

Government of Madras.

EDUCATIONAL DEPARTMENT.

Recd.

Regd.

} 1913.

Enclosures

Spare copies

G.O. No. 527, 6th June 1913.

Remuneration.

Permitting Mr. J. R. Henderson, Superintendent, Government Museum, to accept the appointment of Acting Secretary to the Victoria Technical Institute, Madras, and to receive a — of Rs. 200 a month from the council of the Institute during the time he holds it.

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GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

READ—the following papers :—

I

Letter—from J. R. HENDERSON, Esq., M.B., C.M., F.L.S., Superintendent, Government Museum.

To—the Secretary to Government, Educational Department.

Dated—Madras, the 26th February 1913.

No.—149.

Referring to G.O. No. 107, Educational, dated 22nd February 1911, I have the honour to request that Government will be pleased to allow me to accept the appointment of Acting Secretary to the Victoria Technical Institute, Madras, from about the 22nd of next month, and to receive a remuneration therefor of Rs. 200 per mensem.

The work of the institute can be carried out without detriment to my official duties.

II

Letter—from J. R. HENDERSON, Esq., M.B., C.M., F.L.S., Superintendent, Government Museum.

To—the Secretary to Government, Educational Department.

Dated—Madras, the 24th March 1913.

No.—237.

In continuation of my letter No. 149, dated 26th February 1913, I have the honour to report that I have assumed charge of the office of Acting Secretary to the Victoria Technical Institute, Madras, on the 22nd instant in anticipation of the sanction of Government.

Order—No. 527, Educational, dated 6th June 1913.

The Government are pleased to permit Mr. J. R. Henderson, Superintendent, Government Museum, to accept the appointment of Acting Secretary to the Victoria Technical Institute, Madras, and to receive a remuneration of Rs. 200 a month from the council of the Institute during the period he holds it.

(True Extract.)

W. FRANCIS,

Ag. Secretary to Government.

To the Superintendent, Government Museum.

" Accountant-General.

" Financial Department, with copy of notes (in print).

NOTES CONNECTED WITH G.O. No. 527, EDUCATIONAL, DATED 6TH JUNE 1913.

[SUBJECT.—Requesting sanction for the acceptance of a remuneration of Rs. 200 from the Council of the Victoria Technical Institute for doing duties of Secretary to the Institute].

From the Superintendent, Government Museum, No. 149, dated 26th February 1913.

Please see G.O. No. 624, Educational, dated 6th September 1911, and the notes connected with it. In this order Mr. Henderson was permitted as a purely temporary measure to accept a remuneration of Rs. 200 for performing the duties of Secretary to the Victoria Technical Institute. When Mr. Henderson went on leave in May last Mr. Badcock was appointed Secretary to the Institute. Mr. Badcock has been

G.O. No. 786, Public, dated 28th June 1912. granted leave out of India for three months in continuation of the ensuing summer vacation of the Medical College and the council of the Victoria Technical Institute proposes to appoint Mr. Henderson as acting Secretary. Mr.

G.O. No. 1577, Public, dated 23rd December 1912.

Henderson requests that he may be permitted to accept the appointment and to receive the remuneration of Rs. 200 per mensem attached to it. For orders whether Mr. Henderson may be permitted to accept the appointment. He says that the work of the Institute can be carried on without detriment to his official duties. Under paragraph IV (3) of the Resolution

Page 4 of G.O. No. 479, Financial, dated 2nd August 1912.

of the Government of India, Finance Department, No. 249 E. A., dated 15th July 1912, this Government can sanction the acceptance of the remuneration.

S.K.—7-3-13.

It is not however clear whether a recurring fee or honorarium is within the competence of the local Government to sanction. It is not known how long the acting appointment will last, whether Dr. Henderson's services are required only till the return of Mr. Badcock from leave. Financial may perhaps be consulted as to whether the resolution of the Government of India quoted above admits of the local Government's sanctioning the acceptance of the fee in the present case.

C. RAMANUJACHARI—15-3-13.

Will Financial kindly say if there is any technical objection to the grant of sanction for the receipt of Rs. 200 per mensem by Dr. Henderson during the temporary absence of Mr. Badcock, the Secretary of the Victoria Technical Institute.

L. DAVIDSON—17-3-13.

To the Financial Department.

FINANCIAL DEPARTMENT.

Rule XXXVIII of the Correspondence Rules.

The application should under standing rules have come through the Accountant-General.

2. Under rule IV (2) of the rules issued with the Government of India, Finance

Page 4 of G.O. No. 479, Financial, dated 2nd August 1912.

department, Resolution No. 249 E.A., dated 15th July 1912, the Local government have the power to approve the grant of an honorarium not exceeding Rs. 500 in each case to an officer from general

revenues, or from a local fund; or from the revenues of a Native State, but this rule applies to single payments only and a recurring honorarium or reward or fee requires the same sanction as an increase of remuneration.

Note 1 under the rule.

3 It will appear from the Educational department note above that Dr. Henderson is to act as Secretary to the Victoria Technical Institute in the place of Mr. Badcock who goes on three months' leave in continuation of the ensuing summer vacation of the Medical College and the remuneration of Rs. 200 to be paid to Dr. Henderson will therefore be in the nature of a recurring fee or honorarium. As Dr. Henderson's pay as Superintendent of the Government Museum is Rs. 500—50—800 per mensem, the grant of a recurring remuneration of Rs. 200 cannot under rules II and IV of the rules issued with Government of India Resolution No. 249 E.A., dated 15th July 1912, be sanctioned without the authority of that Government.

Paragraph 1 of G.O. No. 173, Educational, dated 24th March 1911 and paragraph 2 of Revenue Department note, dated 10th June 1911, on page 1 of notes to G.O. No. 624, Educational, dated 6th September 1911.

Pages 3 and 4 of G.O. No. 479, Financial, dated 2nd August 1912.

4. With the above remarks the file may, it is submitted, be returned to Educational.

C.K.—19-3-13.

P.G.—19-3-13.

If the Institute decided to give Dr. Henderson a lump sum of Rs. 500 we could sanction his taking it.

C. REILLY—20-3-13.

A. G. CARDEW—21-3-13.

To the Educational Department.

EDUCATIONAL DEPARTMENT.

From the Superintendent, Government Museum, No. 237, dated 24th March 1913.

Mr. Henderson has since reported that he assumed charge of office of the Secretary to the Victoria Technical Institute on the 22nd instant. The vacation of the Medical College lasts for three months from the 1st April. Mr. Badcock is expected to return from leave by the 1st of October. The sanction of the Government of India may be applied for to the acceptance of remuneration by Mr. Henderson from the 22nd March till the return of Mr. Badcock from leave.

2. A draft order and letter are both submitted for approval. They may be sent to the Revenue Department for acceptance.

S.K.—28-3-13.

It is submitted that the Financial note deals with paragraph IV (2) of the Government of India's resolution which refers to payment of honorarium from general revenues, local funds or from revenues of Native States; while the payment of remuneration from *private bodies* is dealt with in paragraph IV (3) of the Resolution, in respect of which Provincial Governments are given "*full powers*." The definition of "honorarium" appears in this resolution and in the Civil Service Regulations only under the former, and not under the latter. Note to article 74 (c) speaks of fees for private tuition work which in their nature should be ordinarily recurring. In these circumstances it is for consideration whether the advice of Financial to address India should be accepted.

As the period of acting appointment would in the least be for six months (three months vacation and three months leave) the total emoluments for the acting period will be not less than Rs. 1,200. The Government cannot therefore bring down the total amount of remuneration to Rs. 500, even should it be thought that by so limiting the emoluments the matter could be brought within the sanctioning powers of the local Government.

In a recent case in which it is proposed to permit Mr. James, Principal, College of Engineering, Madras, to act as Registrar of the Madras University for four months from 1st August 1913 and to draw an allowance of Rs. 400 per mensem from the University, the Accountant-General has observed that it is within the competence of Government to sanction the acceptance of remuneration under article 74 (c) of the Civil Service Regulations. A copy of the Accountant-General's endorsement in that case is submitted. The present case seems to be similar to that.

In these circumstances it is for consideration whether the Government of India should still be addressed for sanction. If it is considered so, the draft letter below is for approval. Perhaps the matter may again be referred to the Financial Department.

C. RAMANUJACHARI—5-4-13.

Yes: please; the aspect of the case brought out in this note does seem to require further examination.

L. DAVIDSON—7-4-13.

To the Financial Department.

FINANCIAL DEPARTMENT.

Please see paragraph 3 of the Financial department note, dated 19th March 1913, on pages 1 and 2 *ante* where it was pointed out that the grant of a recurring remuneration of Rs. 200 to Dr. Henderson from the funds of the Victoria Technical Institute could not under rules II and IV of the rules issued with the Government of India Resolution No. 249 E.A., dated 15th July 1912, be sanctioned without the authority of that Government.

2. Rule II (1) of the above rules runs as follows:—

"Without the authority of the Government of India no appointment may be created which would ordinarily be held by a gazetted civil officer recruited in England or by an officer of an Imperial service as defined in article 29-B, Civil Service Regulations, the pay of no such appointment or officer may be raised; and no addition may be made, by the grant of allowances of any kind (whether included or not in the definition of remuneration) to the emoluments of such an appointment or of such an officer."

Dr. Henderson is an officer of the Imperial service as defined in article 29-B of the Civil Service Regulations and the view was accordingly taken in the Financial department office note, dated 19th March 1913, that the proposed grant from the institute funds of a recurring honorarium of Rs. 200, which is in the nature of an allowance, was an addition to his emoluments requiring the authority of the Government of India.

3. The Educational department now point out that the Victoria Technical Institute is a private body and that in respect of a remuneration from its funds the Local Government have full powers under rule IV (3) of the rules issued with the Government of India Resolution No. 249 E.A., dated 15th July 1912.

Page 4 of G.O. No. 479, Financial, dated 2nd August 1912.

4. It is however submitted that these powers appear to be subject to the limitations imposed by rule II (1) of the above rules whereby no allowance of any kind can be granted to an officer of an Imperial service as defined in article 29-B of the Civil Service Regulations without the authority of the Government of India. It does not appear that the expression "allowances of any kind" as used therein is intended to exclude remunerations from private bodies. It means any allowance whether included or not in the definition of "remuneration" given in rule I of the rules referred to and should apparently be held to cover the remunerations from private bodies also. If, however, it is considered that the expression means only those allowances paid from general revenues or from local funds administered by Government, the sanction of the Government of India to the proposed remuneration from the funds of the Victoria Technical Institute does not appear to be necessary.

See last clause in rule II (1) on page 3 of G.O. No. 479, Financial, dated 2nd August 1912.

Rule IV (3) on page 4 of G.O. No. 479, Financial, dated 2nd August 1912.

5. It is also submitted that the case of Mr. W. H. James, Principal of the Engineering College, to whom it is proposed to grant an allowance of Rs. 400 from the funds of the Madras University during the period he acts as Registrar quoted by the Educational department is not, as pointed out in the Financial department notes on that case, on all fours with the present case.

6. As pointed out in paragraph 1 of the Financial office note, dated 19th March 1913, on page 1 *supra* this case should have come to Government through the Accountant-General.

The Accountant-General may be consulted now.

C.K.—24-4-13.

T.H.R.—24-4-13.

The Accountant-General may be consulted *u.o.*

C. REILLY—28-4-13.

A. G. CARDEW—29-4-13.

To the Accountant-General.

ACCOUNTANT-GENERAL'S OFFICE.

The case falls under rule IV (3) of the rules issued with Government of India Resolution No. 249 E.A., dated 15th July 1912, and the Local Government has full powers to sanction the acceptance of the remuneration of Rs. 200 per mensem in question by Dr. Henderson.

K. L. DATT.

To the Financial Department.

FINANCIAL DEPARTMENT.

In view of the Accountant-General's remarks above, it does not appear to be necessary to address the Government of India to sanction the acceptance by Dr. Henderson of a remuneration of Rs. 200 a month from the Victoria Technical Institute during the period he acts as Secretary to that body. The file may, it is submitted, be returned to Educational with this information.

C.K.—13-5-13.

T.H.R.—13-5-13.

C. REILLY—16-5-13.

We had better ask for a copy of these notes and print them.

A. G. CARDEW—18-5-13.

To the Educational Department.

EDUCATIONAL DEPARTMENT.

A draft order is submitted for approval. If approved, it may be sent to Revenue for acceptance.

S.K.—21-5-13.

C. RAMANUJACHARI—22-5-13.

Mr. Henderson is at present a member of the Council of the Institute. Can he continue to hold this plus the secretaryship? Show Institute rules.

W. FRANCIS—23-5-13.

A copy of the report of the institute for 1907 is submitted. Pages 22 to 26 of the report contain the rules and regulations of the institute. The rules do not say anything about the question raised by the Secretary in his note above.

2. Mr. Henderson was appointed a member of the Council for three years in G.O. No. 107, Educational, dated 22nd February 1911. While being a member, he was, in G.O. No. 624, Educational, dated 6th September 1911, permitted to accept the office of acting Secretary to the Institute and this post he continued to hold till he went on leave in May 1912. Following this precedent he may, it is submitted, be permitted to accept the acting secretaryship in the present instance also.

Please see letter No. 561, Public, dated 10th May 1912.

S.K.—24-5-13.

C. RAMANUJACHARI—25-5-13.

Draft passed.

W. FRANCIS—26-5-13.

To the Revenue Department for acceptance.

REVENUE DEPARTMENT.

The report of 1911 which is the latest available is put up. The memorandum of association printed at the end of the report does not say whether a member of the Council of the Institute may hold the post of Secretary to the Council or not. Evidently there is no objection to such a course. Mr. John Adam who was for a long time member of the Council of the Institute was also Secretary to the Council—*vide* pages 1 and 5 of the report of 1907.

2. The draft may be accepted in Revenue.

K.R.N.—28-5-13.

T.S.R.—29-5-13.

H. A. WATSON—30-5-13.

L. M. WYNCH—2-6-13.

To the Educational Department.

EDUCATIONAL DEPARTMENT.

Issue.

W. FRANCIS—5-6-13.

[G.O. No. 527, Educational, dated 5th June 1913.]

” ” ” ” ~~~~~ ” ” ” ”

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C. No. 605, From the SGT, No. 49, dated 26. 2. 1963.

" 1007, " 4, " 237, " 24. 3. 1900

No. 527807, dated 6. 6. 1903.

PS

The Govt are pleased to permit Mr J. R. Henderson, Superintendent, Govt Museum, ~~Bombay~~, to accept the appointment of acting Secretary to the Victoria Technical Institute, ^{Madras} and to receive a remuneration of Rs 200 a month from the Council of the Institute during the period he performs ^{duties} ~~as acting secretary~~.

8K
22/5/13

~~11/23/5~~

NA 2675

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The S.G.M. (S.H.)
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