[E. / —]
600—30-5-08.

Educational (1910) Department.

ORDINARY MS.

G.O., No. 550
551

DATED 16 · 9 · 10

Y

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[Despatch Abstract.]

Indian Educational Service — Informing the Govt. of India that the Governor in Council approves of the proposed modification of clause 8 of the form of agreement relating to the appointment of officers to the —

BACK PAPERS.

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

FURTHER PAPERS.

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

[E. & L. / 68]
3,400—15-3-09.

EDUCATIONAL DEPARTMENT.

CURRENT FILE.

2

CONTENTS.

From	Number.	Date.	Pages.
[1665] Govt of India	854	18. 8. 10	1 — 2

[P.T.O. FOR PUT UP PAPERS.

PAPERS PUT UP WITH CURRENT No.______

Papers of the department to which the current belongs.

Number.	Date.	Original (=O.) or spare copy (=S. C.)	Remarks. (In this column such of the papers as have been removed for copying, printing, etc., should be marked with a cross.)	Initials of Referencer with date in token of return to Reference department.

Papers of other departments.

Department.	Number.	Date.	Original (=O.) or spare copy (=S. C.).	Despatcher to note the return of the papers to the departments concerned.

Lr CNo 1665
Regd 25. 8. 10

No. 854

3

FROM

H. G. STOKES, ESQ.,

Deputy Secretary to the Government of India,

TO

24 AUG 1910

The Secretary to the Government of Madras,
Education Department.

Home Department.
Education.

Circulated
24/8/10.

Simla, the 18th *August 1910.*

SIR,

I am directed to forward, for the information of the Governor in Council a copy of a letter no. 803-VI-1—15, dated the 20th June 1910, from the Hon'ble the Chief Commissioner of the Central Provinces, suggesting a modification of clause 8 of the form of agreement relating to the appointment of officers to the Indian Educational Service.

2. The following draft has been suggested as suitable to set beyond question the point taken in the Chief Commissioner's letter, since, while retaining the power, which the present agreement confers, of dispensing with the officer's services in the event of his failing to pass in *one* vernacular within his first two years, it makes it clear that he is not to enjoy exemption from passing in an additional language or languages, should the rules of the province render this obligatory :—

"8. That the party of the first part shall within the period or periods prescribed by the rules and regulations relating to examinations in vernacular languages for the time being in force in the province within which he may be serving, and generally in accordance with and subject to such rules and regulations, pass an examination or examinations in such vernacular language or languages as may be required by the Government :—Provided, that if the party of the first part shall fail to pass an examination in such one of the prescribed vernacular languages as may be required within the said term of two years, the Government may, notwithstanding anything in the next clause or the said rules and regulations contained, dispense with his services."

3. Such an amendment of the agreement would, however, require the sanction of the Secretary of State, and, before addressing His Lordship, I am to request that the Government of India may be favoured with the opinion of the Governor in Council on the proposed modification.

I have the honour to be,

SIR,

Your most obedient servant,

H. G. Stokes

Deputy Secretary to the Government of India.

12-8
17-8
1 K
24/8

2

No. 803-VI.-1—15, dated Nagpur, the 20th June 1910.

From—B. P. Standen, Esq., C.I.E., I.C.S., Chief Secretary to the Chief Commissioner, Central Provinces,

To—The Secretary to the Government of India, Home Department.

I am directed to submit for the consideration of the Government of India a proposal to modify clause 8 of the form of Agreement relating to the appointment of officers for the Indian Educational Service.

2. Clause 8 of the form of Agreement, a copy of which was received with Home Department letter no. 166—170, dated the 4th March 1904, requires an officer appointed to the Indian Educational Service to pass, within a period of two years from the date of joining an appointment, such examination as may be prescribed by the Government in one of the vernacular languages. The Departmental rules in force in these provinces, which were approved of by the Government of India in their Home Department letter no. 260, dated the 26th August 1887, and which are now embodied in the Central Provinces Education Manual (articles 359—366), require officers of the Indian Educational Service to pass in *two* vernacular languages, *viz.*, Hindi and Marathi, and provide that no officer of five years' service shall receive any further increment of salary till he has passed in both languages. Both Hindi and Marathi are important languages in the Central Provinces and Berar; officers of the Indian Civil Service and of some other Departments have to pass in both, and it is necessary that members of the Indian Educational Service should also have a good working knowledge of both languages.

3. Clause 2 of the Agreement lays down generally that an officer of the Indian Educational Service shall obey the rules prescribed for the time being for the regulation of the branch of the public service to which he may belong, and the Chief Commissioner is advised by the Government Advocate that although clause 8 would prevent the Administration from requiring an officer to pass in two languages within two years, it would not operate to relieve an officer from the necessity of complying with the standing order after the expiry of that period. The Agreement is therefore not actually in conflict with the rules; but it has come to the notice of the Chief Commissioner that one officer of the Indian Educational Service in these provinces has interpreted the covenant to mean that he cannot be required to pass in more than one language, and Mr. Craddock would suggest for the consideration of the Government of India that the wording of clause 8 of the form of Agreement should be altered so as to avoid possible misconception on the part of the candidates for the service, who are not expert in the interpretation of legal documents.

G. C. B. P., Simla.—No. 2906 H. D.—16-8-10.—440 -R.G.G.

[E [illegible] / 97]

2,800—25-2-05.

EDUCATIONAL
~~LEGISLATIVE~~ DEPARTMENT.

NOTES.

3/

Educational Department.

5

C.No.1665, from the Government of India, No.854, dated 18th August 1910.

Subject.

Amendment of paragraph 8 of the form of agreement to be executed by the officers of the Indian Educational Service.

The Government of India propose to amend clause 8 of the form of agreement relating to the appointment of officers to the Indian Educational Service and request that they may be favoured with the opinion of this Government on the proposed modification.

vide page 8 of Go.no 181 Edl / 15-3-04 U
also cf. p. 8 of Go.no 44 Edl / 26-1-10 S.
p. 6 of Go.no. 191 Edl / 12-4-10. R.

2. Clause 8 of the form of agreement runs:--

"That the party of the first part shall "within the said term of two years pass such "examination as may be prescribed by the "Government in one of the vernacular languages, "and if he shall fail to do so the Government "may, notwithstanding anything contained in "the next clause, dispense with his services."

p. 2 of C.F

3. An officer of the Indian Educational Service in the Central Provinces interpreted this

6

this clause to mean that he could not be required to pass in more than one of the vernacular languages of the province, and in order to make it clear that an officer is not to enjoy exemption from passing in an additional language or languages, should the rules of the province render this obligatory, the Government of India propose to alter the clause as follows:--

Para. 2 of India's letter on p. 1 of C.F.

"That the party of the first part shall within "the period or periods prescribed by the rules "and regulations relating to examinations in "vernacular languages for the time being in force "in the province within which he may be serving, "and generally in accordance with and subject to "such rules and regulations, pass an examination "or examinations in such vernacular language or "languages as may be required by the Government:- "Provided, that if the party of the first part "shall fail to pass an examination in such one "of the prescribed vernacular languages as may "be required within the said term~~s~~ of two years, "the Government may, notwithstanding anything in "the next clause or the said rules and regulations "contained, dispense with his services".

4.

Vide rule. 2 on page 4 of G.O.No. 573 d/ 15-9-96 — Q.

4. In this Presidency an officer of the Indian Educational Service who is engaged in teaching shall pass a compulsory examination in one, and one who is engaged in inspection shall pass a compulsory examination in two, of the following languages, namely -

(1) Tamil.
(2) Telugu
(3) Canarese
(4) Malayalam
(5) Uriya.
(6) Hindustani.

— Vide) Rule 2 of the rules for the study of Oriental languages by European and Eurasian officers in G.O.No.573 Educational, dated 15th September 1896. Q.

5. There appears to be no objection to the modifications proposed by the Government of India in clause 8 of the form of agreement to be executed by the Indian Educational officers; but before a reply is sent to India the Director of Public Instruction may, it is submitted, be consulted u.o. as to whether he has any remarks to offer in the matter.

PR
2-9-10
T.H.
2-9-10

Sm
3/9

Ed. No. 1665-1
3.9.10
desp TH
7/9

DPI uo

LOCAL & MUNICIPAL
8 - SEP 1910
SECRETARIAT

TH
8/9

To the non-legal mind the proposed alteration does not suffice.

You tell a man he must do A. and he may have to do B "provided" that if he does not do A there may ensue a specific penalty. It may be all right but it seems to me to leave us almost exactly where we were

The above mentioned penalty "dispense with his services" is too severe as the only penalty I should take power to withhold increments for not doing A and for not doing B if this has been ordered in any particular case with removal from the service as a last resort in either event

I mean so severe that it is not likely to be enforced in the case of an otherwise satisfactory officer

5.9.10

For orders as to whether the Govt. accept the suggestion of the D.P.I. and if so, how they would alter clause 8 of the form of agreement.

T.K.
9-9-10

I don't quite follow the D.P.I. It is not proposed to raise the question of the penalty to be attached to failure to pass in one vernacular. India's point, I submit, is that under the existing form of agreement it is not made clear that, without prejudice to the penalty for not passing in one vernacular, the candidate is also under an obligation to conform to whatever further rules the Local Govt. may make in regard to passing in more than one vernacular.

2. The revised rule, I submit, makes this point clear, and we may express our assent.

3. The question of modifying the penalty, and of attaching some penalty to failure to qualify according to both requirements (viz. the one-vernacular test, and the two-or-more-vernacular test that may be prescribed) is raised by Dr Bourne, but I submit that it does not naturally arise ~~out~~ from the present reference.

Sec7 SW 10/9

Circulated in Box No. 3. HM.

As regards the priority of the

Q

penalty the D.P.I. appears to have overlooked Rule 12 of the rules laid down in G.O. 573 E. of 15.IX.96 which applies the penalty of removal from service to all officers who fail to pass the language tests within the periods fixed by rule 5 unless the period is extended by special order of Govt.

But the rule 12 specially says that an officer serving under a special covenant shall be dealt with under the conditions of his covenant – 1.2. note under these rules

13.IX.10

Rule 5 provides that every officer must pass the compulsory test in the first language within two years of his entry into the Dept.

The proviso attached by the Gov. of India to the revised clause 8 seems therefore to be unnecessary.

If the revised clause 8 is adopted rule 12 of our rules will need to be suitably amended, the last sentence being struck out as unnecessary.

12/9/10.

Yes & making a rule as to other possible punishment

I think the ~~rule~~ clause proposed is quite right. It does not compel Govt. to dispense with the man's services – They may do so – on the other hand they may by rule provides a lesser penalty. It will ~~[illegible]~~ enable Govt to get rid of a hopelessly inefficient officer – on his Covenant in two years if he does not pass. On the other hand if Govt desire to keep him they will be able to make rules allowing him to stay on subject to penalty of losing pay or increments.

We may write approving of the suggested ~~rule~~ clause I think – & when the new agreement is approved amend our rules as the Sec. suggests.

13 IX.10

Please draft.

Luke
14.9.10

Draft submitted for approval.

T.K.
14.9.10

14.9.10

Maguire

15/9

Secy

T.R.
14/9/10

Please return the file to me after issue as I have the file re alteration of the rules for the study of languages by officers in the Edl. service pending with me.

16/9.

Dft file & return to me please sharp.

R.Q.
16/9

Despd
16.9.10.

[G.O. No 5-5-0 Educational d/16.9.10]

[E. & L. / 74]
2,000—15-3-

11/

Educational DEPARTMENT.

13

READ AGAIN G.O., No. ...., dated .... 19 .

" " " "........, " .... 19 .

READ ALSO:—

C. No. ~~1664~~ 1665, From the Govt of I., No. 854, dated 18-8- 1910.

" " ...., " " ...., " ...., " .... 19 .

" " ...., " " ...., " ...., " .... 19 .

ORDER.

misc.

No. 550, dated 16. 9. 1910.

The Govt of India will be addressed.

7.K.
14.9.10

R.D.
14.9.10

15/9

Dp
16/9

Letter to No 5510/16.9.10

The Secretary to the G. of I.
Home Dept.

Desp
16.9.10.

Sir,

~~I am directed to acknowledge the receipt of~~ In reply to Mr. Stokes's letter no. 854, Education dated the 18th August 1910 ~~regarding~~ on the subject of the modification of of clause 8 of the form of agreement relating to the appointment of officers to the Indian Educational Service, ~~and~~ I am directed to state ~~in reply~~ that the Govr.-in C. approves of the proposed modification.

T.K.
14.9.10

R.D.
14.9.10.

Sm
15/9

LMD.
16/9

When given for copying
When copied
When examined } 190 .
When signed

READ AGAIN G.O., No. , DATED
190 .

URRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT .. .. .. A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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