

# Government of Madras.

EDUCATIONAL DEPARTMENT.

*Recd.*

*Regd.*

} 1916.

*Enclosures*

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G.O. No. 67, 22nd January 1916

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## Code of Regulations for European schools.

Relieving District Magistrates of the duty of recording personally the evidence in enquiries prior to the grant of destitution certificates under the —, and directing that the certificates should, however, continue to be signed by District Magistrates in person and based on a careful scrutiny of the evidence recorded by Magistrates of the first class and requesting the Director of Public Instruction to submit revised forms of destitution certificates.

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GOVERNMENT OF MADRAS.  
EDUCATIONAL DEPARTMENT.

READ—the following papers:—

I

**G.O. No. 66, Educational, dated 25th January 1912.**

ABSTRACT.—Issuing certain instructions to the Chief Presidency Magistrate, Madras, and all District and Cantonment Magistrates to adopt a prescribed form when granting certificates of destitution to European pupils under the Code of Regulations for European schools.

II

*Letter*—from F. J. RICHARDS, Esq., I.C.S., District Magistrate of North Arcot.  
*To*—the Secretary to Government, Educational Department.  
*Dated*—Vellore, the 16th December 1915.  
*No.*—Cur. 2094-Magl.

I have the honour to request that the terms of destitution certificate forms (1) and (2) printed in page 5 of G.O. No. 66, Educational, dated 25th January 1912, may be so modified as to relieve District Magistrates of the obligation of recording evidence personally in such trivial investigations. The obligations implied in these forms exceed, I submit, the requirements of the Director of Public Instruction himself in paragraph 3 of his letter on pages 3 and 4 and I find nowhere on record any specific order that *District Magistrates* should record such evidence. I doubt whether it was the intention either of Government or of the Director of Public Instruction that District Magistrates who have far more important duties to attend to, should spend time in personally recording evidence, which could much more conveniently and quite as reliably, be recorded by Sub-Divisional Magistrates or even Subordinate Magistrates of the second class. I would respectfully submit that a Magistrate who cannot be trusted to carry out such an investigation is hardly fit to be entrusted with first-class powers. Though the carrying out of such investigations is not in itself a difficult or lengthy task, I find that the time spent on them seriously interferes with my more important duties.

**Order—No. 67, Educational, dated 22nd January 1916.**

In consideration of the interference with more important duties which is involved as a result of the personal recording of evidence in enquiries prior to the grant of destitution certificates, the Government are prepared to allow the evidence to be recorded by Magistrates of the first class. These certificates will continue, however, to be signed by District Magistrates in person and must be based on a careful scrutiny of the evidence so recorded.

2. This order will be experimental in the first instance. The Director of Public Instruction will be requested to bring to the notice of Government any cases which in his opinion show a tendency to take undue advantage of the provisions of the Code of Regulations for European schools.

He will further be requested to submit revised forms of destitution certificates to be substituted for those approved in G.O. No. 66, Educational, dated the 25th January 1912.

(True Extract.)

P. RAJAGOPALA ACHARIYAR,  
*Secretary to Government.*

To the District Magistrate of North Arcot.  
„ all other District Magistrates (including Anjengo) and  
Cantonment Magistrates.  
„ the Chief Presidency Magistrate, Madras.  
„ the Director of Public Instruction.  
„ the Judicial Department.

EDUCATIONAL DEPARTMENT.

NOTES CONNECTED WITH G.O. No. 67, EDUCATIONAL, DATED  
THE 22ND JANUARY 1916

[SUBJECT.—*Extract from the notes connected with G.O. Mis. No. 1446, Educational, dated the 21st December 1915, regarding the definition of the term "European" in rule 2 of the Code of Regulations for European Schools.*]

\* \* \* \* \*

Permission to make enquiries through a subordinate should be given not only to him,\* but to all certifying officers. On this subject Sir George Forbes wrote: "The 'District Magistrate' represents an organization. He can certify as he does in a hundred cases every week, only to the best of his belief after proper enquiry, through such agency as he can officially command" (G.O. No. 200, dated 30th March 1909), page 2 notes. This note seems to have been lost sight of when the forms of certificate at page 5 of G.O. No. 66, Educational, dated 25th January 1912, were passed, for they specifically require that the District Magistrate should have *personally* taken evidence. The forms may be amended.

C. G. TODHUNTER—1-12-15.

\* \* \* \* \*

The question of the amendment of our forms seems not to arise out of this reference and should be separately considered.

(By Order.)

T. E. MOIR—4-12-15.

Raise the question of the form of certificate on a separate file at once.

C.G.T.—9-12-15.

The question of drawing up the forms under reference was for the first time raised by the Director of Public Instruction in paragraph 3 of his letter on page 4 of G.O. No. 432, Educational, dated 3rd July 1911, and approved by Government in paragraph 2 of that Government Order. In that connection the Secretary (the

† Not only into the parentage. His proposal contemplated also an enquiry into the amount the parent could contribute.

C.G.T.—13-12-15.

Hon'ble Mr. Davidson) noted that the enquiry into the parentage† of a child meant some trouble to magistrates, but that it ought to be insisted on. He added that the investigation the magistrates were then making was probably not as thorough as it might, and ought to, be.

2. The forms were drawn up by the Director of Public Instruction and the word "personally" was put in by him. Before the forms are amended the notes may be sent to him u.o. for remarks as to whether it may be expressly provided in them that the magistrates will be permitted to make enquiries through a subordinate. If he agrees, he may be requested also to suggest the manner in which the forms may, in his opinion, be suitably amended.

P.R.—13-12-15.

T.K.—13-12-15.

Will the Director of Public Instruction please advise?

The enquiry into the parentage of applicants for destitute certificates is a matter of no more importance than hundreds of others which a District Magistrate has done for him by his Divisional Officers.

I tried to raise the question indirectly by touching the pocket of Government in my letter in G.O. No. 733, dated 23rd June 1914, but I see now that the reference was too indirect. I expected the answer that the enquiries should be made by some one on the spot, but I received the reply that I might pay the expenses of the witnesses.

C. G. TODHUNTER—13-12-15.

*To the Director of Public Instruction.*

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OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION.

I presume the District Magistrate would bring more knowledge and impartiality to bear on these questions than his subordinates. An Anglo-Indian Deputy Collector for instance would be likely to be too easily satisfied and an Indian too unsympathetic. The total grants under articles 40—42 have now reached Rs. 1,20,000 and each accepted applicant costs the State at least Rs. 100 per annum. I should certainly prefer the form of certificate to remain unchanged but I have no means of forming an opinion as to the relative importance of this particular kind of magisterial work.

I have often wished for a better definition of European, e.g., possession of a European (in the strict sense) grandparent but have not hit on any that would not exclude many cases which the code should include.

J. H. STONE—19-12-15.

*To the Educational Department.*

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EDUCATIONAL DEPARTMENT.

In view of the Director's preference to leave the forms unchanged, it is for consideration whether the question of their modification may be dropped.

P.R.—20-12-15.

T.K.—20-12-15.

I don't think the Director of Public Instruction has quite understood my proposal. I am not suggesting that the Divisional Officer should grant the certificate, only that he should record the evidence on which the District Magistrate is to frame his decision. This is clearly what Sir George Forbes intended (vide page 1 above) and what is commonly done. The requirement that the District Magistrate must *personally* record the evidence is merely a tax on the possession of a conscience. It also causes great inconvenience, when the District Magistrate has one. The witnesses are, from the circumstances of the case, destitute or nearly so and they have either to be dragged up from remote parts of the district on a travelling allowance which does not feed them or the District Magistrate has to put aside important work to investigate the parentage of, say, the son of a lighthouse keeper, 35 miles of road from the nearest railway station. I would suggest to the Director of Public Instruction that it is sufficient for the Divisional Magistrate to record the evidence and report if the District Magistrate retains the duty of granting or refusing the certificate.

C.G.T.—21-12-15.

*To the Director of Public Instruction.*

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OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION.

I still think that there is an advantage in the District Magistrate himself seeing the people concerned in these cases, but it is a question of relative importance and if Government consider that this is not great enough to justify the retention of the present provision, I do not wish to press it further.

J. H. STONE—24-12-15.

*To the Educational Department.*

EDUCATIONAL DEPARTMENT.

Submitted for orders. A communication on the same subject received from the District Magistrate of North Arcot will be found in the current file.

P.R.—3-1-16.

T.K.—3-1-16.

Submitted to His Excellency the Governor for orders.

C. G. TODHUNTER—5-1-16.

The Director of Public Instruction does not press. This change may be tried experimentally: and the financial consequences may be watched

P[ENTLAND]—8-1-16.

A draft order is submitted for approval. If approved it may be forwarded to the Judicial Department for acceptance.

P.R.—10-1-16.

T.K.—10-1-16.

C.G.T.—12-1-16.

*To the Judicial Department.*

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JUDICIAL DEPARTMENT.

Draft may be accepted in this department.

A.K.K.—15-1-16.

R. H. COURTENAY—18-1-16.

*To the Educational Department.*

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EDUCATIONAL DEPARTMENT.

Submitted that the draft may now issue.

T.K.—20-1-16.

Issue.

C.G.T.—21-1-16.

[G.O. No. 67, Educational, dated the 22nd January 1916.]

Issuing certain instructions to the Chief British  
Magistrate, and all District and Cantonment  
Magistrates to adopt a prescribed form when granting  
certificates of destitution to European pupils under  
the Code of Regulations for European  
schools.

Educational Department.

Read again G.O.No.66 Edl., dated 25--1--1912.

Read also C.No.4520 Edl., from the District Magistrate of North Arcot, No.2094,  
dated 16-12-1915.

ORDER:  
P.S.

No. 67 Edl 22-1-16

In consideration of the interference

with more important duties which is

involved as a result of the personal

recording of evidence in enquiries prior

to the grant of ~~destitution~~ certificates

the Government are prepared to allow the

evidence to be recorded by magistrates of

the first class. These certificates

will continue, however, to be signed by

District Magistrates in person and must

be based on a careful scrutiny of the

evidence so recorded.

2. This order will be experimental in

the first instance. The Director of

Public Instruction will be requested to

bring to the notice of Government any

cases in which in his opinion ~~certifi-~~

~~cates~~ are improperly granted.

Phow

/a tendency to take undue  
advantage of the provisions  
of the Code of Regulations for  
European schools

He will further be requested to submit revised forms of ~~destitution~~ certificates to be substituted for those approved in G.O. No.66 Edl., dated the 25th January 1912.

8  
12.1.16.

To the District Magistrate of North Arcot. ✓  
(including Anjengo) ✓  
all other District Magistrates and Cantonment Magistrates.  
the Chief Presidency Magistrate, Madras. ✓  
the Director of Public Instruction. ✓  
the Judicial Department. ✓

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SPECIAL INSTRUCTIONS.

*Code of Regulations for European schools.*

Relieving the magistrates of the duty of recording personally the evidence in enquiries prior to the grant of destitution certificates.

*Submitting that the certificates under the should, however, be signed by the magistrates in person and made based on a careful scrutiny of the evidence recorded by magistrates of the district.*

*Submit revised forms of destitution certificates*

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