

Government of Madras.

EDUCATIONAL DEPARTMENT.

Recd.

Regd.

} 1913.

Enclosures

Spare copies

G.O. No. 870, 20th September 1913.

Public Service and Special Tests Notifications.

Approving the proposal of the District Judge of Coimbatore to remove the Translation test, lower grade, in Canarese from the list of special tests prescribed for the translator of his court and requesting the Commissioner for Government Examinations to submit a draft of the consequential alterations to be made in the —.

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GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

Read—the following paper :—

Letter—from A. DAVIES, Esq., Deputy Registrar, High Court, Appellate Side.
To—the Secretary to Government, Educational Department.
Dated—the 29th August 1913.
No.—R. O. C. 2585/13.

I am directed to forward, for the consideration of His Excellency the Governor in Council, a copy of letter No. 7534, dated the 12th August 1913, from Mr. Moberly, the District Judge, Coimbatore, requesting the High Court to address Government to remove the test of Canarese Translation, lower grade, from the list of tests required to be passed by the translator of his court and to state that the Hon'ble the Chief Justice and the Judges support the District Judge's recommendation.

ENCLOSURE.

Letter—from the District Judge of Coimbatore.
To—the Registrar, High Court.
Dated—the 12th August 1913.
No.—7534.

With reference to paragraph 2 of my letter No. 5913, dated the 8th ultimo, I have the honour to state that, under the Public Service Notification revised up to 31st August 1912 and published as appendix I to the abstract of the rules relating to Public Service examinations in the Madras Presidency, the translator of this court is required to have passed the Translation test (higher grade) in Tamil and the Translation test (lower grade) in Canarese. The principal language of this district is Tamil, and it is certainly necessary that the translator should have passed the higher grade Translation test in this language. The test in the other language, Canarese, has apparently been prescribed because one of the taluks of this district, Kollegal, borders on Mysore and Canarese is the language spoken by a good number of people there.

2. The translator of this court has to interpret the evidence of the witnesses and the addresses of Judge and counsel to the jury or assessors in sessions trials and to translate documents for the use of the court. From the statement submitted herewith it will be noticed that on an average 1,097 witnesses were examined every year during the last ten years and that of these only twelve were persons who could speak Canarese only. During these ten years only one Canarese document was produced at the sessions. Again on the civil side, in suits and appeals and in original and other petitions, a large number of witnesses are examined; but I am informed that there were very few Canarese witnesses among them. There are some civil appeals from the District Munsif's Court of Kollegal. But most of the documents filed in these cases are in Tamil and whenever Canarese documents are produced in that court the parties have been required to produce Tamil translations along with them. Besides the court language in Kollegal is Tamil; and owing to long connection with this district, this taluk has become for all practical purposes a Tamil one. In the Revenue department I understand that none of the officers, from the revenue inspector upwards, is required to have any knowledge of Canarese before being posted to this taluk. During my nine months' stay in this district I have had only one sessions case before me in which three of the witnesses gave their evidence in Canarese, and I have had no difficulty in the matter of any Canarese documents whatever.

3. For about thirty years before 1899 the translator of this court was one K. Srinivasa Rao. The Special Test Notification referred to above did not apply to him, and he began service as translator and retired as such. After his retirement there was difficulty in finding a suitable man for the post. Though there was a clerk in the office qualified under the examination rules Mr. Hammett, who was then District Judge, had to appoint S. Appanna Mudaliyar who had not passed the test in Canarese so that he might have an efficient translator. Appanna Mudaliyar had to be temporarily exempted for three successive years. Eventually he was permanently exempted from passing this test and was confirmed as translator. In 1904 the post

again fell vacant owing to Appanna Mudaliyar's promotion. The then record-keeper T. Sama Rao was qualified under the examination rules, but he was unfit for the post as he was too old and nervous to interpret in court. So T. N. Venkatrama Ayyar, who had not passed the Translation test, lower, in Canarese, was appointed acting translator. He acted for two years after being twice exempted from passing the test. Then the Government refused to give him any further exemption; so Sama Rao, the record-keeper, had to be appointed translator and excused from doing his legitimate work, Venkatrama Ayyar doing duty as translator though his actual position in the office was that of record-keeper. Sama Rao retired in 1909, and Mr. Broadfoot appointed L. Narasinga Rao who was then a clerk on Rs. 25 as translator because he had passed in the Canarese test which Venkatrama Ayyar had not, though the latter, as appears from the correspondence in the office, was found to be an excellent translator by various Judges. In 1911 the present incumbent was appointed. He is a Tamilian, and, though he has passed the Canarese test, his knowledge of the language is not high and he cannot read Canarese manuscripts.

4. From a perusal of the correspondence in the office and from my own personal experience of this court's work, I am satisfied that this test should not be insisted upon. Since 1899 four men have been appointed permanently to the post of translator to this court. Of these one had to be permanently exempted from passing this test whilst another had to be excused from doing his work. The post had to be kept vacant for want of a duly qualified hand for five years, and all because the Public Service Notification requires that the translator of this court should have passed this test in addition to the Translation test (higher grade) in Tamil. With the exception of the present translator there is nobody on the Judicial establishment of this district at present who is qualified for the post; and during the last 2½ years there have been no less than four applications for temporary exemption from passing this test.

5. What is really wanted for this court is a good Tamil translator. Good translators of Tamil who also know Canarese do not appear to be easily procurable, and I agree with Mr. V. A. Brodie (vide his letter No. 1697, dated 22nd April 1904, to the High Court) that "really a knowledge of that language (Canarese) is . . . hardly necessary for the post, as 90 per cent. of the work is in Tamil and when a Canarese witness or paper comes up I have several Canarese speaking clerks who can act as translator for the occasion." Mr. Hammett expressed a similar opinion in his letter to the High Court No. 782, dated 19th August 1899. The High Court, in their order Dis No. 40, dated 7th January 1909, asked the then District Judge, Mr. Broadfoot, to report if the Canarese test was really necessary and suggested that "if the test was not really necessary it should be withdrawn, as to insist upon it only serves to restrict the area of selection which is not desirable." But Mr. Broadfoot reported that he could not recommend its withdrawal unless a monthly allowance was sanctioned for one of the clerks who may qualify in this language. I cannot agree with Mr. Broadfoot. Canarese-knowing clerks are always available to interpret the evidence of the very few witnesses that may have to be examined, and I do not think that they need be paid anything at all for their work.

6. The test is really unnecessary and ought to be withdrawn. It certainly restricts the area of selection; I therefore strongly recommend its withdrawal, and I request that the High Court may be pleased to move Government to remove the test from the list of tests to be passed by the translator of this court.

Sub-Enclosure.

STATEMENT showing the number of Tamil, Canarese and other witnesses examined and Canarese documents filed in the Sessions, Assistant and Additional Sessions Judges' Courts, Coimbatore, during the years 1903 to 1912.

Year.	Total number of witnesses.	Tamil witnesses.	Canarese witnesses.	Malayalam.	Others.	Canarese documents filed.
1903	748	729	19	..	..	..
1904	865	857	6	1	2 Hindustani	..
1905	771	750	13	0	2 Toda.	..
1906	1,203	1,196	4	3	..	..
1907	1,439	1,420	16	..	3 Telugu.	..
1908	1,458	1,449	9	..	..	..
1909	1,361	1,348	13	..	..	1
1910	890	873	16	..	1 Toda.	..
1911	1,063	1,065	18	..	..	..
1912	1,348	1,345	3	..	..	..
Total ..	10,967	10,834	117	10	8	1
Average ..	1,097	1,083	12	1	..	..

Order—No. 870, Educational, dated 20th September 1913.

The Government approve the proposal of the District Judge of Coimbatore to remove the Translation test, lower grade, in Canarese from the list of special tests prescribed for the translator of his court.

2. The Commissioner for Government Examinations is requested to submit a draft of the consequential alterations to be made in the Public Service and Special Tests Notifications.

(True Extract.)

W. FRANCIS,
Ag. Secretary to Government.

To the Honourable the Chief Justice (with C.L.).
" Commissioner for Government Examinations.
Copy to the Judicial Department.

NOTES CONNECTED WITH G.O. No. 870, EDUCATIONAL, DATED
20TH SEPTEMBER 1913.

[SUBJECT.—Regarding the rule that the Translation test, lower grade, in Canarese should be passed by the Translator in the District Court of Coimbatore.]

From the High Court, dated 29th August 1913, R.O.C. No. 2583.

The rule requiring that the Translator in the District Court of Coimbatore should pass the Translation test in Tamil and Canarese, the former in the higher and the latter in the lower grade has been in existence a long time; it appears in the Public Pages 30 and 39 of G.O. No. 317, dated 9th May 1894. Service and Special Tests Notifications issued with G.O. No. 317, Educational, dated 9th May 1894. Both Tamil and Canarese have been recognized as the vernacular languages of the Coimbatore district for the purposes of the Translation test, lower grade. The District Judge of Coimbatore points out that a knowledge of Canarese is not essential for holding the post of translator in his court and that there is considerable difficulty in securing the services of a candidate who knows both the languages and hence recommends that the Canarese test may be removed from the list of special tests to be passed by the translator of his court. The High Court recommends the proposal. It is for consideration whether the test may accordingly be removed. The Judicial Department may be consulted.

S.K.—14-9-13.

C. RAMANUJACHARI—14-9-13

C. S. ANANTARAM AIYAR—15-9-13.

To the Judicial Department

JUDICIAL DEPARTMENT.

Under Secretary -

Mr. Moberly's recommendation which has the support of the High Court may be approved in Judicial.

C. VENKATASUBBAYYA—16-9-13.

T. J. TASKER—17-9-13.

To the Educational Department.

EDUCATIONAL DEPARTMENT.

Draft accordingly.

W. FRANCIS—18-9-13.

A draft order is submitted for approval.

S.K.—18-9-13.

C. RAMANUJACHARI—18-9-13.

Approved.

W. FRANCIS—19-9-13.

[G.O. No. 870, Educational, dated 20th September 1913.]

READ ALSO:—

[illegible][illegible]

No. 87085, dated 20. 9. 1913

2. The Commission for Govt. Examinations is requested to submit a draft of the consequential alterations to be made in The Public Service & Special Tests Notification.

$$\frac{SK}{18/9/11^3} \cdot \frac{CR}{18 \cdot 9 \cdot 11}$$

The Honble. the Chief Justice
C.G.E. (4) with Ch.

11 Copy to the JWC Dept.

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G.O. No. 876, dated 28/12/1913 ..

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Brief subject. Public Service & Special Tests
Notifications

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