B.]
19-1-06.

1

Educational (1906) Department.

ORDINARY PRINTED.

G.O., No. 542

DATED 14.8.06.

9

N. P.

[Despatch Abstract.]

Fees of Educational officers. Orders of the Govt of India defining the scope of the note to art 72 (b) of the CSR with regard to fees paid to Educational officers appointed as examiners in consecutive years, and prescribing the rules for the grant of fees to the Educational officers for tuition work.

BACK PAPERS.

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

FURTHER PAPERS.

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

2

Government of Madras.

EDUCATIONAL DEPARTMENT.

Recd. } 1906. *Enclosures*

Regd. *Spare copies*

G.O., No. 542, 14th August 1906.

N. P.

Fees of Educational officers.

Communicating to the Director of Public Instruction the orders of the Government of India defining the scope of the note to article 72 (*b*) of the Civil Service Regulations with regard to fees paid to Educational officers appointed as examiners in consecutive years, and prescribing the rules for the grant of fees to the Educational officers for tuition work.

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

Read—the following papers :—

I

G.O., Nos. 501, 502, Educational, dated 20th July 1905.

Abstract.—Addressing the Government of India on the subject of the grant of fees to officers of the Educational Service.

II

Resolution of the Government of India, Home Department (Education), dated Simla, the 4th July 1906, Nos. 487-499.

Read—

The replies of local Governments and Administrations to the Government of India letter in the Home Department, Nos. 329-336, dated the 23rd May 1905.

In their letter of the 23rd May 1905, the Government of India asked for the opinions of local Governments and administrations on the proposed grant of fees to officers of the Educational Service for work of various kinds, other than scientific work, such as chemical analyses and laboratory and mechanical tests, which they undertake outside the scope of their ordinary duties. The specific points referred by the Government of India were—

(*a*) whether the fees paid to an Educational Officer who may be employed as an examiner in consecutive years should be regarded as fixed or recurring fees within the meaning of the note to article 72 (*b*) of the Civil Service Regulations;

(*b*) whether the practice of private tuition and the receipt of fees for the work should, as a matter of general policy, be permitted, and if so, whether it should be subject to any conditions and restrictions.

2. As regards (*a*) the Government of India were disposed to rule that, although the note to article 72 (*b*) of the Civil Service Regulations must be held to apply when an officer is selected for an examinership with reference to the appointment which he holds under Government, it need not be applied to an officer who is selected on purely personal grounds, irrespective of his position under Government, though these grounds may bring about his appointment in successive years. This ruling has been unanimously accepted and the Government of India have decided to adopt it for future guidance. The note to article 72 (*b*) of the Civil Service Regulations will be amended accordingly.

3. With regard to (*b*) the consensus of opinion is that under certain restrictions the privilege of private tuition should be admitted. The Government of India accept this view and are of opinion that it will suffice if the provisions of article 74 of the Civil Service Regulations are made applicable to such cases. Article 74 (*c*) however provides only for the cases in which a single payment is made, and it will be necessary to interpret its provisions as admitting of the sums therein mentioned being sanctioned by the head of the Department or the local Government respectively, as remuneration for private tuition extending over either the period of one scholastic term or one long vacation.

4. The Government of India accordingly direct that the grant of fees to officers of the Educational Service for tuition work shall be governed in future by the provisions of article 74, Civil Service Regulations, interpreted in the manner indicated above. The sanctioning authority will in all cases be expected to satisfy itself—

(i) that the maximum fee of which the rule permits is not given as a matter of course in cases where any smaller fee would be fair and sufficient;

(ii) that the officer who is permitted to undertake the additional work can do so without detriment to his proper duties. In the case of teachers serving under Local Boards schools the sanction of the Board and the concurrence of the Inspector should be required;

(iii) that the arrangement is reported to the sanctioning authority and its approval secured before any portion of the work is undertaken.

Order—Ordered that a copy of this Resolution be forwarded to all local Governments and Administrations for information and guidance and that a copy be forwarded to the Finance Department for information.

Ordered also that a copy be forwarded to the Foreign Department for information.

H. H. Risley,
Secretary to the Government of India.

To the Government of Madras.

Order—No. 542, Educational, dated 14th August 1906.

The Government of India have had under consideration the questions—

(*a*) whether the fees paid to an Educational officer who may be employed as an examiner in consecutive years should be regarded as fixed or recurring fees within the meaning of the note to article 72 (*b*) of the Civil Service Regulations; and

(*b*) whether the practice of private tuition and the receipt of fees for the work should, as a matter of general policy, be permitted, and if so, whether it should be subject to any conditions and restrictions.

2. In regard to (*a*), the Government of India have decided that although the note to article 72(*b*) of the Civil Service Regulations must be held to apply when an officer is selected for an examinership with reference to the appointment which he holds under Government, it need not be applied to an officer who is selected on purely personal grounds irrespective of his position under Government though these grounds may bring about his appointment in successive years. They have also decided to amend the note to article 72(*b*) of the Civil Service Regulations accordingly.

3. As regards (*b*), it has been decided that the grant of fees to officers of the Educational Service for tuition work shall be governed in future by the provisions of article 74, Civil Service Regulations. But as clause (*c*) of this article provides only for the cases in which a single payment is made, its provisions will be interpreted as admitting of the sums therein mentioned being sanctioned by the head of the department or the local Government respectively, as remuneration for private tuition extending over either the period of one scholastic term or one long vacation, the sanctioning authority being in all cases expected to satisfy itself—

(1) that the maximum fee of which the rule permits is not given as a matter of course in cases where any smaller fee would be fair and sufficient;

(2) that the officer who is permitted to undertake the additional work can do so without detriment to his proper duties. In the case of teachers serving under Local Board schools the sanction of the Board and the concurrence of the Inspector should be required; and

(3) that the arrangement is reported to the sanctioning authority and its approval secured before any portion of the work is undertaken.

(True Extract.)

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

To the Director of Public Instruction.
,, Accountant-General.
,, Local and Municipal Department.
,, Financial Department.

Educational Department.

NOTES CONNECTED WITH G.O., No. 542, EDUCATIONAL, DATED 14th AUGUST 1906.

[Subject.—*Grant of fees to officers of the Educational Service.*]

From the Government of India, dated 4th July 1906, *Nos.* 487—499.

Printed with G.O., Nos. 501, 502, Educational, dated 20th July 1905.

The Government of India, in their letter No. 329–336, dated 23rd May 1905, invited the remarks of all local Governments on the subject of the grant of fees to officers of the Educational Service for works of various kinds, other than scientific works, which they undertake outside the scope of their ordinary duties. The two questions therein raised were—

(1) whether the fees paid to an officer who may be employed as an Examiner in consecutive years should be regarded as fixed or recurring fees within the meaning of the note to article 72 (*b*) of the Civil Service Regulations; and

(2) whether the practice of private tuition and the receipt of fees for the work, should as a matter of general policy, be permitted, and if so, whether it should be subject to any conditions and restrictions.

Para. 2 of letter No. 329–336 printed on page 2 of G.O., Nos. 501, 502, dated 20th July 1905.

2. As regards the first of these points the Government of India had decided in 1901 on a reference from the Punjab Government that, "although the "note to article 72 (*b*) must be held to apply when an officer is selected for an "examinership with reference to the appointment which he holds under Government, "it need not be applied to an officer who is selected on purely personal grounds "irrespective of his position under Government though those grounds may bring "about his appointment in successive years," and they thought "that this ruling may "suitably be applied in all cases in which there is a question of the sanction neces-

Para. 2 of letter No. 502, dated 20th July 1905.

"sary to the receipt of examination fees "by Educational officers." The Madras Government said that this proposal commended itself to them.

Para. 3 of letter No. 502, dated 20th July 1905.

3. In regard to the second point this Government observed that "teachers "in Government colleges and schools "and stipendiaries in training institutions may be allowed to accept private tuition, "subject to the conditions that the previous permission of the controlling authority "is obtained and that the number of hours a week to be occupied and the fee to be "received are approved by such controlling authority."

4. The ruling of 1901 on the first of the points referred to being unanimously approved by Local Governments, the Government of India have now made it of general application and they are amending the note to article 72 (*b*) of the Civil Service Regulations accordingly.

5. As regards the second of the points referred to, the Government of India have ruled that "the grant of fees to officers of the Educational Service for tuition "work shall be governed in future by the provisions of article 74 of the Civil "Service Regulations." But as article 74 (*c*) provides only for cases in which a single payment is made, it is directed that the provisions of this article should be interpreted "as admitting of the sums therein mentioned being sanctioned by the "head of the department or the Local Government respectively as remuneration for "private tuition extending over either the period of one scholastic term or one long "vacation."

In this connection however the Government of India have laid down the condition that the sanctioning authority should in all cases satisfy itself—

"(1) that the maximum fee of which the rule permits is not given as a "matter of course in cases where any smaller fee would be fair and sufficient;

"(2) that the officer permitted to undertake the additional work can do so "without detriment to his proper duties and in the case of teachers serving under "Local Board schools the sanction of the Board and the concurrence of the Inspector "should be required; and

"(3) that the arrangement is reported to the sanctioning authority and its "approval secured before the work is undertaken."

6. The draft order placed below is submitted for approval.

P.R.—17-7-06.

P. T. THARYAN—17-7-06.

This will not apparently cover the case in which Educational officers—either masters or clerks—are given remuneration for discharging the duties of managers of hostels attached to Educational institutions.

2. The order should be seen by the Financial Department as it affects the Civil Service Regulations.

3. Teachers under Local Fund Boards are not, in this Presidency, Educational officers in the proper sense of the term, but the order makes the ruling applicable to these teachers also. It is believed that the rules in Local and Municipal require the sanction of the President (not the Board). The Government of India also make the approval of the Inspector necessary. The remarks of Local and Municipal should also be called for.

H. D. TAYLOR—18-7-06.

To the Financial Department for remarks.

FINANCIAL DEPARTMENT.

Submitted that the present resolution of the Government of India (Home Department No. 487-499, dated 4th July 1906) relates only to the grant of fees to Educational officers employed as Examiners in consecutive years and to the receipt by Educational officers of remuneration for private tuition.*

* *Vide* also paragraph 2 (i) (*c*) of Home Department letter No. 279, dated 9th May 1906 (referred to departments of the Secretariat for remarks).

2. The receipt by officials in the Educational Department of fees for discharging the duties of managers of hostels attached to Educational institutions is now being regulated by the rules laid down in Finance and Commerce Department letter No. 7542-Ex., dated 2nd December 1904, according to which "a recurring "payment, whether of fixed or variable "amount, requires the sanction of the Government of India if the salary of the "recipient exceeds Rs. 250 a month or would be raised by the payment in question "above that figure."

(For a precedent, please see G.O., No. 54, Educational, dated 1st February 1905.)

G.O., No. 808, Financial, dated 17th December 1904.

3. The Government of India have with their letter No. 279 (Home Department), dated 9th May 1906, forwarded for the remarks of this Government certain proposals for regulating the receipt by Government officers of fees for extraneous work undertaken by them. According to these proposals, if the work performed is of a *quasi*-Government character, the receipt of fees for the same is open to objection, and should not be allowed without special reasons; in the case of work done for any person or body (except a local authority such as a District or Local Board, a Municipality, a Port Trust or the like), the Local Government may prescribe (*a*) a scale of fees to be levied for the work to be done and (*b*) the proportion of such fees which may be received by the officer doing the work subject to the proviso that "the proportion shall in no case exceed one-"half, except in the case of fees for setting examination papers and valuing the "answers in which it may extend to the whole."

Paragraph 2 (ii) of Home Department letter No. 279, dated 9th May 1906.

Paragraph 2 (iv) *ibid.*

This letter has been referred to departments of the Secretariat (including Educational Department) for remarks. The Educational Department will presumably note whether the management of the hostel work attached to a Government institution is of a *quasi*-Government character or not and whether any remuneration should be given to an official in the Educational Department performing the duties.

Yes. We may note this on the other file.

H. D. TAYLOR—13-8-06.

The file may, it is submitted, be passed on to the Local and Municipal Department.

V.G.K.—21-7-06.

There seems to be nothing for the Financial Department to suggest at present.

C. M. SCHMIDT—27-7-06.

No. We need not object to the draft.

M. HAMMICK—28-7-06.

To the Local and Municipal Department.

LOCAL AND MUNICIPAL DEPARTMENT.

In G.O., No. 206 L., dated 26th February 1906, it was ruled that teachers in the service of Local Boards should be allowed to undertake private tuition, subject to the previous sanction of the President of the Local Board both as regards the number of hours in every week to be devoted for such tuition and the amount of fee to be received.

2. The Government of India having now decided that "in the case of teachers "serving under Local Board schools, the sanction of the Board and the concurrence "of the Inspector should be required," it is submitted that the necessary instructions in modification of G.C., No. 206 L., dated 26th February 1906, may be issued on receipt of the order proposed by the Educational Department in this file.

Yes.
This has, I think, already been effected in a separate Government Order for Municipalities.

H. D. TAYLOR—13-8-06.

N. CHENGAL RAO—8-8-06.

V. RAGHAVA CHARLU—8-8-06.

H. D. TAYLOR—10-8-06.

To the Educational Department.

Is there not another file on this subject in connection with a separate reference from India?

H. D. TAYLOR—10-8-06.

I was thinking of a municipal file also, since received back from circulation.

H. D. TAYLOR—13-8-06.

The Secretary is apparently referring to the linked file. In the reference from the Government of India in that file remuneration for private tuition is excluded, and in the case of fees for setting examination papers and valuing the answers an option is given to the local Government to pay the whole amount to the Examiners—paragraph 2 (1) (*c*) and (vi) (*b*) of the Government of India letter (the current) in that file—copy of that letter is in this file also.

P. T. THARYAN—11-8-06.

C. G. MACKAY—11-8-06.

For approval.

H. D. TAYLOR—13-8-06.

G. S. F[ORBES]—13-8-06.

Issue.

H. D. TAYLOR—14-8-06.

[G.O., No. 542, Educational, dated 14th August 1906.]

[E.] 7

1,500—12-12-

G.O. No. 542 / 14-8-06

6

CURRENT FILE.

CONTENTS.

From	Number.	Date.	Pages.
[1124] Govt of India	487-489	4-7-06	1-2

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, &c., should be marked with a cross.)	Initials of Referencer with date in token of return to Reference department.
501-02-20-7-05		SC		
54.	1-2-05	O		
575	1-2-05	O		
479	8-8-04	SC		

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.
local.	594	19-5-06.		
"	206	26-2-06		
Pub.	328	8-5-05		
Jail	808	17-12-04.		
"	593	14-9-04		
	594			
Pub.	375	26-4-04		

Reference to 501-2 Ed 20/7/05

CURRENT No. 1124

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

EDUCATION.

Nos. 487-499.

Simla, the 4th July 1906.

RESOLUTION.

READ—

The replies of local Governments and Administrations to the Government of India letter in the Home Department, nos. 329—336, dated the 23rd May 1905.

Printed in 501. 502. 20.7.05

In their letter of the 23rd May 1905, the Government of India asked for the opinions of local Governments and Administrations on the proposed grant of fees to officers of the Educational Service for work of various kinds, other than scientific work, such as chemical analyses and laboratory and mechanical tests, which they undertake outside the scope of their ordinary duties. The specific points referred by the Government of India were—

(*a*) whether the fees paid to an Educational Officer who may be employed as an examiner in consecutive years should be regarded as fixed or recurring fees within the meaning of the note to article 72 (*b*) of the Civil Service Regulations;

(*b*) whether the practice of private tuition and the receipt of fees for the work should, as a matter of general policy, be permitted, and if so, whether it should be subject to any conditions and restrictions.

2. As regards (*a*) the Government of India were disposed to rule that, although the note to article 72 (*b*) of the Civil Service Regulations must be held to apply when an officer is selected for an examinership with reference to the appointment which he holds under Government, it need not be applied to an officer who is selected on purely personal grounds, irrespective of his position under Government, though these grounds may bring about his appointment in successive years. This ruling has been unanimously accepted and the Government of India have decided to adopt it for future guidance. The note to article 72 (*b*) of the Civil Service Regulations will be amended accordingly.

3. With regard to (*b*) the consensus of opinion is that under certain restrictions the privilege of private tuition should be admitted. The Government of India accept this view and are of opinion that it will suffice if the provisions of article 74 of the Civil Service Regulations are made applicable to such cases. Article 74 (*c*) however provides only for the cases in which a single payment is made, and it will be necessary to interpret its provisions as admitting of the sums therein mentioned being sanctioned by the head of the Department or the local Government respectively, as remuneration for private tuition extending over either the period of one scholastic term or one long vacation.

4. The Government of India accordingly direct that the grant of fees to officers of the Educational Service for tuition work shall be governed in future by the provisions of article 74, Civil Service Regulations, interpreted in the manner indicated above. The sanctioning authority will in all cases be expected to satisfy itself—

(*i*) that the maximum fee of which the rule permits is not given as a matter of course in cases where any smaller fee would be fair and sufficient;

(*ii*) that the officer who is permitted to undertake the additional work can do so without detriment to his proper duties. In the case of teachers serving under Local Board schools the sanction of the Board and the concurrence of the Inspector should be required;

(*iii*) that the arrangement is reported to the sanctioning authority and its approval secured before any portion of the work is undertaken.

ORDER.—Ordered that a copy of this Resolution be forwarded to all local Governments and Administrations for information and guidance and that a copy be forwarded to the Finance Department for information.

Ordered also that a copy be forwarded to the Foreign Department for information.

H H Risley

Secretary to the Government of India.

To

The Government of Madras.

EDUCATIONAL DEPARTMENT.

Read again G.O. Nos.501-502, dated 20th J u l y 1906.

" also C. No.1124, from the Govt. of India, Nos.487-499, d/4-7-1906.

O R D E R:-- 542 dy 14-8-06
P.S.

The Government of India have had under consideration the questions

(a) whether the fees paid to an educational officer who may be employed as an examiner in consecutive years should be regarded as fixed or recurring fees within the meaning of the note to Article 72 (b) of the Civil Service Regulations; and

(b) whether the practice of private tuition and the receipt of fees for the work should, as a matter of general policy, be permitted, and if so, whether it should be subject to any conditions and restrictions.

2. In regard to (a), the Government of India have decided that although the note to Article 72(b) of the Civil Service Regulations must be held to apply when an officer is selected for an examinership with reference to the appointment which he holds under Government, it need not be applied to an officer who is selected on purely personal grounds irrespective of his position under Government though these grounds may bring about his appointment in successive years. They have also decided to amend the note to

Article

9 4 P

Article 72(b) of the C.S.R. accordingly.

3. As regards (b), it has been decided that the grant of fees to officers of the educational service for tuition work shall be governed in future by the provisions of Article 74, C.S.R. But as clause (c) of this Article provides only for the cases in which a single payment is made, its provisions will be interpreted as admitting of the sums therein mentioned being sanctioned by the head of the Department or the Local Government respectively as remuneration for private tuition extending over either the period of one scholastic term or one long vacation, the sanctioning authority being in all cases expected to satisfy itself--

(1) that the maximum fee of which the rule permits is not given as a matter of course in cases where any smaller fee would be fair and sufficient;

(2) that the officer who is permitted to undertake the additional work can do so without detriment to his proper duties. In the case of teachers serving under Local Board schools the sanction of the Board and the concurrence of the Inspector should be required; and

(3) that the arrangement is reported to the sanctioning authority and its approval secured before any portion of the work is undertaken.

17/7/16

17/7/16

To
The D.P.I.
" A.G.
". L.& M. Department.
" Finl. "

despd 14/8/16

copy sent to Press.

rned for signature.

tched in print.

AIN G.O., No. 501-2 DATED 20th —— P.
July 1906

ENT. No. 1124 — A.

CLOSURES TO C. No.

ERS OF GOVERNMENT.

VERS OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT USED OR BEING MEANT FOR DESPATCH
IN ORIGINAL.

NUMBER OF COPIES REQUIRED.
- Order complete.
- Letter only.
- Order complete with Letter.

40

5P
not 1-7P

Press

Please print
+ show proof

1878

N.B.—
A = Print in full.
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.