

Educational (1912) Department.

ORDINARY MS.

G.O., No. 215

DATED 6-3-1912

Press

Please show proof
TP
17/3/12

[Despatch Abstract.]

Criminal Judicial test.

Recording papers relating
to a resolution proposed to be moved by the
Honble Mr. ~~Kesava~~ Kesava Pillai some years
back in the Legislative Council re- the question of
permitting matriculates to appear for the
~~Criminal~~ Criminal Judicial test.

BACK PAPERS.

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

FURTHER PAPERS.

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

EDUCATIONAL DEPARTMENT.

CURRENT FILE.

CONTENTS.

From	Number.	Date.	Pages.

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.

Legislative Department.

EDUCATIONAL DEPARTMENT.

Resolution on matters of general
public interest.

The Hon'ble Mr. P. Kesava Pillai.

That this Council recommends that the
order prohibiting Matriculates
from appearing for the Criminal
Judicial Test Lower Grade may be
cancelled.

Copy of letter from the Hon'ble Mr. P. Kesava Pillai, Gooty, dated 20th February 1910.

I submit today 4 more interpellations and a resolution.

The resolution relates to the prohibition laid on the matriculates from appearing for the Criminal Lower Grade, as per the gazette notification in the Part I B, in the 22nd December 1908.

I am pleading for a modification of this notification. "There are many worthy and good men in the public service who suffer by this ~~restriction~~ prohibition. They cannot get promotion even in the ministerial line. Many a matriculate has risen to the top of the ladder by force of character and ability, and rendered signal service to the State and the people. The present generation has no such hope. So many restrictions are placed in their way now.

And yet by the modification I have suggested, some satisfaction will be derived by hard-worked men. If need be, 3 or 5 years of approved service may be counted to qualify a matriculate to appear for the examination. "

I trust that Government may be pleased to favourably consider the suggestion.

NOTES.

mis.
Notes to Geo. No 215, vol. 8678/12

Ans. 90.
Note 215 EM
6-3-12

Legislative DEPARTMENT.

C.No. 360 From the Honble Mr. Kesava Pillai No. , dated 20. 2. 1900.

SUBJECT. Resolution ^{for permitting} ~~by~~ ^{of} ~~metropolitans~~ ^{metropolitans} appearing for the Junivil Judicial Test.

Two copies of the Resolution may be forwarded to the Educational Department for the necessary action. The question of admission also will be settled in that department.

2. The Honble Mr. Kesava Pillai has already been requested to postpone the moving of his resolutions to a later meeting, the Budget meeting.

Ver. 22-2-10

22.3.10

22/2 Ed. No.

Ed. No.

Will Ed. please take orders as to the admission of this Res.? If admitted Mr. Kesava Pillai will be asked to postpone the moving of it till the Budget Meeting in April in accordance with Mr. Kesava's instructions in the note on his former Res.

Leg No 360-2
23.2.10

Ed. No.

23/2/10

Ed. C No. 365-
TR Res. 23.2.10

No. of the
particular Res. has
in print.
It is ordered that
Subsequent Res. on
motion of Mr. Kesava
should be
dealt with
in the same way
L. M. B.
17/2

The resolution does not appear to be quite correctly put. Some Matriculates may appear. Please note.

A.G.
24-2-10.

S
Article 4 of the Special Tests Notification specifies the general educational qualifications of persons to whom the various special tests shall be open.

S
2. Under Note ^{to} (2) of the above Article, the Criminal Judicial Tests, higher and lower grades, shall be open only to the following persons, namely:-

- (i) Candidates who have passed the First Examination in Arts of the Madras or Calcutta University.
- (ii) Students of the College of Agriculture who have passed the examination prescribed for admission to the College and have obtained the Diploma in Agriculture at the Government Technical Examinations; and
- (iii) Candidates who have passed either the Upper Secondary or the Matriculation Examination and have obtained the Diploma in Commerce at the Government Technical Examinations.

3. The following persons may also appear for the Criminal ^{Test} ~~Judicial~~ lower grade:-

(i)

Vide note (3) to

Art. 4 of the Spl.

Tests notifiⁿ. S

Note (4) do.

Page 7 of the Special
Tests notifiⁿ. S

(i) persons holding superior appointments in the Agency tracts of Ganjam, Vizagapatam and Godavari or in Coorg; for the purpose of qualifying themselves to hold any appointments in those tracts.

(ii) Sub-Inspectors and Head Constables of the City and District Police, who have passed the Upper Secondary or the Matriculation Examination provided that they produce in each case a certificate from the Commissioner of Police, Madras, or the Inspector General of Police, as the case may be, to the effect that they are deserving of the concession.

5. It will thus be seen that the Criminal Judicial tests are not open to candidates who have passed only the Matriculation Examination except in the cases above specified.

6. The rule prohibiting Matriculates from appearing for the Criminal Judicial test, lower grade, prevents them from rising to and holding any of the following posts, for which a pass in the Criminal Judicial test, lower, is a necessary qualification:-

- (1) Tahsildars (including Land Record Tahsildars).
- (2) Taluk Sarishtadars (when also Magistrates)
- (3) Deputy Tahsildars (including Stationary and Town Sub-Magistrates).
- (4) Sarishtadars and Head clerks of District Courts.

- (5) Police Inspectors (except Reserve Inspectors) and Managers and Accountants in District Police offices.
- (6) Criminal appeals clerk and Criminal Revision cases clerk in the High Court and
- (7) clerks on Rs.100 and upwards in the Chief Secretariat.

m

7. The rule prohibiting Matriculates from appearing for the Criminal Judicial test, lower grade, was laid down in paragraph 6 of G.O. No. 351 Educational, dated 20th June 1889 sanctioning the institution of the late Upper Secondary Examination and it came into force after the 31st December 1893. The Government then said

Do

"After the 31st December 1893, no candidate shall be admitted to the Revenue Test, Higher Grade, unless he has taken the degree of Bachelor in one of the Faculties of the University and no one shall be admitted to the Criminal Test, Lower Grade, who has not passed the F.A. Examination. By this means after an interval sufficiently long to give reasonable time to men now in the service to qualify, the post of Deputy Collector will be practically restricted to graduates, and those of Sub-Magistrate, Police Inspector, and Sheristadars and head writers in Courts to persons who have passed the F.A. Examination. Under these restrictions, His Excellency the Governor in Council has no doubt that the institution of the proposed new examination, and the removal of the Matriculation examination from the list of

"of those qualifying for superior service,
"will not in any degree diminish the number
"of candidates pursuing a course of collegiate
"instruction".

The rule was laid down as a safeguard
against the reduction of the incentives to
students to enter on and complete the University
course.

8. In this connection attention is invited
to Mr. Butterworth's note dated 7th April 1909
on page 5 of G.O. No.263 Educational, dated
1st May 1909 regarding the capabilities of
Matriculates.

T.K.
1-3-10.

K.R.
2-3-10.

For orders as to admission. The
resolution is not quite correctly framed.
Some Matriculates may ^{and} do appear for the Criminal
lower Special Test. But it is generally true that
the F.A. is the minimum qualification required
and the resolution may perhaps be admitted as
it stands.

A.G.
2-3-10.

Secretary.

Mr. The Governor

*The Resⁿ (May 4) at
Mr. Kesava Pillai proposes to move
may, I submit, be admitted.
He has expressed his willingness*

(Old papers had to
be obtained from
the Central Record
Office.)

T.K.
1-3-10.

I did not want all
the above and regret
I did not recollect
office was detaining
the file.

A.G.
1-3-10.

RECEIVED
AND LEG. SEPT.
No. 2

Play C.

to postpone the meeting of it &
the Budget meeting on April 5th.

Leak
2/3/10

May be admitted for meeting of 5.4.10 3.3.10

Legth 40.

Leak
3/3/10

3/3/10

Key
Please take copy +
return file to
W.R.

Edl 4.0 365-1
3/3/10

5/3/10

Copy taken at
CNS
4/3/10

W.R.

The file is resubmitted for the further consideration of the proposed resolution, which is to be moved on the 5th April next.

2. The Hon'ble L.C.M's proposal is that the rules prohibiting Matriculates from appearing for the Criminal Judicial Test, lower grade should be rescinded. The object of the proposal is stated by the Hon'ble Legislative Council Member in the following terms:-

"There are many worthy and good men in the
"public service who suffer by this
"prohibition. They cannot get promo-
"tion even in the ministerial line.
"Many a Matriculate has risen to the
"top of the ladder by force of
"character and ability, and rendered
"signal service to the State and the
"people. The present generation has
"no such hope. So many restrictions
"are placed in their way now.

"And yet by the modification I
"have suggested, some satisfaction
"will be derived by hard-worked
"men. If need be, 3 or 5 years of
"approved service may be counted to
"qualify a matriculate to appear
"for the examination."

3. The total number of appointments for which Criminal Judicial test, Higher Grade, is prescribed as a qualification is ~~only~~ 89 as follows:-

Deputy

Vidhi D.O. sup. 2
of 4.

Page 28 of the C.B.E. for 1910-11.

Page 32 of the C.B.E. for 1910-11.

Of p. 7 of the special test notification - S; also para. 6 of office note on pages 2 & 3 supra

* Page 32 of the C.B.E. for 1910-11.
also 1. D. Tahs. - page 44 of C.B.E. for 1910-11.

Page 84 - do - do -

(X) Sd. Sub. mag. 128 - page 91 of C.B.E.
Sub. mag. 12 - " 92 - do -

§ Page 103 to 111 of C.B.E. for 1910-11.

Page 109 of C.B.E. for 1910-11.

* The posts of clerks on Rs 100 pm. upwards are omitted, as only graduates are employed in the Secretariat

Deputy Collectors	82 ✓
(Presidency Magistrates' Courts	2 ✓
(Office of the Inspector-General of Police	1 ✓
Managers (--do-- Commissioner of Police	1 ✓
(--do-- D.I.G. of Police	1 ✓
Accountants, Presidency Magistrates' Courts	2 ✓
Total	89 ✓

4. The total number of appointments for which the Criminal Judicial Test, Lower Grade, is a qualification is ⁹²²~~1051~~ as follows:-

Tahsildars	163 ✓
Land Record Tahsildars	20 ✓
* Taluk Sarishtadars (who are magistrates)	35 ✓ X
* Deputy Tahsildars	156 ✓
⊗ Stationary and Town Sub-Magistrates	140 ✓
Sarishtadars, District Courts	21 ✓
Head clerks --do--	21 ✓
§ Police Inspectors	316 ✓
Managers of District Police offices	24 ✓
Accountants --do--	24 ✓
Clerks in the High Court	2 ✓
Total	922 ✓

The total number of appointments requiring Criminal Judicial test, Higher or Lower grade, is ⁹²²~~1051~~ + 89 of ¹⁰¹¹~~1140~~.

5. The following statement gives the number of candidates who passed the First Examination in

in Arts and the B.A. degree (English) examination of the Madras University during the last four years:-

Year.	F.A.	B.A. (English)	Total.
1904-5	980 ✓	510 ✓	1,490 ✓
1905-6	680 ✓	412 ✓	1,092 ✓
1906-7	771 ✓	641 ✓	1,412 ✓
1907-08	1087 ✓	488 ✓	1,575 ✓
<i>190-2</i>	<i>6</i>	<i>6</i>	<i>8</i>

6. It is not possible to find out how many matriculates there are in the public service, and how many of them actually suffer by the present rule prohibiting them from appearing for the Criminal test. There is at present a copious supply of men of higher ^{general} educational qualifications than Matriculation for vacancies in the public service, and as a matter of fact the supply is very much larger than the demand. It would certainly be unfair on those who take the trouble to attain high educational qualifications, if men of admittedly inferior qualifications are permitted to go up for these special tests. In cases, where a matriculate of exceptional merit is debarred from promotion to higher posts, ^{for} which he would, but for the rule under reference, be eligible, the head of the office concerned usually applies for his special exemption from the operation of the rule or from passing the test itself. It is, no doubt true that the Government ^{do not generally} look upon such applications with ^{favour} ~~jealousy~~ and ^{sparingly} ~~grant~~ them, but there seems to be no justification whatever for a general ^{relaxation} ~~restriction~~ of the rule as suggested by the Hon'ble Legislative Council

Council member.

2/5 Edd.

6/3/12

Sec 4

200
9-3-1014
10/3

Please examine the figure 164
again. There are not 164 Taluk

Shari'atda Magist surul?

A Taluk Head Accountant is not

required to have passed Crim' Court
unless he is also a Magist.

Lub

14-3-10

It is submitted that the figure 164 represents the
total number of Taluk Sheristadars and Taluk Head
Accountants and the figure was adopted in the State
-ment on page 7 Supra as no definite information
was available regarding the number of Taluk Sheris-
-tadars exercising magisterial functions. In the
Civil Budget Estimate for 1910-11 the number and
pay of Taluk Sheristadars and Head Accountants
are given as follows: -

35 on Rs 60, 128 on Rs 50 and 1 on Rs 40.

Of these, those on Rs 60 are Taluk Sheristadars and
all of them seem to be "3rd class magistrates,
ex officio". The number of Taluk Sheristadars who
are also magistrates may thus be taken as 35. The
necessary

Cf. note (2) to para. 2 of B.S.O.
No. 140.

necessary alterations have now been made in the statement on page 7 Supra.

See

PR
16.3.10

16.3.10

17/13

HM.

The policy of restricting the special Ist & Graduate or F.A.s was first applied in 1884 to the Rev. H. Ist and it said to have had a marked effect in raising the no. of candidates proceeding to the F.A. exam.

When the Upper Sec. Exam. was introduced in 1889 it was apprehended that it might have a prejudicial effect on Univ. Ed. and accordingly the policy of 1884 was repeated & the Crim. Ist. was closed to Matriculate with effect from 1893. The period of grace was subsequently extended to 1896.

It would thus appear that the primary object of the restriction was to maintain the number of Univ. Students. The result has also been a steady improvement in the general educational

CIRCULATED IN EDL.
AND LEG. DEPT.

16.3.10

In the case of persons
Coming from the Ceded Dist.
& H. Circars

attainment of men ^{admitted to} the Superior
Grades of the Public Service.

In D.S.O. 138 (iii) it was laid
down in 1893 that persons recommended
for the post of "Act" or "Asst Act" must
show either be graduates or have
passed one of the principal Sst Acts in
the 1st grade. If a Civil recommended
a Matric. he had to furnish a
special certificate that the interest
of "Admin" was distinctly promoted
by the appt. of the person recommended.

Unless then this salutary rule
is also to be abrogated the acceptance
of the Re^l proposed for the M. would
not advantage the Matriculate in any
way as he would still be debased
from the bulk of the appts. for which a pass
in the Civil Ex^{am} is required.

We should simply have a large
number in the number of candidates
sitting for the examⁿ.

The only thing that can be said for
the H.M. Ex^{am} is that it would
encourage the Matriculate to hope that
he might be the exception to whom the Civil
Ex^{am} give the special certificate and it
might prove as an incentive to him

to do better work.

At the same time it might have a prejudicial effect on University Education which Govt. are not supposed nowadays to care much about; in opposing the Res. Govt. are therefore upholding the interests of higher Education -

The need for better educated men in the Police Dept. grade, the only large class of servants who are required to pass the Cr. L. Test has been too often drowned in the ears of Govt. to need labouring any further.

Cases of exceptional merit or cases of special hardship are dealt with on their merits, and heads of Dept. are not as a rule at all backward in supporting & submitting to the favourable order of Govt. the appointments of some clerk who tho. not possessing the requisite Ed. Qualification considers himself fit for higher things.

The Revolution must be opposed.
And the reasons for doing so are

L.M.B.
18/3/10

given in this note - They are
 sufficient - Please have this file
 ready & put up two days before
 the meeting. It is a matter of
 supply for me to deal with as
 in charge of Public. My Hon
 Colleague had better see his
 papers.

19th Jan. 10

The Hon. Mr. Atherton C.S.

CIRCULATED IN EDL.
 AND LEG. DEPT.

Not Ordinary
 Not Confidential No. 66

L.M.B.
 21/3/10

Mr. Wynd's note lays stress
 on the beneficial effects produced
 by the rule on the cause of University
 Education. It seems to me that
 by far the most important effect of
 the rule lies in its ^{relation to} ~~effect on~~ the
 public service, in that it tends to
 secure men possessed of higher
 general educational qualifications
 for the very important posts of
 Magistrates, Police Inspectors &c.
 Mr. Kesava Pillai thinks only of the
 Matriculates, & not of the administrators.

tion of justice. he w^d sacrifice the interests of the general public to those of a small class. The resolution is a piece of weak kneed favoritism.

Dec 21.3.10

Put up again on April 2nd please
Lunt
22/10/10

The papers may be 'Dosed' pending receipt of the official Communication which the Hon. L.C.M. has promised on the subject.

RD
2.4.10

Has now been withdrawn?
Ans 14

Keep file intact

RD
14

Submitted that these papers may be recorded + brought on the index for future reference

3

(Printed for Record) Order
Mis 215 8 6 3.12
Recorded.

My was this bottle up
tell now?

PTD
4.3.12

WMS
5/3/12

Re
5.3.12

No action was necessary on this file & it was kept intact under Mr. Rangaswami aiyangar's instructions above. Instead of putting away the papers in the 'dosed' bundle it seems better to print the notes for future reference. Hence P.T.O.

it is proposed to record them now.

OPD
5.3.12 Rg
5.3.12