

Government of Madras.

EDUCATIONAL DEPARTMENT.

Recd.

Regd.

} 1911.

Enclosures

Spare copies

G.O., No. 473, 15th July 1911.

Literary work by Educational officers.

Passing orders in regard to the question of permitting officers of the Educational Department to undertake literary work.

Government of Madras.

EDUCATIONAL DEPARTMENT.

Recd.

Regd.

} 1911.

Enclosures

Spare copies

G.O., No. 473, 15th July 1911.

Literary work by Educational officers.

Passing orders in regard to the question of permitting officers of the Educational Department to undertake literary work.

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

READ—the following papers:—

I

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

ABSTRACT.—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.

II

Letter—from the Hon'ble Mr. J. H. STONE, M.A., F.R.H.S., Acting Director of Public Instruction, Madras.

To—the Secretary to Government, Educational Department.

Dated—the 6th May 1911.

No.—Ref. on Cur. 653/10.

M.R.Ry. T. S. Subrahmanya Aiyar, M.A., L.T., Assistant Professor in the Presidency College, published, with the permission of the Government, a book on "Civics" and was called upon by the Director of Public Instruction to dispose of the copyright in the book soon after publication. He now claims to have done so and submits the enclosed memorandum of agreement with Messrs. Macmillan & Co., by which he is to receive half the net profits of the work and in certain eventualities will be entitled to resume full ownership of the copyright.

Permission appears to have been granted him to publish the work on condition of disposing of the copyright because in a similar case Government gave an officer permission to publish "subject to the condition that he retains no interest in the sale of the book and disposes of the copyright in the book soon after its publication" (G.O., Mis. No. 469, dated 12th August 1909).

It is clear that M.R.Ry. T. S. Subrahmanya Aiyar has not complied with this condition since he retains a half interest in the sale of the book, although the copyright will not be again vested in him till it ceases to have any apparent value. At the same time it appears to me that it would be harsh and is unnecessary to force him to seek to revise his contract with Messrs. Macmillan. It would be harsh because if any firm of publishers would buy such a book outright, which I doubt, they would necessarily give a very small price for it, and T. S. Subrahmanya Aiyar would not obtain a due reward for his labours and probably find himself out of pocket over the expenses he incurred in publishing the book in the first instance. It is unnecessary if the object is to prevent T. S. Subrahmanya Aiyar from using improper means to increase the sale, because as an Assistant Professor in the Presidency College he has practically no opportunity of doing so and because even if he has to revise the book for subsequent editions there is no likelihood of this work interfering with his college work.

If it were not for Government's specific order in a similar case I should have accepted without reference to Government the agreement in question, and I now place it before Government partly with a view to asking for a consideration of the existing rules and orders governing the production of books by officers of the department.

The basis of these is to be found in the Rules governing the Personal Conduct of Government Servants. These forbid working for any employer other than Government and "accepting specific literary employment of an editorial or compilatory

character from a public or private employer" has been ruled to be included in this prohibition (G.O., No. 498, Educational, dated 26th July 1906) and I do not ask for any reconsideration of this ruling except that other work done by agreement with a publisher might be included in it.

In a circular issued in 1897 of which a copy is enclosed, the Director of Public Instruction laid it down that inspecting officers ought not to have any direct pecuniary interest in the sale of text-books and required that those who "in future write or compile or edit text-books which may be used within their jurisdiction, shall arrange with their publishers to be paid a lump sum once and for all as soon as the books are published." No doubt this circular embodies the view of Government and the orders in recent cases extend it to other than inspecting officers and I now ask for a reconsideration of those orders and of the principle involved.

2. I have already, in commenting on T. S. Subrahmanya Aiyar's case, touched upon the hardship inflicted on writers of books by forcing them to dispose outright of their copyrights and so almost certainly depriving them of the fruit of their labours which, it seems to me, is not desirable since, if the teaching profession in India is to attract good men, its net advantages must be made as great as possible. One way of securing this is to avoid placing unnecessary obstacles in the way of educational officers adding to their income by such outside employment as is everywhere incidental to the profession of education.

No doubt the entire freedom enjoyed by professors and teachers in Europe cannot be allowed to any officers in the Educational Service in Madras because experience has proved that there is a danger of an officer devoting too much time to writing and publishing and that inspecting officers may improperly push the sale of their books. I venture to suggest, however, that in the interests of education the restrictions imposed should be only such as are necessary and that officers should be definitely informed as to what they are, and with these objects in view I venture to submit for the consideration of Government a set of draft rules on the subject.

I believe that these rules are in harmony with the orders of Government on the subject except that in the case of professors and teachers they allow of arrangements with publishers involving the payment of royalties or share in the profits of the publication.

ENCLOSURE.

Draft rules.

No officer of the department shall undertake the writing, translation, compiling, editing or revision of any book or periodical for any public or private employer without the permission of the competent authority and on terms approved by that authority.

No officer of the department shall, while on duty, write, translate or compile any school or college text-book without the permission of the competent authority.

An officer who has so written a text-book may, with the permission of the competent authority, publish the same provided that within twelve months or such longer time as he may be allowed, he, if an inspecting officer, disposes outright of the copyright to a publisher, or, if a professor or teacher, he either disposes of the copyright outright to a publisher or makes such an assignment of it to a publisher or such similar arrangement as is approved by the competent authority.

The competent authority is in the case of officers of the Indian Educational Service the Government, in the case of other officers the Director of Public Instruction.

III

Official Memorandum No. 1062-1, Educational, dated 31st May 1911.

With reference to his letter, R.C. No. 653/10, dated 6th May 1911, submitting for approval a set of draft rules for the guidance of officers of the Educational department undertaking literary work, the attention of the Director of Public Instruction is invited to G.O., No. 619, Educational, dated 23rd November 1909, which explains the kind of literary work for undertaking which the previous sanction of

Government is necessary. As the letter under consideration makes no reference to this Government Order, the Director of Public Instruction is requested to state if its existence was brought to his notice before he wrote the letter.

(By Order.)

M. S. MASCARENHAS,
Under Secretary to Government.

To the Director of Public Instruction.

IV

Letter—from the Hon'ble Mr. J. H. STONE, M.A., F.R.H.S., Acting Director of Public Instruction, Madras.

To—the Secretary to Government, Educational Department.

Dated—the 6th July 1911.

No.—Ref. on Cur. 653/10.

With reference to Memorandum No. 1062-1, dated 31st May 1911, I have the honour to state that I had seen G.O., No. 619, Educational, dated 23rd November 1909, when I wrote my letter, Ref. on Cur. No. 653/10, dated 6th May last, and that if I am to understand that it allows officers of the department to write text-books, to publish them or get them published, to retain the ownership of the copyright and to receive royalties or a share of profits, my draft rules in question are unnecessary.

2. I submit that, if G.O., No. 619, Educational, dated 23rd November 1909, does allow the freedom I have indicated above, it amounts to a reversal of the policy indicated by G.O., No. 469, Educational, dated 12th August 1909.

Order—No. 473, Educational, dated 15th July 1911.

The Director of Public Instruction will be informed that the cases in which officers of the Educational department undertake literary work are governed by the orders contained in G.O., No. 619, Educational, dated 23rd November 1909. The Government do not consider it necessary to prescribe it as a general rule that officers writing or publishing books shall retain no interest in their sale and shall dispose of the copyright as soon as possible after publication. Each case should, in their opinion, be disposed of on its merits and with reference to the position occupied by the officer concerned. Clearly the rule laid down by Dr. Duncan in 1897 that no Inspector of Schools or Assistant Inspector should in any way have any monetary interest in the sale of educational books used or likely to be used by schools under his inspection should be rigidly adhered to.

(True Extract.)

L. DAVIDSON,
Ag. Secretary to Government.

To the Director of Public Instruction
(with original enclosures returned).

EDUCATIONAL DEPARTMENT.

NOTES CONNECTED WITH G.O., No. 473, EDUCATIONAL, DATED 15TH JULY 1911.

[SUBJECT.—Rules for the guidance of officers of the Educational Department undertaking literary work.]

Previous papers :

G.O., No. 498, Educational, dated 26th July	1906.
" " 469 " " 12th August	1909.
" " 619 " " 23rd November	"

From the Director of Public Instruction, dated 6th May 1911, No. 653.

In paragraph 2 of G.O., No. 498, Educational, dated 26th July 1906, it was laid down that no officer of the Educational Department should undertake editing work (for a private or public employer) without the permission of the Director of Public Instruction and the Government. This rule was misinterpreted by the Director of Public Instruction as requiring officers to obtain the permission of Government before undertaking literary work of any kind, even when such under-

Page 15 of the Conduct Rules.

taking was permitted by paragraph 14 (2) of the Government Servants' Conduct Rules, 1904. In G.O., No. 619, Educational, dated 23rd November 1909, it was clearly stated that the rule laid down in G.O., No. 498, Educational, dated 26th July 1906, was "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," and that the Government never intended to modify 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." It was also stated that for occasional literary work no sanction was required.

2. In this connection, the question was also raised whether it should be laid down that 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 it was decided in the negative—*vide* Mr Wynch's note, dated 17th November 1909, and the Honourable Member's orders thereon on page 3 of the notes with G.O., No. 619, Educational, dated 23rd November 1909.

3. In the present communication the Director of Public Instruction makes no reference to G.O., No. 619, Educational, dated 23rd November 1909, and in contravention of the terms of this Government order proposes to lay down that "no officer of the department shall, while on duty, write, translate or compile any school or college text-book without the permission of the competent authority," and that an officer writing and publishing a text-book with the permission of the competent authority should dispose of the copyright in his book within twelve months or such longer time as may be allowed.

with original
enclos. ret'd.

ORDINARY

PREFERENCE

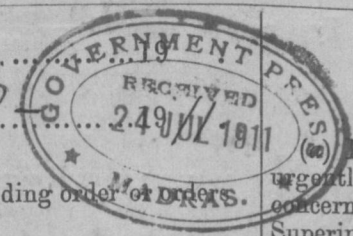
URGENT (a).

EDUCATIONAL
LEGISLATIVE DEPARTMENT.

Printed for
secret only

Current No....., dated.....

G.O., No. 473, dated 15-7-1911



INSTRUCTIONS FOR THE SECRETARIAT.

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

Docket: Literary work by Educational Officers. *Patron orders in regard to the question of permitting officers of the Educational Dept. to undertake literary work.*

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	...	...	30	3
Ooty Records	...	...	3	1
For filing with original	...	...	1	1
Total			34	5

FOR ISSUE.†				
Signature copies.....	Letter only.	Complete G.O.	Special issue copies (d) of G.O.	
			No.	Papers.
India Office.....				
Govt. of India.....Dept.				
Public Department.....				
Judicial Department.....				
Financial Department.....				
Revenue Department.....				
Public Works Department.....				
Local and Municipal Department.....				
.....Dept.				
Total				

Spare copies.	Letter only.	Complete G.O.	Special issue copies (d) of G.O.	
			No.	Papers.
The Director of Public Instruction.....		5		
The Comr. for Govt. Examinations.....				
The Superintendent, Govt. Museum.....				
The Surgeon-General.....				
The Accountant-General.....				
The Collector of.....				
The P. D. B.....				
The.....				
The.....				
The.....				
The.....				
The.....				
The.....				
The.....				
Total				

(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.)

† Copies distributed on.....*(Despatcher.)

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, proof need not be sent. Please print and supply number of copies as indicated.
Type may be released <u>after usual interval.</u> at once.	Type may be released <u>after usual interval.</u> at once.	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.

Pres. The H. M. wishes to see this paper - Please put in type & send proofs of the notes at a very date. *urgently*

SRA
24-7-11.

TO BE FILLED IN BY THE PRESS.

Diary.	Initials of Press official.
Received in Press on.....24-7-11.....	RB
First proof furnished on.....24-7-11.....	RB
Call for revised proof received on.....	
Revised proof furnished on.....	
Corrected proof received for striking on.....4-8-11.....	RB
Final copies supplied on.....11-8-11.....	RB

Account of copies.	Complete copies.	Notes.	Issue copies.
Supplied to Secretariat for Record.....	24		
" " " Issue.....	3		
For Volumes.....	16		
For E.T.....			
Total ...	63		