Verghese, head clerk, District Court, South Malabar, from passing the Précis-writing test, so that he may become eligible for the post of District Munsif, and

(ii) the abolition of the Précis-writing test as a qualification for the posts of District Munsifs and Sub-Judges.

2. As regards the first, namely, the exemption from the Précis-writing test of Abraham Verghese, the High Court states that the application is somewhat premature. It may, it is submitted, be refused.

The draft letter placed below is submitted for approval.

3. The second question, namely, that of abolishing the Précis-writing test as a qualification for the posts of District Munsifs and Sub-Judges, is a general one which may be considered after orders have issued on the particular case referred to in paragraph 1 (i) *supra*.

P.R.—26-4-10.

After issue of the draft letter below, the file will be forwarded to the Judicial Department u.o. for remarks on the general question of abolishing the Précis-writing test as a qualification for candidates for the posts of District Munsif and Sub-Judge.

K. RANGASWAMI AYYANGAR—26-4-10.

A. Verghese's application shows that he has failed five times to pass Précis test. I should think a man who fails five times is constitutionally unable to pass the test. I submit that it would be better to decide this particular case after settling the general question of abolishing Précis-writing as a test for the posts of District Munsif and Sub-Judge.

S. H. SLATER—29-4-10.

I agree. Verghese's application may lie over pending the decision of the general question regarding the necessity for District Munsifs and Sub-Judges to have passed the Précis-writing test about which Judicial may be consulted u.o.

L. M. WYNCH—30-4-10.

To the Judicial Department.

JUDICIAL DEPARTMENT.

Attention is invited to rule XIII of the rules contained in the appendix to G.O., No. 13, Public, dated 6th January 1910, which specifies the tests to be passed by Sub-Judges and Munsifs both before and after appointment. It will be seen that the Précis-writing test has to be passed before appointment.

2. In connection with the constitution * of the Provincial Civil Service in this Presidency and the framing of rules to regulate admission to this service, the question as to the continued application of the Précis-writing test to posts of Sub-Judge and Munsif was raised in paragraph 7 of G.O., No. 136, Public, dated 23rd February 1894, and the opinion of the High Court was invited on the point. The Honourable the Judges (excepting the Chief Justice who apparently expressed no opinion) were divided in their views, two of them being for the test and two against it—*vide* High Court's letter No. 893, dated 21st March 1894, in G.O., Nos. 325-26, dated 11th May 1894. The Hon'ble Sir Henry Bliss thought it unnecessary to require the test, while the Hon'ble Mr. J. Grose and His Excellency (Lord Wenlock) considered that the test should continue to be enforced. Accordingly the test was prescribed by the rules printed with G.O., Nos. 325-26, Public, dated 11th May 1894.

3. Reference is solicited to the Notes to G.O., No. 512, Educational, dated 9th July 1908, in which the question of the total abolition of the Précis-writing test was discussed. The Revenue Secretary (Mr. Cardew) suggested the abolition of the test altogether or its retention only in respect of clerical appointments to which alone the test, in his opinion, properly related. He left it to Judicial to consider whether the test was required for such posts as Police Inspector, Sub-Judge, etc. The Hon'ble Mr. Stokes agreed with Mr. Cardew that the test should be applied only to clerical appointments pure and simple. The Hon'ble Mr. Hammick entirely differed from the above view, thought the test a more useful one than any of the other special tests if only the examination was properly conducted and expressed himself unwilling to abolish the test in respect of any posts in the Judicial Department for which it was required. He particularly remarked that "a man who cannot make a fair précis of a bundle of papers cannot be fit to be a Deputy Collector or a Sub-Judge or a Police Inspector." The matter was discussed in Council and the decision at first arrived at was that the test should be done away with as a separate test but should be required for promotion to those offices for which Revenue Higher and Criminal Higher were compulsory and should form one of the special subjects of those examinations. If this decision had been acted upon and orders issued, Sub-Judges and Munsifs would now have been exempt from this test as it was to be merely retained as part of two special tests ("Revenue Higher and Criminal Higher") which these officers have not to pass*. But as it was, this decision was not to be final and was subsequently altered for reasons which, as will be seen from the notes, had no relation to the effect it would have had upon posts of Sub-Judge and Munsif.

* G.O., No. 401, Public, dated 4th June 1890.
G.O., No. 342, Public, dated 18th May 1892.
G.O., Nos. 875-76, Public, dated 16th December 1892.
G.O., No. 869, Public, dated 26th October 1893.

Page 5 of Notes to G.O., Nos. 325-26, Public, dated 11th May 1894.

Page 6 of Notes to G.O., No. 512, Educational, dated 9th July 1908.

Page 7 of Notes to G.O., No. 512, Educational, dated 9th July 1908.

* *Vide* Provincial Civil Service rules printed with G.O., No. 13, Public, dated 6th January 1910.

had no relation to the effect it would have had upon posts of Sub-Judge and Munsif.

The order as finally issued (continuing the examination as a separate one), however, applied the test to the appointments in question. There is no reason given in the notes subsequent to the conclusion originally come to regarding the abolition of the test as a special one to show why this test should have been applied to posts of Sub-Judge and Munsif.

Pages 7 to 12 of the notes to G.O., *ibid*.

P.S.R.—10-5-10.

In 1894 Mr. Justice Muthusami Aiyar and Mr. Justice Parker wished to retain the Précis test for Sub-Judges and District Munsifs because "several High Court vakils and first-grade pleaders are not capable of writing neat, short and sufficiently full précis." Mr. Justice Shephard and Mr. Justice Best on the other hand questioned the necessity for the test.

It is now said that "the Honourable the Chief Justice and the Judges after having had the matter under consideration for some time have come to the conclusion that in view of the other tests required of candidates for the post of District Munsif and Subordinate Judge it is unnecessary to require them to pass the Précis-writing test as well."

The "other tests" required under the Provincial Civil Service rules are vernacular tests, but the High Court apparently refer to the qualifications required in candidates for the office of Munsif, the lowest of which is the first-grade Pleadership examination for which only B.A.'s can now appear.

It is difficult to distinguish between Deputy Collectors and District Munsifs as regards the Précis test. Deputy Collectors are generally B.A.'s—since the Revenue test, Higher grade, required for the post cannot be passed by others unless they hold diplomas in agriculture or commerce. On the other hand, Munsifs have to write more judgments than Deputy Collectors and a judgment has often to contain a précis of the evidence.

Submitted for orders.
J. DE ROZARIO—13-5-10.

The present subject is the question of abolishing Précis-writing as a test for appointment to the posts of Sub-Judge and District Munsif.

The tests that these officers are at present required to pass are—

- (i) third-class vernacular test.
- (ii) Précis-writing.

Please *vide* appendix to G.O., No. 13, Public, dated 6th January 1910.

But these officers can be selected only from persons who have passed first-grade Pleadership examination, or possess superior qualifications. According to present rules, they must be B.A.'s. In consideration of the fact that Sub-Judges and District Munsifs have to pass the above tests, the High Court now propose, in their letter, dated 14th April 1910, that the Précis-writing test may be abolished as far as these appointments are concerned.

2. The merits of Précis-writing as a test for public service appointments were fully discussed in the Notes to G.O., No. 512, Educational, dated 9th July 1908, and it was at first decided that it should be abolished as a separate test, and included only in the Revenue Higher and Criminal Higher tests (which are not prescribed for Sub-Judges and District Munsifs). But this decision was not adhered to, and the final order, G.O., No. 512, above referred to, prescribed Précis-writing as a test for seven appointments including those of Sub-Judge and District Munsif.

3. I submit that the grounds on which Précis-writing was defended in the Notes to G.O., No. 512, Educational, dated 9th July 1908, refer rather to its utility as a test for *Executive* than for *Judicial* functions. The mental process involved in getting the

clear and comprehensive grasp of a subject, which it is so desirable that an administrative officer should possess, is, I submit, entirely different from the method by which a Judge should marshal in his mind the entire mass of evidence presented before him, weighing one part against another, and giving to every item its due consideration. The administrative method is, I submit, more rapid and more sweeping; the predominant issue must be seized in order that action may follow speedily.

S. H. SLATER—18-5-10.

I do not agree with Mr. Slater. A District Munsif or a Sub-Judge has habitually in the course of his judgments to give a clear and concise statement of facts which are either admitted by both parties or form the case of one or other of them, and to do this properly, it is essential that he should have the knack of being able to go through possibly a very voluminous mass of records and depositions and pick out what is fundamental from mere trivial details. He has also, though in a less degree, to exercise this faculty at the earlier stage in which he frames issues. I venture to agree therefore with the view expressed by the Honourable Member in the notes in G.O., No. 512, Educational, of 9th July 1908, that the Précis test, if properly conducted, is a most valuable one to Judicial and Police as well as to Revenue officers. I would therefore maintain the test in respect of Munsifs and Sub-Judges.

W. S. MEYER—25-5-10.

I quite agree. I would not exempt Sub-Judges and Munsifs.

M. H[AMMICK]—25-5-10.

Submitted that the file may be returned to the Educational Department.

J. DE ROZARIO—25-5-10

To the Educational Department.

S. H. SLATER—26-5-10.

EDUCATIONAL DEPARTMENT.

The letter to the High Court may now issue.

L. M. WYNCH—30-5-10.

Submitted that paragraph 2 of the draft requires modification with reference to the decision in the notes above. A revised draft is submitted below for approval.

K. RANGASWAMI AIYANGAR—31-5-10.

Issue.

S. H. SLATER—31-5-10.

[G.O., No. 309, Educational, dated 31st May 1910.]

C.No.786, from the Registrar, High Court, No.784, dated 14th April 1910.

LETTER: 309 of 31.5.10
P.S.

To

The Hon'ble the Chief Justice
of the High Court of Judicature
at Madras.

Hon'ble Sir,

With reference to Mr. Gillespie's letter R.O.C.No.784/10, dated 14th April 1910, I am directed to state that the Government regret that they are unable to exempt Abraham Verghese from passing the Précis Writing test.

2. The Government also regret their inability to accept the recommendation of the Hon'ble the Chief Justice and the Judges of the High Court that the Précis Writing test should be abolished as a qualification for candidates for the post of District Munsif and Subordinate Munsif Judge. A District or Subordinate Judge has habitually in the course of his judgments to give a clear and concise statement of facts bearing on the point at issue and to do this properly it is essential that he should have the knack of being able to go through possibly a

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very voluminous mass of records and depositions and pick out what is ~~fundamental~~ ^{more} fundamental from trivial details. He has also to exercise this faculty at the earlier stage in which he frames issues. *They consider that* ~~The~~ ^{the} Precis-writing test is ~~thus~~ ^{thus} a most valuable one to District Munsifs and subordinate Judges and the Governor in Council would therefore maintain it in respect of these officers.

I have etc.

Su
31/5

ORDINARY.

PRESS SLIP.

PREFERENCE.

EDUCATIONAL DEPARTMENT.
LEGISLATIVE

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GOVERNMENT PRESS, MADRAS
JUN 1910

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Current No., dated 19 ..
G.O., No. 309, dated 31-5-1910.

Number of MS. pages sent { Correspondence including order or orders
(b)
Notes. (b¹)

Docket. *Precis Writing Test. Declining to accept the recommendation of the High Court to abolish the — and qualify for candidates for the post of District Judge and Subordinate Judge and to exempt Abraham Linghese from passing the test.*

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(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 in 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.

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(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.

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[P.T.O.]

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