

10-1-96.
Educational (1906) Department.

ORDINARY PRINTED.

G.O., No. 498

DATED 26.7.06

N. P.

[Despatch Abstract.]

Remuneration. Permitting the acceptance by Mr Stone of a sum of £90 offered by Messrs J. Nelson & Sons, Edinburgh, for preparing three English books, & directing that officers of the Red Dept should not undertake editing work of the kind without the permission of the O.D. & the

BACK PAPERS.

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

FURTHER PAPERS.

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

Government of Madras.

EDUCATIONAL DEPARTMENT.

Recd.

Regd.

} 1906.

Enclosures

Spare copies

G.O., No. 498, 26th July 1906.

Editing of Books by Educational Officers.

Permitting the acceptance by Mr. Stone of a sum of £90 offered by Messrs. T. Nelson & Sons, Edinburgh, for preparing three English Reading books; and directing that officers of the Educational Department should not undertake editing work of this nature without the permission of the Director of Public Instruction and the Government.

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

READ—the following paper :—

Letter—from the Hon'ble Mr. A. G. BOURNE, D.Sc., F.R.S., Director of Public Instruction.

To—the Secretary to Government, Educational Department.

Dated—Ootacamund, the 20th June 1906.

No.—Cl. 27.

I have the honour to submit the enclosed letter from Mr. Stone and to request the permission of Government to the acceptance by him of £90 from Messrs. T. Nelson & Sons, Edinburgh, for preparing three English Reading books.

2. In this office letter, Ref. on Cl. No. 33, dated 16th April 1902, the Director requested sanction to the acceptance by Mr. Stone of a share of the profits on certain books revised by him. This revision was stated to have been carried out at the request of a previous Director. The letter was recorded in G.O., No. 260, Educational, dated 2nd May 1902. The final reply was contained in Letter No. 99, dated 23rd September 1902, and was to the effect that the consent of Government was not required.

3. There has been some doubt in this office since then as to how far a precedent was thereby established. It is not clear whether officers require the Director's permission to undertake editing work and to receive remuneration for the same and whether there is any case in which the matter should be submitted for the orders of Government.

ENCLOSURE.

Letter—from J. H. STONE, Esq., M.A., Inspector of European and Training Schools.

To—the Director of Public Instruction.

Dated—Camp Coonoor, the 3rd June 1906.

I have the honour to request you to be good enough to ask Government to sanction my receiving from Messrs. T. Nelson & Sons, Edinburgh, £90 for preparing three English Reading books for use in Indian schools.

Order—No. 498, Educational, dated 26th July 1906.

In the circumstances Mr. Stone will be permitted to accept the sum of £90 offered by Messrs. T. Nelson & Sons, Edinburgh, for preparing three English Reading books.

2. No officer of the Department should undertake editing work of this nature without the permission of the Director of Public Instruction and the Government.

(True Extract.)

H. D. TAYLOR,
Ag. Secretary to Government.

To the Director of Public Instruction.

EDUCATIONAL DEPARTMENT.

NOTES CONNECTED WITH G.O., No. 498, EDUCATIONAL, DATED 26TH JULY 1906.

[SUBJECT.—Acceptance by Mr. Stone of £90 for preparing certain English Reading books.]

From the Director of Public Instruction, dated 20th June 1906, No. Cl. 27.

At the request of the late Mr. Grigg, Mr. J. H. Stone undertook the work of revision of Sinclair's Histories of England and India and completed it in 1897. In April 1902 the late Mr. Stuart requested the sanction of Government to Mr. Stone's accepting a remuneration of Rs. 1,105-11-2 being his share of the profits of the revised edition—*vide* Mr. Stuart's letter printed with G.O., No. 260, Educational, dated 2nd May 1902. The Government thought that the case did not fall under article 91 (now article 74) of the Civil Service Regulations, as neither the publisher of the revised edition nor Mrs. Sinclair who seemed to hold the copyright in the original edition of the book could be regarded as Mr. Stone's employer and as there was no reason to differentiate between Mr. Stone's case and that of any other officer of Government who wrote books or contributed articles to the press and received payments therefor—*vide* notes and orders on pages 3 and 4 of the notes with G.O., No. 591, Educational, dated 23rd September 1902. The Director was accordingly informed that the consent of Government was not required to Mr. Stone's accepting the remuneration in question—*vide* D.O. No. 99, dated 23rd September 1902, on page 4 of the notes with the above Government Order.

2. Mr. Stone has now prepared three English Reading books for use in Indian schools for Messrs. T. Nelson & Sons, Edinburgh, for which they have offered him £90. He requests sanction to accept this remuneration. The Director considers that it is not clear how far the demi-official quoted in the foregoing paragraph establishes a precedent and whether officers require the Director's permission to undertake editing work and to receive remuneration for the same. He is in doubt also whether in any case he should refer the matter for the orders of Government.

3. Submitted that in all cases in which Educational officers write or edit books
H. D. TAYLOR. | it is for the Director to satisfy himself
| that such officers do not neglect their
duties. They should therefore obtain his sanction. Reference to Government seems
necessary only if he thought that there was anything wrong in the conduct of the
officers writing or editing books. According to the decision in D.O. No. 99, dated
23rd September 1902, the sanction applied for in the present case seems unnecessary.

H. D. TAYLOR. | If sanction is considered necessary, the
| case will have to go to India as the
amount is £90 or Rs. 1,350 and the Local Government can sanction only up to Rupees
500—*vide* article 74 (c), Civil Service Regulations.

P. T. THARYAN—29-6-06.

C. A. SOUTER—2-7-06.

The above would appear to be the case, but as the entire question of fees and of remuneration for outside work undertaken by Government servants is under the consideration of India, it would be best to inform the Director on the present occasion that the sanction of Government is not, under existing rules, necessary. If sanction is required, we must go to India. Please see notes with G.O., No. 591, Educational, dated 23rd September 1902, in which this subject was fully discussed.

H. D. TAYLOR—4-7-06.

No. I would not say that sanction of Government is not necessary. In 1902 the question was *not* decided; but the claim simply passed in the circumstances.

2. I think Government must have a voice in the extraneous employment of their servants whose whole time is Government's. Of course the rule will be worked reasonably. But we ought not to minimize it. I would accord the specific sanction of Government to Mr. Stone's acceptance of the sum *in the circumstances*.

G. S. F[ORBES]—17-7-06.

Please draft.

H. D. TAYLOR—18-7-06.

The draft placed below is submitted for approval.

2. The Honourable Member does not apparently want the sanction of the Government of India to be obtained.

P. T. THARYAN—18-7-06.

As this involves a question of the interpretation of the Civil Service Regulations, the Financial Department should see before issue.

H. D. TAYLOR—19-7-06.

To the Financial Department.

FINANCIAL DEPARTMENT.

This question has been discussed in K.W. No. 591, Educational, dated 23rd September 1902. I venture to submit that too fine a definition was then given in the Educational Department to the expression "fee" which occurs in article 74 (article 91, 3rd edition) of the Civil Service Regulations.

2. The principle underlying article 74 of the Civil Service Regulations is "that the whole time of an officer must be held to be paid for by the State and *additional allowances from foreign sources* are justifiable only in exceptional and casual cases."

Please see also the recent letter from India (Home Department No. 279, dated 9th May 1906) now under reference to Secretariat departments, in which they seem to hold a wider view of the question of fees than that taken in Educational in 1902.

3. However, it seems to be unnecessary to discuss the general question as this particular case of literary work has a special ruling. From paragraph 14 of the "Government Servants' Conduct Rules, 1904," which reproduces a ruling in Home Department circular No. 21—797-806, dated the 13th May 1885, it will be seen that whilst a Government servant is prohibited from "undertaking any employment other than his public duties" he may "undertake occasional work of a literary character provided that his public duties do not suffer thereby." The work here contemplated seems obviously to include work for which remuneration is received or which brings in pecuniary profit.

4. The draft order in Educational may, it is submitted, be accepted.

C. M. SCHMIDT—21-7-06.

Accepted.

M. HAMMICK—23-7-06.

To the Educational Department.

EDUCATIONAL DEPARTMENT.

Issue.

H. D. TAYLOR—25-7-06.

[G.O., No. 498, Educational, dated 26th July 1906.]

CURRENT FILE.

CONTENTS.

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[1033] Use D. P. I.	cl 27	20-6-06.	1-3.

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Papers of the department to which the current belongs.

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260	2-5-02			

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10-593-94		14-9-04		

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Col CURRENT No. 1033
EDUCATIONAL DEPARTMENT.

Received 2260 190 , Registered 23-6-1906

Subject.

Requesting permission to the acceptance by Mr. Stone of £ 90 from Messrs T. Nelson & Sons, Edinburgh, for preparing certain English Reading books; and enquiring whether officers should obtain permission of the Director or Government to undertake editing work and to receive remuneration for the same.

ENCLOSURES.

No. one

Spare copies

Cl. No. 27

Station Dobacannal, Dated the 20th June 1906.

From (Name) The Hon'ble Mr. A.G. Bourne, D.Sc., F.R.S.,

(Designation) Director of Public Instruction

To The Secretary to the Government of Madras,
Educational Department.

Sir,

I have the honour to submit the enclosed letter from Mr. Stone and to request the permission of Government to the acceptance by him of £ 90 from Messrs T. Nelson & Sons, Edinburgh, for preparing three English Reading books.

2. In this office letter Ref. on CI. No. 33/02, dated, 16th April 1902, the Director requested sanction to the acceptance by Mr. Stone of a share of the profits on certain books revised by him. This revision was stated to have been carried out at the request of a previous Director. The letter was recorded in G.O.No. 260, Educational, dated, 2nd May 1902. The final reply was contained in D.O. No. 99, dated, 23rd September 1902, and was to the effect that the consent of Government was not required.

2. There has been some doubt in this office since then as to

how far a precedent was thereby established. It is not clear whether officers require the Director's permission to undertake editing work and to receive remuneration for the same and whether there is any case in which the matter should be submitted for the orders of Government.

I have the honour to be,

Sir,

Your most Obedient servant,

A. S. Sanyal

Director of Public Instruction.

258
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Cant. Boonoo
3. vi. 86

Mr. H. Stone M.A. Inspector of Schools
to the Director of Public Instruction

Sir I have the honour to request
you to be good enough to ask Government
to sanction my receiving from
Messrs. Theodor Thoms, London
£40 for preparing three English Reading
Books for use in Indian Schools
I have the honour to be

Yours most obedient servant
H. Stone

1350

C. No. *1033* From the *D. P. J.* No. *cl 27*, dated *20-6-1906*.

SUBJECT.

*Acceptance by Mr. Stone of £90 for pre-
paring certain English Reading books.*

*At the request of the late Mr. Grieg Mr. ^{Mr. Stone} undertook the work
revision of Sinclair's Histories of England and India and
completed it in 1897. In April 1902 the late Mr. Stuart
requested the sanction of Govt. to Mr. Stone's accepting a
remuneration of Rs 1105-18-2 being his share of the profits
of the revised edition - vide Mr. Stuart's letter read with 80.
No 260 801 dt 2nd May 1902. The Govt. thought that the
case did not fall under Article 91 (now Article 74) of the
C.S.R. as neither the Publisher of the revised edition nor Mr.
Sinclair who seemed to hold the copyright in the original edition
of the book could be regarded as Mr. Stone's employer and as
there was no reason to differentiate between Mr. Stone's case
and that of any other officer of Govt. who wrote books or contributed
articles to the press & received payments therefor - vide notes &
orders on pages 3 & 4 of the notes with 80. No 591 801 dt 23rd
September 1902. The Director ~~was~~ was accordingly informed that
the consent of Govt. was not ~~not~~ required to Mr. Stone's ~~receiving~~
accepting the remuneration in question - vide D.O. No 99
dt 23rd September 1902 on page 4 of the notes with the above 80.*

*2. Mr. Stone has now prepared three English Reading Books
for use in Indian Schools for Messrs J. Nelson & Sons, Edinburgh.
for which they have offered him £90. He requests sanction to*

Para.2 of his
letter, pages 1 & 2
of current.

accept this remuneration. The Director considers that it is not clear how far the D.O. quoted in the foregoing paragraph establishes a precedent ^{whether} and officers require the Director's permission to undertake editing work and to receive remuneration for the same. He is in doubt also whether in any case he should refer the matter for the orders of Government.

3. Submitted that in all cases in which Educational Officers write or edit books it is for the

H.D.T.

Director to satisfy himself that such officers do not neglect their duties.- they should therefore obtain his sanction. Reference to Government seems necessary only if he thought that there was anything wrong in the conduct of the officers writing or editing books. According to the decision in D.O.

D

No.99, dated 23rd September 1902, the sanction applied for in the present case seems unnecessary.

H.D.T.

If sanction is considered necessary the case will have to go to India as the amount is £.90 or Rs.1,350 and the Local Government can sanction only up to Rs.500 - vide Article 74(c), C.S.R.

P.T.T.
29-6-06.

Secretary.

C.A.S.
2-7-06.

The above would appear to be the case - but as the entire question of fees and of remuneration for outside work undertaken by Government servants is under the consideration of India, it would be best to inform the Director on the present occasion that the sanction of Government is not, under existing rules, necessary. If sanction is required

we must go to India. - Please see notes with G.O.
 D No. 591 Edl., dated 23rd September 1902 in which this
 subject was fully discussed.

ADD
 4.7.06

Am

to. I do not say that sanction
 is not necessary. In 1902 the
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 the claim simply passed in
 the circs.

I think you must have a
 voice in the exhaucous em-
 ployment of their servants
 whose whole time is forth.

Of course the rule will be
 worked reasonably. But we
 ought not to minimize it.

I wd. avoid the specific sanction
 of fort to Mr Stone's acceptance
 of the sum in the circs.

87 17/7

renewed
 18900

7 4 8 48

The draft placed below is submitted for approval.

2. The Hon. does not apparently want the sanction of the Govt of India to be obtained.
By 18/7/6 P.T. Thompson

As this involves a question of the interpretation of the C.S.R., financial rules are before me.

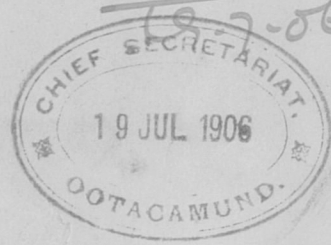
By H.D. Taylor

25.7.06

CURRENT NO.
3214
FINANCIAL

Regd 19.7.6

Recd no. 5298
19.7.06



Chief Secretary

This question has been discussed in D. K.W. 591 Ed. of 23.9.02. I venture to submit that ^{too fine a} definition was then given in the Ed. Dept to the expression "fee" which occurs in article 74 (article 91 B? Ed) of the C.S.R.

The principle underlying article 74 of the C.S.R. is "that the whole 'time of an officer must be held to 'be paid for by the State and addl 'allowances from foreign sources are

Comm.
Para 2 (iii) of Du. Dept.

Letter 7572. S. of 2. 12. 04

on p 2 of G.O. 508 Duit
17. 12. 04



from pamphlet

justifiable only in exceptional & casual cases"

Please see also the recent ^{letter} reference from India (Home Dept. 279 19. May 1906), now under reference to Sect. Secy, in which they seem to hold a wider & view of the question of fees than that taken in E.P. in 1902.

However, it seems to be unnecessary to discuss the general question as this particular case of literary work has a special ruling. From para 14 of the "Fort Servants Conduct Rules 1904" which reproduces ^a the ruling in Home Dept. Cno. 21-797-806 of the 13. May 1885 it will be seen that whilst a fort. servant is prohibited from "undertaking any employment, other than his public duties" he may "undertake occasional work of a literary... character provided that his public duties do not suffer thereby". The work here contemplated seems obviously to include work for which remuneration is received or which brings in ^{pecuniary} profit.

The draft order in E.P. may it is Sub? be accepted

Includ
3214-
24-7-06
Ed. W. FR
with book.

Accp'd
23 VII 06
C. M. Schmidt
21-206
J. H. H. H.

[$\frac{E}{12}$]
1,000-2-3-06.

READ AGAIN G.O., No. _____, dated _____, 190_____

READ ALSO:—

C. No. 1033, From the SP9, No. el 27, dated 20-6- 1906.

” ” ” ” ” ” 190

190

ORDER.

~~mini~~ P.S.

No. 498, dated 26-7-1906.

In the circumstances Mr. Stone
will be permitted to accept the sum of £90
offered by Messrs J. Nelson & Sons, Edinburgh,
for preparing three English Reading books.

2. No officers of the Department should undertake editing work of this ^{historical} kind without the ~~Director's~~ permission of the D.P.I. and the Govt.

78/2/6

19-7-80

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and the circumstances of the
opportunity and the nature of the
affairs of the Government.
for preparing these papers and
the office of the Secretary of the
Department of the Interior.
The Secretary of the Interior
has the honor to acknowledge the
receipt of the papers of the
Department of the Interior.