(1) பக்கங்களின் எண்ணிக்கை 56

(2) புதுக்கித் திருப்பிய நாள் Dec 89

(3) ஆதாரங்குறிப்பவர் சுருக்கொப்பம்

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

(53)

P. W. D துறை

அரசாணை எண்.
மு. கோப்புத் தாள் எண். 3255

அச்சகம்
பலவகை

நாள் : 18 - 11 - 1889 198 .

மடிக்கவோ கண்டபடி கையாளவோ கூடாது

28 Sheets

அவண, கா-1—18,006—15-6-87.

3255

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

General.
Account.

READ—the following papers:—

From Lieutenant-Colonel R. R. E. DRAKE-BROCKMAN, R.E., Superintending Engineer, I Circle, to the Chief Engineer, Public Works Department, dated Dowlaishweram, 30th January 1889, No. 1061 G.N.

I have the honor to state that Sergeant Huson, overseer, has lately passed the third class test in Tamil—*vide* G.O., No. 2493 W., dated the 15th August 1888, and to request the favor of being informed whether he is entitled to the allowance of Rs. 180 as laid down in para. 94 of the Public Works Code, and, if so, whether it can be paid without sanction of Government. It appears from the last printed classified list of establishment that the overseer has already passed the third class test (departmental standard) and higher standard in Telugu, and he has, I presume, received the allowance and reward for passing them. If it be necessary to obtain the sanction of Government to the payment of the above-mentioned sum, I request that you will be so good as to obtain it.

———

Office note from the Examiner, Public Works Accounts, dated 5th June 1889, No. 776.

I have been a very long time replying to your reference (No. 595 C., of 7th February 1889) regarding Sergeant Huson's claim to an allowance of Rs. 180 for passing the third class test in Tamil, but the fact is that in this, as in all other cases relating to rewards for passing in languages, I have found the very greatest difficulty in finding out what are the rules applicable to the case, and what they mean. In this case I really cannot say positively whether Sergeant Huson is entitled to the allowance or not. I think the rules, as they stand in the code, require thorough revision, and this seems a good opportunity for taking up the question.

2. I may illustrate the defects of the code rules by reference to Sergeant Huson's case. I turn, in the first instance, to code para. 124, and thence, in accordance with the indication therein given, to para. 94. Para. 94 opens with four rules applicable to civil members of the department, and then comes a clause which says that "military members of the department will be entitled to the rates of remuneration laid down in the Madras Army Regulations (see appendix A, section I)."

3. I turn, therefore, to appendix A, section I, expecting to find extracts from Madras Army Regulations, or rather extracts from the old Madras Army Regulations of 187[illegible], for the Madras Army Regulations have long been obsolete, and superseded by Army Regulations in India, but I can find no such extracts. I find, indeed, under sub-sections A to G a variety of matter much of which, probably most, appears to have been taken from Army Regulations, India, or from the orders on which Army Regulations, India, are based, but in hardly any case is the authority quoted, and the matter has been so rearranged as to make it extremely difficult, and often impossible, to trace it to its sources. It would seem, moreover, that some of this matter,

possibly much of it, *must* have come from other sources, for instance clauses B and C of para. 28. Again, there is in some cases apparent conflict between different sub-sections; the sub-section D gives a reward of Rs. 1,000 for high proficiency in Uriya, whilst sub-section G gives the very same reward for what appears to be a decidedly inferior test. Sub-section D is, as regards this point, apparently in accord with Army Regulations, India (*vide* Army Regulations, India, volume I, article 1055, and volume II, article 2687), but I can find no authority for the reward mentioned in sub-section G.

4. There is nothing to show plainly which, if any, of the sub-sections of section A I are peculiarly applicable to military men, which of these in fact are the portions referred to in the last clause of code para. 94. Some of them, for instance sub-sections A, C, E and F, contain internal evidence of being applicable only to military officers, but sections B and D are doubtful, whilst sub-section G contains clauses (B and C already referred to) which seem clearly applicable to civilians.

5. I can find nothing in these rules which would entitle Sergeant Huson to the allowance claimed by him, taking it, as I am personally disposed to take it, that rules I to IV of code para. 94 are applicable to civilians only, and that the case of a military member of the department is governed by the last clause of para. 94, and the rules, whatever they are, quoted therein.

6. I am told however, that the N.B. at the head of sub-section H of appendix A, section I, has always been held to make rules I to IV of para. 94 applicable to military members of the department. I completely fail to understand how this interpretation can have been adopted: G.O., No. 1675 W., of 7th July 1881, the one referred to in the N.B., runs as follows, the italics being mine:—

"The Government consider that the rules of the 11th November 1879 should be observed *in conducting the examination* of all officers of the department, military as well as civil."

The meaning of the order itself appears to be simply that the necessary examinations shall be conducted by the Civil Board of Examiners according to their procedure instead of convening special Military Boards, which might often be in convenient; and even the modified wording of the N.B. at the head of sub-section H, seems to go no further than allowing the tests prescribed in the civil rules of 1879 to be substituted for the tests prescribed by military rules, the two tests being really almost identical, and the civil tests if anything more severe than the others. There is nothing whatever about giving to military members of the department the rewards admissible under civil rules, and it seems to me quite clear from code para. 95 that, as regards this matter, military members are entirely bound by military rules, and this rule could not, I think, be modified without the sanction of the Government of India.

7. Assuming, however, that G.O., No. 1675 W. of 1881, and the N.B. at the head of sub-section H of appendix A, section I, can be held to give the civil rule rewards to military members of the department, and assuming that rule I of para. 94 is a valid rule based on competent authority, I do not understand how G.O. No. 1675 W. and the N.B. referred to can have any bearing on the applicability to military members of rule I of para. 94. Whatever rule I of para. 94 is based upon, it is not based upon the rules of 1879, whether as originally issued, or as subsequently modified, nor is it based on sub-section H of appendix A, section I. These rules and this sub-section have no bearing on rule I of para. 94, *except by way of restriction*—see the reference to moonshee allowance (an allowance under the rule of 1879) in the latter part of rule I of para. 94.

8. I may here remark parenthetically, as further illustrating the confusion of the rules, that it is not open to any officer of the Public Works Department to obtain the moonshee allowance of Rs. 240 under any circumstances whatever, because (*vide* rules of 1879 and appendix A, section I, H, para. 35) this allowance is only admissible to officers (of certain classes) whose pay is not more than Rs. 200 a month for passing the *compulsory* examination, and (*vide* para. 32 of appendix A) the examination for which the allowance is admissible is not compulsory for any officer of the Public Works Department of a grade in which he would draw a salary not exceeding Rs. 200 a month. The latter part therefore of rule I of para. 94 seems useless.

9. As regards Sergeant Huson's case, his claim, so far as it can by any possibility be dependent on the civil rules of 1879, is disposed of by the rule (of para. 32 of appendix A) which is based on G.O., No. 2264 W., of 14th August 1883, that the examination is not compulsory for Upper Subordinates. Indeed in Sergeant Huson's case the examination was doubly voluntary, because it was an examination in a second language, as to this see also para. 2 of letter No. 2500, of 9th December 1884, from the Secretary to the Board of Examiners to the address of the Chief Engineer, Public Works Department, communicated to me with his memorandum No. 2055 C., dated 12th December 1884. And so far as his claim depends on special rules for military members of the department, I feel tolerably certain (see para. 5 above) that he is not entitled to the allowance; but in view of the uncertainty as to the precise rules referred to in the last clause of code para. 94, I cannot say so positively.

10. With regard to the general question, I think it is very desirable to revise and recast the rules, with careful reference to original authorities, throwing them as far as possible into a tabular form, somewhat as follows:—

—	Civilian member of the Department.						Military member of the Department.				
	Departmental test.				Third class test.	Second class test.	Departmental test.	Lower standard.	Higher standard.	High proficiency.	Degree of honor.
	Nature of test.	Time conditions.	Other special conditions.	Reward.							
Language.	(All these columns sub-divided in the same way as the column "Departmental test" for civilians.)										

Other sub-divisions of the columns may be found desirable, and the details of the test and of any special conditions attaching to any examination would no doubt have to be given separately, the entry in the column being merely a reference by which the details can be readily traced. Probably too it would be more convenient to distribute the information over two or more tables. These, however, are details which would be worked out in the course of the revision. If the rules could be thrown into some such shape as this, it would, I am sure, be a convenience to all concerned; and one advantage would be that it would bring out plainly any omission in the rules to provide as regards any one of any class of cases for that which is provided for in respect of other cases of the same class. Authorities should be quoted for each entry and this raises the question of the ultimate authority for the rules, which it will be convenient to consider briefly here.

11. Any validity that the rules may have must be derived from one of these sources, namely—

(*a*) Army Regulations, India.
(*b*) The Public Works Department Code of the Government of India.
(*c*) Special sanctions of the Government of India of local application.

The two first require no further remark; but as regards the third (*c*), it is necessary to ascertain what special orders there are; and, as far as I have been able to discover, there is only one such sanction, namely, the letter of the Government of India printed with Educational Department G.O., No. 386, of 10th October 1879, approving *experimentally* the rules subsequently published at pages 764 *et seq.* of the *Fort St. George Gazette*, Part I of 1879, and now substantially embodied, as far as they concern the Public Works Department, in Madras Public Works Code, appendix A, section I H.

12. By a notification published at page 223 of the *Fort St. George Gazette*, Part II of 1883, rule 18 of the original rules of 1879 appears to have been modified, with the effect (so far as officers of the Public Works Department are concerned) of

allowing officers of the Public Works Department to obtain the reward of Rs. 500 for passing the second class test within five years of appointment to the department, provided they have not previously taken any reward under military rules. This modification of the rules was never communicated to, and therefore never approved by, the Government of India (*vide* Proceedings of the Madras Government, Public Department, No. 979, of 11th October 1888, with Public Works Department G.O., No. 3348 W., of 20th October 1888, but this seems to be of no consequence, except as regards Europeans and Eurasians who are Natives of India, inasmuch as the same reward appears to be admissible for civilians under Government of India Public Works Department Code, volume I, chapter II, para. 20, and for military members of the department, under Army Regulations, India, for passing a test if anything rather more severe.

13. It seems necessary, however, to obtain the sanction of the Government of India to the extension of the benefit of these rules to European and Eurasian Natives of India; and also perhaps to the continuance generally of the rules originally sanctioned as an experimental measure.

14. Assuming the sanction of the Government of India to be obtained, in any revision or recasting of the Madras Public Works Department Code rules regarding examinations in Native languages the only authorities to be consulted will be—

(*a*) Army Regulations, India.
(*b*) The Public Works Department Code of the Government of India.
(*c*) The civil rules of 1879, as originally published in Part I of the Gazette of 1879, pages 764 *et seq.*, and subsequently modified by the notification at page 223 of Part II of the Gazette of 1883.

15. I must point out that by rule 19 of the rules of 1879, the sanction of Government is required before an officer can appear for examination for the reward. This rule is repeated in para. 37 of appendix A of the code, but it is ignored in para. 93 of the code, and in practice it has been a dead letter, as far as the Public Works Department is concerned. It seems desirable that Government should decide whether the rule is to be observed or not.

16. It seems desirable also to settle whether the principle of the last clause of rule III of code para. 94 is of general application, or not. That is whether in any case whatever an officer who passes two or more tests in the same language can take two or more rewards cumulatively, or whether he is in all cases limited to the aggregate reward for any number of standards is the reward for the highest of those standards.

17. Rules, such as those in paras. 37 and 38 of appendix H regarding travelling allowance admissible for attending examinations, should, I think, be removed from the Native Language appendix, and embodied, as far as they are valid, in the travelling allowance appendix, appendix N, a reference to the latter being alone given in the Native Language appendix. But, except with the renewed sanction of the Government of India, such rules are not valid, and cannot be acted upon, except so far as they restrict the allowances admissible under the Civil Travelling Allowance Code: then paras. 37 and 38 of appendix A cannot over-rule section 34 of the Civil Travelling Allowance Code, under which travelling allowance is in no case admissible more than twice for the same standard; but if Government (under rule I thereof) extends the provision of the last-quoted section (Civil Travelling Allowance Code, section 34) to any voluntary examination, they can confine the grant of travelling allowance to cases in which the examinee is successful, as provided for in para. 37 of appendix A.

18. Printed with G.O., No. 1932 W., of 8th August 1884, is a mass of correspondence which is understood to have been preparatory to, and to account for, the wording of the present code paragraphs and appendices. At the present date it is exceedingly difficult, if not impossible, to follow and understand all this correspondence, but I have not succeeded in finding in it anything which makes it necessary for me to modify anything that I have written above, and I observe that the President of

3255

the Board of Examiners insists more than once in his letter on the over-ruling force of the order of the Government of India.

19. Should Government approve of the revision of the code rules and appendices in the sense suggested above, the subject of your office note No. 4946 C., dated 8th December 1888 (Government of India Circular No. 18 P.W., of 24th November 1888), will be dealt with at the same time.

Office note from Captain W. L. C. BADDELEY, R.E., Under-Secretary to Government, Public Works Department, dated 15th June 1889.

I think it will be advisable to take up in detail each point raised by the Examiner, Public Works Accounts, in his note on the subject of Vernacular examinations.

I. The meaning to be attached to G.O., No. 1675 *W., dated 7th July* 1881, *and G.O., Educational, No.* 386, *of* 10*th October* 1879.—Under these Government orders it has always been held that military officers have the option of passing under rules in appendix A, section I H of the Public Works Code, but the Examiner, Public Works Accounts, argues that it was not the intention of Government to apply the *rules* to *military* men, but only the manner of conducting the examination. I can see no reason for trying to draw this conclusion. If necessary, the question might be settled by another Government order, but to my mind it is clear that when G.O., No. 1675 W., dated 7th July 1881, was passed, the intention was to allow military men in the Public Works Department the option of passing under the rules issued with G.O., Educational, No. 386, of 10th October 1879, now printed in appendix A, section I H of the Public Works Code.

II. Moonshee allowance—vide *latter part of para.* 94 *of the code.*—The Examiner, Public Works Accounts, is quite right as regards the fact that under the rules no officer of the Public Works Department can claim this allowance.

No Vernacular examination is *compulsory* for a Public Works Department officer below the rank of Assistant Engineer, and as an Assistant Engineer draws more than 200 rupees a month, he is barred from drawing the allowance.

Rule 35 of the appendix referred to above should therefore be struck out or modified, if it is considered that moonshee allowance should be given. Also para. 94 of the code will have to be altered. This point must apparently be referred to the Educational Department.

III. Sergeant Huson's case, which has led to the Examiner, Public Works Accounts' proposal to revise the whole of the rules.—The facts are these. Sergeant Huson is not compelled to pass any Vernacular examination; he has, however, passed the following *voluntary* examinations:—

Telugu	...	...	...	Third class test;
Do.	...	...	...	Higher standard;

and has received the rewards laid down, viz., Rs. 180 and Rs. 500. He has now passed the third class test in Tamil, and claims a reward of Rs. 180. The Examiner, Public Works Accounts, cannot find any definite rule, and therefore proposes to revise the whole of the rules, tracing the authority for the different rulings, &c. I can see no reason for this extremely laborious process; the rules have always worked well, their validity has hitherto never been questioned, and it is an impossibility to frame a code that shall meet every case.

I am of opinion that Sergeant Huson is clearly entitled to the reward laid down for the third class test for the following reasons:—

(*a*) In the Government of India letter No. 64, of 17th September 1879, printed with G.O., Educational, No. 386, of 10th October 1879, the object of the rules for Vernacular examination in this Presidency is clearly stated, and the inference to be drawn is that an officer should be encouraged to pass in as many vernaculars as possible.

3

(*b*) G.O., No. 1675 W., of 7th July 1881, clearly makes the rules, referred to above, applicable to military men, and nowhere in the rules is any limit placed on the number of languages in which an officer may pass, or the number of rewards that he may earn. If necessary, this point might be decided in the Educational Department.

IV. The validity of the rules issued with G.O., Educational, No. 386, *of* 10*th October* 1879—*Fort St. George Gazette,* 11*th November* 1879, *pages* 764—66, *and the modification of rule* 18, vide *Fort St. George Gazette, page* 223, *part II of* 1883.—It is quite true that the Government of India letter No. 64, previously referred to, speaks of the rules as experimental; but that does not invalidate them so long as this Government choose to adopt them. If necessary, this Government might now say that they finally accept, as they practically have for many years.

The Examiner, Public Works Accounts, after considerable discussion, admits that the modification of rule 18 is of no consequence as regards invalidating the rules; but he considers it necessary to obtain the sanction of the Government of India to extend the rule to Europeans and Eurasians who are statutory Natives of India. I see no necessity to legislate on the chance of a ruling being required on such a case; it is useless and more than useless to attempt to frame a code that shall meet every case; but if the Educational Department consider that the sanction of the Government of India should be obtained, doubtless they will refer the matter.

V. The removal from appendix A of questions relating to travelling allowance, and embodying the rules in appendix N of the Civil Travelling Allowance Code.—I see no objection to this proposal, but in the first place it will be necessary for the Examiner, Public Works Accounts, to submit, for the order of Government, those points in which the rules in appendix A may conflict with the rules in the Civil Travelling Allowance Code.

VI. Government of India Circular No. 18 *P.W., of* 24*th November* 1888, *regarding revised rules for the examination of military men in Hindustani by the Higher and Lower standard.*—I see no object in putting these rules into the Public Works Code. Hindustani is not recognized as a vernacular in the Public Works Department of this Presidency. If any military men in the Public Works Department wish to pass in Hindustani they can do so under the military rules; and I believe I am correct in saying that the Board of Examiners would not undertake or recognize the examination except under special orders.

It is true that appendix A of the code, sections I and J, refers to examinations in Hindustani; but these paragraphs are dead letters in the Public Works Department, so far as they refer to Hindustani and it might be advisable to modify them.

I would now refer to a point which I think requires consideration, and that is, the reward of 180 rupees for passing by the lower standard as laid down in appendix A, sections I, J, in Tamil, &c. This examination is of the most elementary description, is not conducted by the Board of Examiners, and I believe the reward is not, as a rule, claimed until the officer has passed the third class test.

This point, I think, should be referred to the Educational Department. From what I have said, I think it will be clear that no complete revision of the rules is necessary or desirable—certain points require clearing up and can easily be put right, when necessary, by reference to the Educational Department. The Examiner, Public Works Accounts' proposals would, in my opinion, involve a mass of correspondence, and before long some case would be sure to occur for which there was no definite rule.

No. 444 D.

Referred to the Board of Examiners, through the Educational Department, for an expression of opinion on the points raised by the Examiner, Public Works Accounts.

(Signed) R. R. E. DRAKE-BROCKMAN, Lieut.-Col., R.E.,
3rd July 1889. Ag. Joint Secretary to Govt., P.W.D.

To the Educational Department.

3255

From W. S. WHITESIDE, Esq., President, Board of Examiners, Madras, to the Chief Secretary to Government, dated Madras, 2nd September 1889, No. 369.

In returning your endorsement, dated 6th July 1889, on memorandum from the Acting Joint Secretary to Government, Public Works Department, No. 444 D., dated the 3rd idem, I have the honor to make the following observations on the points raised by the Examiner of Public Works Accounts in his note on the subject of Vernacular examinations, with reference to the claim of Sergeant Huson to a reward for having passed in Telugu as a second language.

2. The rules of 1879, approved by the Government of India, and published in the *Fort St. George Gazette* of the 11th November 1879, pages 764—766, include Upper Subordinates of the Public Works Department, as officers of the third class, and render them eligible for examinations allowed to officers of that class under those rules. But G.O., Public Works, dated 14th August 1883, No. 2264 W., rules that the examination is not, in their case, compulsory. If the Government order can be accepted as superseding the rules quoted, Sergeant Huson has apparently come up for and passed an examination which is not compulsory on him, and he is, therefore, not entitled to the moonshee allowance prescribed for passing it. He cannot also claim the allowance as an officer under the rules of 1879, as he has already passed in one language for which he obtained a reward. In passing the rules of the 11th November 1879, it was not the intention of Government to encourage or discourage an officer from passing according to the third class test in a second language. They ruled that an officer might pass a voluntary examination in a second language, but that he would not get a reward or moonshee allowance for doing so. The object of allowing an examination in a second language was to meet the case of officers transferred from one to another district where a different language was spoken; but they offered an encouragement to third class officers by granting them a reward of Rs. 500 for passing a higher examination by the second class test in the vernacular of the district in which the officers are or have been employed, within five years from the date of joining the appointments enumerated in the rules. Under either provision, therefore, Sergeant Huson's examination must be considered voluntary.

3. The G.O., dated 14th August 1883, No. 2264 W., provides that the third class test is not compulsory on Upper Subordinates, but allows them certain advantages for passing in the vernaculars by the tests enumerated in section 129 (now section 124) in the Public Works Code, and under this section Sergeant Huson will be entitled to the reward of Rs. 180, for having passed in Telugu as a military officer in civil employ. G.O., No. 1675 W., of 7th July 1881, however, refers to the rules of the 11th November 1879 only, and cannot, in my opinion, be taken to apply to rules I to IV of para. 94 of the code. In this paragraph both third and second class tests are referred to, and both of these are applicable to both civil and military officers.

4. In para. 124 of the Public Works Code published in 1886, I find that Upper Subordinates are examined according to the third and second class tests, and are granted the rewards appertaining to these tests if the examinations are passed within the time prescribed, and if the period is overstepped, a reward of Rs. 180 for passing by the lower standard or third class test, and Rs. 360, for passing by the higher standard or second class test in Hindustani, Tamil, Telugu, Canarese and Malayalam. This seems to me to be inconsistent; for I infer from G.O., dated 14th August 1883, No. 2264 W., that Upper Subordinates are excluded from the operations of the rules of 1879, presumably on the ground that these officers, who are generally appointed from the Civil Engineering College, would have acquired sufficient knowledge of the Native languages, and were not, therefore, required to pass by the third class test. In the face of this decision, it appears to me inconsistent to allow any reward or allowance for passing with no restriction to time by the lower standard (a far inferior test). I am, therefore, of opinion that the words "Upper Subordinates" in para. 32, and the whole of para. 35 of appendix A, section I, division H, as also para. 124 of the code so far as it relates to third and second class and higher standard tests, may be eliminated. The second class test under the rules of 1879 cannot be undertaken except by officers who have passed by the third class as a compulsory examination, and as the third class test is not compulsory with Upper Subordinates under G.O.,

dated 14th August 1883, No. 2264 W., it follows that they are not eligible for the second class test. Provision is made in Army Regulations, India, for examinations by the higher standard, which is an examination applicable to military officers only.

5. For the above reasons, I would recommend that the allusions to the third and second class tests, and to the higher standard in section 94 of the code, should also be omitted as they conflict with the recognised rules of 1879, and of the Army Regulations, India. I should also recommend the removal of the provision in section 94, of a *reward* for passing by the lower standard, as, under the modified rules of 1879, no officer of the Engineering establishment will be entitled to the moonshee allowance prescribed for passing by the third class test, which is restricted to officers drawing less than Rs. 200 a month. Whilst no allowance is admissible for passing by the third class (a higher test) within one year, it seems inconsistent to grant a reward for passing by a lower and easier test within double the time. If it is to be considered that this examination (lower standard) was intended only for Civil Engineers coming out from England, these officers should not be compelled to pass also the third class test, and if they are made to fulfil the conditions of the rules of 1879, they will probably advance a claim that, having passed a higher test within one year, they ought to be given the Rs. 180, an allowance which is allowed for a lower test to be passed within double the time.

6. Should the Government be of opinion that it is advisable, in order to stimulate the study of oriental languages among the officers of the Public Works Department, to grant certain rewards in addition to those prescribed in the rules of 1879, and in the Army Regulations, India, I would suggest that, in communication with the head of the department, a fresh set of rules may be drawn up, and submitted for the sanction of the Government of India.

7. With reference to paras. 3 and 4 of the Examiner's note, I beg to state that divisions A, B, C, D, E, F and G of appendix A, section I, are open to military officers only, while B and C of division G are open to military as well as civil officers of the Public Works Department. These divisions have been taken from the Army Regulations, India, and Madras Army Regulations, 1876, so far as examination by the high proficiency test in Tamil, Telugu and Canarese is concerned, as will be seen from G.O., Military Department, dated 4th February 1881, No. 673, and from G.O., Public, dated 26th May 1874, No. 586, and G.O., Public Works Department, No. 2784, dated 2nd October 1874. The difference between the tests in Uriya given in divisions D and G, is that the test in division D, is the high proficiency test as contained in the Army Regulations, India, applicable to all military officers without reference to the place at which they may be stationed, and that in G, is the test open to military officers in civil employ serving in Ganjam and Vizagapatam districts only. The authority for this is G.O., Public Department, No. 586, dated 26th May 1874.

8. Division H, of appendix A, section I, is applicable to civil as well as military officers of the Public Works Department. This is evident from the restriction in para. 36 of the appendix which provides for the reward of Rs. 500 for passing by the second class test in the case only of officers who have not received a reward under the Military Examination rules for passing in the same language by the higher standard test. The words "higher standard" in this paragraph were introduced because the rules under H, are applicable also to military officers in the Public Works Department in addition to their own rules, and it guarded against their appearing for two examinations very nearly alike and thus getting two rewards for passing two nearly similar examinations.

9. Division I of the appendix applies to civil officers of the Public Works Department. Military officers undergo examinations in Hindustani by the military rules.

10. With regard to the examination in Hindustani, the tests prescribed in Circular No. 18, Public Works, Government of India, Public Works Department, which seem to have been recognized in substitution for that under division I, appendix A, answer the question raised by the Examiner of Public Works Accounts

3255

in para. 16 of his note. The Board of Examiners will have no objection to undertake the examination by these tests in Hindustani with the sanction of Government in each case if the examination is for reward.

11. The examination referred to in division J, of appendix A, section I, appears to be an elementary examination for officers of the Public Works Department with which the Board of Examiners has no concern.

12. With reference to para. 15 of the Examiner's note, I am of opinion that sanction of Government should be obtained in every case, if the examination is for reward.

13. The delay in replying to this reference is due to the fact of many of the papers quoted not being on record in the Board's office.

Transferred to the Public Works Department with reference to endorsement in that department, dated 3rd July 1889, and with papers forwarded therewith returned.

(Signed) A. G. CARDEW,
Under-Secretary.

8th October 1889.

Office note from the Examiner, Public Works Accounts, dated 8th November 1889, No. 1597.

I think that, in view of the opinion of the President of the Board of Examiners, Sergeant Huson's claim to an allowance of Rs. 180 for passing the third class test in Tamil might be disallowed.

2. If Government approve, a revised set of rules will be drafted on the basis of the President's letter, No. 369, dated 2nd September 1889, and of the orders of the Government of India communicated in G.O., No. 2613 W., dated 20th September 1889, and elsewhere, and on the lines indicated in my office note No. 776, dated 5th June 1889.

ORDER—dated 18th November 1889, No. 3255 W., Public Works.

Sergeant Huson's claim is disallowed.

2. The proposal in para. 2 of the Examiner's office note No. 1597, dated 8th November 1889, is approved. A draft of the revised rules should be submitted for the approval of Government as early as practicable.

(True Extract.)

(Signed) R. R. E. DRAKE-BROCKMAN, Lt.-Col., R.E.,
Ag. Joint Secy. to Govt., P.W.D.

To the Superintending Engineer, I Circle.
" Examiner, Public Works Accounts.
" Educational Department.
"

Exd. P. L. Pereira.
Spare Copies

5

GENERAL.
ACCOUNT.

Govt. of {1889} Madras.

PUBLIC WORKS.

Dated November, 18th.

Recd. *Encl.*

G.O., 18th Nov. 1889, No. 3255 W.

NOVEMBER.

Sergeant Huson

Claim of — to an allowance of Rs. 180 for passing the third class test in Tamil, disallowed with remarks.

No reqd. No. 3255 W Genl. Acct.

No. 1061 Gen. 1P

3255

FROM,

Lieutt Col R.H.C. Drake Brockman R.E.

~~THE~~ SUPERINTENDING ENGINEER

FIRST CIRCLE.

TO,

THE CHIEF ENGINEER

PUBLIC WORKS DEPARTMENT.

DOWLAISHWARAM, 30th January 1889.

SIR,

I have the honor to state that Sergeant Huson Overseer has lately passed the 3rd Class test in Tamil vide G.O. No 2493 W dated the 15th August/88 and to request the favor of being informed whether he is entitled to the allowance of Rs 180 as laid down in para 94 of the P. W. Code & if so whether it can be paid without sanction of Government. It appears from the last printed classified list of establishment that the Overseer has already passed the 3rd Class test (departmental standard) and higher standard in Telugu & he has, I presume, received the allowance and reward for passing them. If it be

6

necessary to obtain the sanction of Government to the payment of the above mentioned sum, I request that you will be so good as to obtain it

I have the Honor to be
Sir,
Your Lordships Most Obedt Servant
Richard Buckley Lieut R.E.
Superintending Engineer
1st Circle.

ENCLOSURES
17 OCT 8
EXAMINER
No. 116
9 FEB 1889
RECEIVED
P.W. ACCOUNTS

No. 595 C dy 7 Feby 1889

To C

For favour of remarks.

6.1.89
D.W. 2/0

No 776 Dy 5 June 1889

To W.

I have been a very long time replying to your reference (No. 595 C. of 7th. February 1889) regarding Sergeant Huson's claim to an allowance of Rs. 180 for passing the third class test in Tamil, but the fact is that in this, as in all other cases relating to rewards for passing in languages, I have found the very greatest difficulty in finding out what are the rules applicable to the case, and what they mean. In this case I really cannot say positively whether Sergeant Huson is entitled to the allowance or not. I think the rules as they stand in the code require thorough revision and this seems a good opportunity for taking up the question.

D. 179/6 m 26/6

To

FROM,

Lt Col: A. A. Drake-Brockman R.E.

THE SUPERINTENDING ENGINEER

FIRST CIRCLE.

TO,

THE CHIEF ENGINEER

PUBLIC WORKS DEPARTMENT.

DATED 30th
DESPTCHED 31st } January 1889
RECEIVED

SECRETARY TO GOVERNMENT
6 FEB. 89
P.W. DEPARTMENT, MADRAS

No. 1061 Gen.

ENCLOSURES.

SUBJECT.

Requesting to know whether or how far Sergt Huson is entitled to the allowance of Rs 180 for passing the 3rd Class test —

325 30

2. I may illustrate the defects of the code rules by reference to Sergeant Huson's case. I turn in the first instance to code para 124, and thence, in accordance with the indication therein given, to para 94. Para 94 opens with four rules applicable to civil members of the department, & then comes a clause which says that — "military members of the department will be entitled to the rates of remuneration laid down in the Madras Army Regulations (see appendix A, section i)".

3. I turn therefore to appendix A section i, expecting to find extracts from Madras Army Regulations, or rather extracts from the old Madras Army Regulations of 1876, for the Madras Army Regulations have long been obsolete, & superseded by Army Regulations India, but I can find no such extracts. I find indeed under sub-sections A to G a variety of matter much of which, probably most, appears to have been taken — from Army Regulations India or from the orders on which Army Regulations India are based, but in hardly any case is any authority quoted, and the matter has been so re-arranged as to make — it extremely difficult and often impossible to trace it to its sources. It would seem moreover that some of this matter — possibly much of it — must have come from other sources, for instance clauses B and C of para 28. Again there is in some cases apparent conflict between

C

different sub-sections;the sub-section D gives a reward of Rs.I,000 for high proficiency in Uryia,whilst sub-section G gives the very same reward for what appears to be a decidedly inferior test. Sub-section D is,as regards this point, apparently in accord with Army Regula - tions India(vide Army Regulations India volume I,article I055 and volume II article 2687),but I can find no autho - rity for the reward mentioned in sub- section G.

4. There is nothing to show plain- ly which,if any,of the sub-sections of section A i are peculiarly applicable to military men,which of these in fact are the portions referred to in the last clause of code para 94. Some of them,for instance sub-sections A,C,E & F contain internal evidence of being ap- plicable only to military officers,but sections B and D are doubtful,whilst sub-section G contains clauses (B & C already referred to) which seem clear- ly applicable to civilians.

5. I can find nothing in these rules which would entitle Sergeant — Huson to the allowance claimed by him, taking it,as I am personally disposed to take it,that rules I to IV of code para 94 are applicable to civilians only,and that the case of a military member of the department is governed by the last clause of para 94,and the rules,whatever they are,quoted therein.

3255 410

6. I am told however that the N.B at the head of sub-section H.of appen dix A,section i,has always been held to make rules I to IV of para 94 appli- cable to military members of the de - partment. I completely fail to under- stand how this interpretation can have been adopted: G.O.No.I875 W.of 7th July I88I,the one referred to in the N.B.,runs as follows,the underlining being mine;-

" The Government consider that the rules of the IIth.November I879 should be observed in conducting the examination of all officers ~~all officers~~ of the department military as well as civil ",

The meaning of the order itself appears to be simply that the necessary exa- minations shall be conducted by the Civil Board of Examiners according to their procedure,instead of convening special military boards,which might often be inconvenient; and even the modified wording of the N.B. at the head of sub-section H,seems to go no further than allowing the tests pre- scribed in the civil rules of I879 to be substituted for the tests prescrib- ed by military rules,the two tests almost being really identical,and the civil tests if anything more severe than the others. There is nothing whatever about giving to military members of the de- partment the rewards admissible under

civil rules, and it seems to me quite clear from code para 95 that, as regards this matter, military members are entirely bound by military rules, and this rule could not I think, be modified without the sanction of the Government of India.

7. Assuming however that G.O.No. 1875 W. of 1881, and the N.B. at the head of sub-section H of appendix A, section i, can be held to give the civil rule rewards to military members of the department, and assuming that rule I of para 94 is a valid rule based on competent authority, I do not understand how G.O.No.1875 W. and the N.B. referred to can have any bearing on the applicability to military members of rule I of para 94. Whatever rule I of para 94 is based upon, it is not based upon the rules of 1879, whether as originally issued, or as subsequently modified, nor is it based on sub-section H of appendix A section i. These rules and this subsection have no bearing on rule I of para 94, except by way of restriction, see the reference to moonshee allowance (an allowance under the rule of 1879) in the latter part of rule I of para 94.

8. I may here remark parenthetically, as further illustrating the confusion of the rules, that it is not open to any officer of the P.W.D. to obtain the moonshee allowance of Rs.240 under any circumstances whatever, because (vide rules of 1879 and appendix A section i, H

3255 5/10

para 35) this allowance is only admissible to officers (of certain classes) whose pay is not more than Rs. 200 a month for passing the compulsory examination, and (vide para 32 of appendix A) the examination for which the allowance is admissible is not — compulsory for any officer of the P.W.D. of a grade in which he would draw a salary not exceeding Rs.200 a month. The latter part therefore of rule I of para 94 seems useless.

9. As regards Sergeant Huson's case, his claim, so far as it can by any possibility be dependent on the civil — rules of 1879, is disposed of by the — rule (of para 32 of appendix A) which is based on G.O.No.2284 W. of 14th. August 1883, that the examination is not compulsory for upper subordinates. Indeed in Sergeant Huson's case the examination was doubly voluntary, because it was an examination in a second language, as to this see also para 2 — of letter No.2500 of 9th. December 1884 from the Secretary to the Board of Examiners to the address of the Chief — Engineer P.W.D. communicated to me with his memo No.2055 C. dated 12th. December 1884. And so far as his claim depends on special rules for military members of the department, I feel tolerably certain (see para 5 above) that he is not entitled to the allowance; but in view of the uncertainty as to the precise rules referred to in the

10

last clause of code para 94, I cannot say so positively.

10. With regard to the general question, I think, it is very desirable to revise and recast the rules, with careful reference to original authorities, throwing them as far as possible into a tabular form, somewhat as follows;-

	Civilian members of the Department						Military members of the Department				
	Departmental test				3rd class test	2nd class test	Departmental test	Lower Standard	Higher Standard	High Proficiency	degree of honor
Language	Nature of test	Time Considered	Other special conditions	Reward	All these columns subdivided in the same way as the columns for Civilians.		Subdivided in the same "Departmental test"				

Other sub-divisions of the columns may be found desirable, and the details of the test and of any special conditions attaching to any examination would no doubt have to be given separately, the entry in the column being merely a reference by which the details can be readily traced. Probably too it would be more convenient to distribute the information over two or more tables. These however are details which would be worked out in the course of the revision. If the rules could be thrown into some such shape as this, it would, I am sure, be a convenience to all concerned; and one advantage would be that it would bring out plainly any omission

3255 6P

in the rules to provide as regards — any one of any class of cases for that which is provided for in respect of other cases of the same class. Authorities should be quoted for each entry and this raises the question of the — ultimate authority for the rules, which it will be convenient to consider briefly here.

11. Any validity that the rules may have must be derived from one of these sources, namely

(a) Army Regulations India.

(b) the P.W.D. code of the Government of India

(c) special sanctions of the Government of India of local application.

The two first require no further remark; but as regards the third (c) it is necessary to ascertain what special orders there are; and as far as I have been able to discover there is only one such sanction, namely the letter of the Government of India, printed with Educational Department G.O. No. 388 of 10th. October 1879, approving experimentally the rules subsequently published at pages 784 et seq of the Fort Saint George Gazette, Part I of 1879, & now substantially embodied, as far as they concern the P.W.D., in Madras P.W. Code appendix A, section i H.

12. By a notification published at page 223 of the Fort Saint George

Gazette, Part II of 1883, rule 18 of the original rules of 1879 appears to have been modified, with the effect (so far as officers of the P.W.D. are concerned) of allowing officers of the P.W.D. to obtain the reward of Rs.500 for passing the 2nd. class test within five years of appointment to the department, provided they have not previously taken any reward under military rules. This modification of the rules was never communicated to, and therefore never approved by, the Government of India (vide proceedings of the Madras Government, Public Department, No.979 of 11th. October 1888 (with P.W.D. G.O.No.3348 W. of 20th. October 1888) but this seems to be of no consequence, except as regards Europeans and Eurasians who are natives of India, inasmuch as the same reward appears to be admissible for civilians under Government of India P.W.D. Code, volume I, chapter II, para 20 and for military members of the department, under Army Regulations India for passing a test if any thing rather more severe.

13. It seems necessary however to obtain the sanction of the Government of India to the extension of the benefit of these rules to European and Eurasian natives of India; and also perhaps to the continuance generally of the rules originally sanctioned as an experimental measure.

14. Assuming the sanction of the Government of India to be obtained, in any revision or recasting of the Madras P.W.D. Code rules regarding examinations in native languages the only authorities to be consulted will be

(a) Army Regulations India.

(b) the P.W.D. Code of the Government of India

(c) the civil rules of 1879, as originally published in Part I of the Gazette of 1879, pages 704 et seq, and subsequently modified by the notification at page 223 of Part II of the Gazette of 1883.

15. I must point out that by rule 19 of the rules of 1879, the sanction of Government is required before an officer can appear for examination for the reward. This rule is repeated in para 37 of appendix A of the code, but it is ignored in para 93 of the code, and in practice it has been a dead letter, as far as the P.W.D. is concerned. It seems desirable that Government should decide whether the rule is to be observed or not.

16. It seems desirable also to settle whether the principle of the last clause of rule III of code para 94 is of general application, or not. That is whether in any case whatever an officer who passes two or more tests in the same language can take two or more rewards cumulatively, or whether he is

in all cases limited to the aggregate reward for any number of standards is the reward for the highest of those standards.

17. Rules, such as those in paras 37 and 38 of appendix H regarding travelling allowance admissible for attending examinations, should, I think, be removed from the Native Language appendix, and embodied — as far as they are valid — in the travelling allowance appendix, appendix N, a reference to the latter being alone given in the Native Language appendix. But, except with the renewed sanction of the Government of India, such rules are not valid, and cannot be acted upon, except so far as they restrict the allowances admissible under the Civil Travelling Allowance Code: then paras 37 and 38 of appendix A cannot over-rule section 34 of the Civil Travelling Allowance Code, — under which travelling allowance is in no case admissible more than twice for the same standard; but if Government — (under rule I thereof) extends the provision of the last quoted section (civil Travelling Allowance Code section 34) to any voluntary examination, they can confine the grant of travelling allowance to cases in which the examinee is successful, as provided for in para 37 of appendix A.

18. Printed with G.O.No.1932 W. of 8th. August 1884 is a mass of correspondence which is understood to have

3255 8

been preparatory to, and to account for, the wording of the present code paras and appendices. At the present date it is exceedingly difficult, if not impossible, to follow and understand all this correspondence, but I have not succeeded in finding in it anything which makes it necessary for me to modify anything that I have written above, and I observe that the President of the Board of Examiners insists more than once in his letter on the over-ruling force of the order of the Government of India.

19. Should Government approve of the revision of the code rules and appendices in the sense suggested above, the subject of your office note No. 4048 C. dated 8th. December 1888 (Government of India circular No. 18 P.W. of 24th. November 1888) will be dealt with at the same time.

not rec'd in Educ. Dept.

C.

R 5/6

13

Memo No. 2540 C d/ 29. 5. 89.
" " 595 C d/ 7. 2. 89
" " 5252 d/ 22. 12. 88.
" " 4946 C d/ 8. 12. 88
G.O. Nos 2493 W d/ 15. 8. 88.
" " 3348 W d/ 20. 10. 88.
Memo No. 714 D d/ 21. 9. 88
G.O. Nos 2881 W d/ 14. 9. 88.
" " 1181 W d/ 2. 5. 87
" A " 189 W d/ 22. 1. 88
Memo No. 2058 C d/ 12. 12. 84
G.O. Nos 1932 W d/ 8. 8. 84
" " 2296 W d/ 16. 8. 83
" " 2264 W d/ 14. 8. 83
" B " 1772 W d/ 22. 6. 83
" A " 456 W d/ 10. 2. 83
" B " 1685 W d/ 4. 7. 82.
" " " 1675 W d/ 7. 7. 81.

PWC No. ~~5148~~ Enclos.
107
9450 / 89

(1)

ENCLOSURE
17 OCT 8

R 27. 6. 89

O.S. 29/6.
0/15/6 Rect again 26-6-89.

No. 444 D

3255

P. W. Department GP

Ootacamund. 3rd July 1889.

Office Note from the Examiner P. W. Accounts
No. 776 d/ 5th June 1889.

Office Note from Captn W. L. C. Baddeley R.E. Under
Secy to Govt P. W. Department d/ 15 June 1889.

I think it will be advisable to take up in detail each point raised by the Examiner P. W. Accounts in his note on the subject of Vernacular Examinations.

I <u>The meaning to be attached to G.O. 1675 W d/ 7th July 1881 and G.O. Educational 386 of 10th October 1879.</u>

Under these G.Os it has always been held that Military officers have the option of passing under rules in Appendix A. Section I H of the P. W. Code, but the Examiner P. W. Accounts argues that it was not the intention of Government to apply the <u>rules</u> to <u>Military</u> men, but only the

14

manner of conducting the Examination. I can see no reason for trying to draw this conclusion. If necessary the question might be settled by another G.O. but to my mind it is clear that when G.O. 1675 W dt. 7th July 1881 was passed, the intention was to allow Military men in the P.W. Dept the option of passing under the rules issued with G.O. Educational No. 386 of 10th October 1879 now printed in Appendix A. Section I. H of the P.W. Code.

II Moonshee allowance vide latter part of para 94 of the Code.

The Examiner P.W. Accounts is quite right as regards the fact that under the rules no officer of the P.W. Department can claim this allowance.

No Vernacular Examination is Compulsory for a P.W. Dept officer below the rank of assistant Engineer, and as an Assistant Engineer draws more than 200 Rs a month, he is barred from drawing the allowance.

Rule 35 of the Appendix referred to above should therefore be struck out or modified, if it is considered that Moonshee allowance should be given - Also para 94 of the Code will have to be altered - This point must apparently be referred to the Educational Dept.

3255 107

III Sergeant Mason's case, which has led to the Examiner P.W. Accounts' proposal to revise the whole of the rules.

The facts are these. Sergt Mason is not compelled to pass any Vernacular examination; he has however passed the following voluntary examinations.

Telugu 3rd class test.
Do. higher Standard.

and has received the rewards laid down, viz Rs 180/- and Rs 500. He has now passed the 3rd class test in Tamil, and claims a reward of Rs 180 - The Examiner P.W. Accounts cannot find any definite rule, and therefore proposes to revise the whole of the rules, tracing the authority for the different rulings &c I can see no reason for this extremely laborious process; the rules have always worked well, their validity has hitherto never been questioned, and it is an impossibility to frame a Code that shall meet every case.

I am of opinion that Sergeant Mason is clearly entitled to the reward laid down for the 3rd class test for the following reasons -

(a) In the Govt of India's letter No 62 of 17th Sept 1879 printed with G.O. Educational No 386 of 10th Octr 1879. the object of the rules for Vernacular Examination in this Presidency is clearly stated, and the inference to be drawn is that an

15

officer should be encouraged to pass in as many vernaculars as possible.

(b) G.O. No. 1675 W of 17th July 1881 clearly makes the rules referred to above, applicable to military men, and no where in the rules is any limit placed on the number of languages in which an officer may pass, or the number of rewards that he may earn. If necessary this point might be decided in the Educational Department.

IV The validity of the rules issued with G.O. Educational 386 of 10th October 1879. Fort St George Gazette 11th Nov. 1879 pages 762. 66. and the modification of rule 18 Vide Fort St George Gazette page 223 Part II of 1883.

It is quite true that the Govt of India letter No 64 previously referred to, speaks of the rules as experimental, but that does not invalidate them so long as this Government chose to adopt them. If necessary this Govt might now say that they finally accept, as they practically have for many years.

The Examiner S. W. Accounts after

2255

considerable discussion admits that the modification of rule 18 is of no consequence as regards invalidating the rules; but he considers it necessary to obtain the sanction of the Govt of India to extend the rule to European and Eurasians who are statutory Natives of India — I see no necessity to legislate on the chance of a ruling being required in such a case: it is useless and more than useless to attempt to frame a Code that shall meet every case; but if the Educational Department consider that the sanction of the Govt of India should be obtained, doubtless they will refer the matter.

V The removal from Appendix A of questions relating to the travelling allowance, and embodying the rules in Appendix N. of the Civil Travelling allowance Code.

I see no objection to this proposal, but in the first place it will be necessary for the Examiner S.W. Accounts to submit for the order of Government those points in which the rules in Appendix A may conflict with the rules in the Civil Travelling Allowance Code.

VI Government of India Circular No 18. S.W. of 24th Nov. 1888 regarding revised rules for the Examination of Military men in Hindustani by the Higher & Lower Standard.

I see no objet in putting these rules into the S. W. Code. Hindustani is not recognized as a

Vernacular in the P.W. Dept of this Presidency. If any military men in the P.W. Dept wish to pass in Hindustani they can do so under the Military rules; and I believe I am correct in saying that the Board of Examiners would not undertake or recognize the Examination except under Special orders.

It is true that appendix A of the Code Section I and J refer to Examinations in Hindustani; but these paragraphs are dead letters in the P.W. Department, so far as they refer to Hindustani and it might be advisable to modify them.

I would now refer to a point which I think requires consideration, and that is, the reward of 150 Rs for passing by the lower Standard as laid down in Appendix A. Sections I J in Tamil &c. This examination is of the most elementary description, is not conducted by the Board of Examiners, and I believe the reward is not as a rule claimed until the officer has passed the 3rd class test.

This point I think should be referred to the Educational Dept. From what I have said, I think it will be clear that no complete revision of the rules is necessary or desirable — Certain points require clearing up and can easily be put right

3255 125

when necessary by reference to the Educational Dept. The Examiner P.W. Accounts proposals would in my opinion involve a mass of correspondence, and before long some case would be sure to occur for which there was no definite rule —

Referred to the Board of Examiners, through the Educational Department, for an expression of opinion on the points raised by the Examiner P.W. Accounts.

Pinckney-Hutchinson
Lieut Col R.E.
Actg Jt Secy to Govt P.W. Dept

E. D. 16

To
The Educational Dept

17
10

30/1/88 No. 77 & No. 443 Pub.

Educational

8.7.89

17 OCT 8

From

The P. W. D.

CHIEF SECY. 3 JUL 89 GOVERNMENT OF M.

BOARD OF EXAMINERS

No. 444 D.

Dated 3 } July 89
Recd. 3 }

Dy 6 July 89

Referred to the Board of Examiners.

By order

A. G. Cardew.
Under Secy.

Referring to the Board of Examiners thro' the Edl. Dept. for opinion, correspondence on the subject of Vernacular Examinations.

No. 369. 3255

OFFICE OF THE BOARD OF EXAMINERS,
Madras, 2 September 1889.

13 P

From

THE PRESIDENT,
BOARD OF EXAMINERS,
MADRAS,

To

THE HON'BLE THE CHIEF SECRETARY TO GOVERNMENT,
FORT ST. GEORGE.

SIR,

In returning your endorsement dated 6 July 1889, on Memo. from the Ag: Joint Secretary to Government, P. W. D, No. 444 D, dated the 3 idem, I have the honor to make the following observations on the points raised by the Examiner of Public Works Accounts in his Note on the subject of Vernacular Examinations, with reference to the claim of Sergeant Huson to a reward for having passed in Telugu as a second language.

2. The rules of 1879, approved by the Government of India, and published in the Fort St. George Gazette of the 11 November 1879,

18

pages

pages 764-766, include Upper Subordinates of the Public Works Department, as officers of the 3rd Class, and render them eligible for Examinations allowed to officers of that class under those rules. But G.O, Public Works, dated 14th August 1883, No. 2264 W, rules that the Examination is not, in their case, compulsory. If the G.O, can be accepted as superseding the rules quoted, Sergeant Hewson has apparently come up for and passed an examination which is not compulsory on him, and he is, therefore, not entitled to the Munshi allowance prescribed for passing it. He cannot also claim the allowance as an officer under the rules of 1879, as he has already passed in one language for which he obtained a reward. In passing the rules of the 11th November 1879, it was not the intention of Government to

encourage

encourage or discourage an officer from passing according to the 3rd Class test in a second language. They ruled that an officer might pass a voluntary Examination in a second language, but that he would not get a reward or Munshi allowance for doing so. The object of allowing an Examination in a second language was to meet the case of officers transferred from one to another district where a different language was spoken, but they offered an encouragement to 3rd Class officers by granting them a reward of Rs. 500, for passing a higher Examination by the 2nd Class test in the Vernacular of the district in which the officers are or have been employed, within five years from the date of joining the appointments enumerated in the rules. Under either provision, therefore, Sergeant Hewson's Examination must be considered voluntary.

3. The

3. G.O. dated 14th August 1883, No. 2264 W. provides that the 3rd Class test is not compulsory on Upper Subordinates, but allows them certain advantages for passing in the Vernaculars by the tests enumerated in Section 129 (now Section 124) in the P.W. Code, and under this Section Sergeant Fuson will be entitled to the reward of Rs. 180, for having passed in Telugu as a Military officer in Civil employ. G.O. No. 1675 W. of 7th July 1881, however, refers to the rules of the 11th November 1879 only, and cannot, in my opinion, be taken to apply to rules I to IV. of para. 94 of the Code. In this para. both 3rd and 2nd Class tests are referred to, and both of these are applicable to both Civil and Military officers.

4. In para. 124 of the Public Works Code published in 1886, I find that Upper Subordinates are examined according to

to the 3rd & and 2nd Class tests, and are granted the rewards appertaining to these tests if the examinations are passed within the time prescribed, and if the period is overstepped, a reward of Rs. 180 for passing by the Lower Standard or 3rd Class test, and Rs. 360 for passing by the Higher Standard or 2nd Class test in Hindustani, Tamil, Telugu, Canarese and Malayalam. This seems to me to be inconsistent; for I infer from G.O. dated 14th August 1883, No. 2264 W. that Upper Subordinates are excluded from the operations of the Rules of 1879, presumably on the ground that these officers who are generally appointed from the Civil Engineering College, would have acquired sufficient knowledge of the Native languages, and were not, therefore, required to pass by the 3rd Class test. In the face of this decision, it appears

passing

appears to me inconsistent to allow any reward or allowance for passing with restriction to time by the Lower Standard, (a far inferior test). I am, therefore of opinion that the words "Upper Subordinates" in para. 32, and the whole of para 36 of Appendix A, Section 1, Division H, as also para 124 of the Code so far as it relates to 3rd and 2nd Class and Higher Standard tests, may be eliminated. The 2nd Class test under the rules of 1879 cannot be undertaken except by officers who have passed by the 3rd Class as a compulsory examination, and as the 3rd Class test is not compulsory with Upper Subordinates under G. O. dated 16th August 1889 No. 2264 W, it follows that they are not eligible for the 2nd Class test. Provision is made in Army Regulations, India, for Examinations by the Higher Standard, which is an Examination applicable

applicable to Military 325 167 Officers only.

5. For the above reasons, I would recommend that the allusions to the 3rd and 2nd Class tests, and to the Higher Standard in Section 94 of the Code, should also be omitted as they conflict with the recognized rules of 1879, and of the Army Regulations, India. I should also recommend the removal of the provision in Section 94, of a reward for passing by the Lower Standard, as, under the modified rules of 1879, no Officer of the Engineering Establishment will be entitled to the Munshi allowance prescribed for passing by the 3rd Class test, which is restricted to officers drawing less than Rs. 200, a month. Whilst no allowance is admissible for passing by the 3rd Class (a higher test) within one year, it seems inconsistent to grant a reward for

passing

passing by a lower and easier test within double the time. If it is to be considered that this examination (Lower Standard) was intended only for Civil Engineers coming out from England, these officers should not be compelled to pass also the 3rd Class test, and if they are made to fulfil the conditions of the Rules of 1879, they will probably advance a claim that having passed a higher test within one year, they ought to be given the Rs. 180, an allowance which is allowed for a lower test to be passed within double the time.

6. Should the Government be of opinion that it is advisable in order to stimulate the study of Oriental languages among the officers of the Public Works Department to grant certain rewards in addition to those prescribed

prescribed in the Rules of 1879, and in the Army Regulations, India, I would suggest that in communication with the Head of the Department, a special set of rules may be drawn up, and submitted for the sanction of the Government of India.

7. With reference to paras 3 and 4 of the Examiner's Note, I beg to state that Divisions A, B, C, D, E, F and G of Appendix A, Section I, are open to Military officers only, while B and C of Division G. are open to Military as well as Civil officers of the Public Works Department. These Divisions have been taken from the Army Regulations, India and Madras Army Regulations, 1876, as far as examination by the High Proficiency test in Tamil, Telugu and Canarese is concerned, as will be seen from G. O. Military Department, dated

4 February

4th February 1881, No. 693, and from G.O. Public, dated 26th May 1874, No. 586, and G.O. P.W.D., No. 2784, dated 2nd October 1874. The difference between the tests in Uriya given in Divisions D and G. is that the test in Division D. is the High Proficiency test as contained in the Army Regulations, India, applicable to all Military officers without reference to the place at which they may be stationed, and that in G. is the test open to Military officers in Civil employ serving in Ganjam and Vizagapatam Districts only. The authority for this is G.O., Public Department, No. 586, dated 26th May 1874.

6. Division A. of Appendix A, Section I, is applicable to Civil as well as Military officers of the Public Works Department. This is evident from the restriction in para. 36 of the Appendix which provides for the reward of Rs. 500 for passing by the 2 Class test in the case only of officers who have not received a reward under the Military Examination rules for passing in the same language by the Higher Standard test. The words Higher Standard in this para. were introduced because the rules under A. are applicable also to Military officers in the Public Works Department in addition to their own rules, and it guarded against their appearing for two examinations very nearly alike and thus getting two rewards for passing two nearly similar examinations.

7. Division I of the Appendix applies to Civil officers of the P.W.D. Military officers undergo examinations in Hindustani by the Military rules.

23

10. With

3255 191P

10. With regard to the Examination in Hindustani, the tests prescribed in Circular No. 18, Public Works, Govt. of India, Public Works Department, which seem to have been recognized in substitution for that under in Division I, Appendix A, answer the question raised by the Examiner of Public Works Accounts in para 16 of his Note. The Board of Examiners will have no objection to undertake the examination by these tests in Hindustani with the sanction of Government in each case if the examination is for reward.

11. The examination referred to in Division I of Appendix A. Section I appears to be an elementary examination for officers of the Public Works Dept. with which the Board of Examiners has no concern.

12. With reference to para 15 of the Examiner's Note, I am of opinion that sanction of Government should be obtained in every case, if the examination is for reward.

13. The delay in replying to this reference is due to the fact of many of the papers quoted not being on record in the Board's office.

I have the honor to be
Sir,
Your most Obedient Servant

W. S. Whiteside [signature]

President, Board of Examiners.

EXAMINER
No.
17 OCT 1889
ENCLOSURES
P. W. ACCOUNTS.

3255

EXAMINER
No.
17 OCT 1889
ENCLOSURES
P. W. ACCOUNTS.

Encl to l.
P.W. Inc. 9456
87

25

S/ 2 D P P.W. G.O. No. 9456
d/ 8 October 1889

Transferred to the Public Works Department with reference to Endorsement in that Department, dated 3rd July 1889 and with papers forwarded therewith returned

~~(by order)~~

8 Oct.

A. G. Cardew.
Under Secretary

SECRETARY TO GOVERNMENT, -9 OCT 89, P.W. DEPARTMENT, MADRAS.

Recd. 9.10.89

No. 4701 C d/ 16th October 1889

To C

For favour of any further remarks you may have to offer.

W.C.B. 15.10.89

D/P

16.10.89

W

No. 1597 d/ 8/11/89

Enc 2

To W.

I think that in view of the

PUBLIC DEPARTMENT.

From

THE PRESIDENT,
BOARD OF EXAMINERS,
Madras,

To The Honorable
THE CHIEF SECY. TO GOVERNMENT,
Fort St. George.

No. 369.

CHIEF SECRETARIAT, 5 SEP 89, GOVERNMENT OF MADRAS

Dated 2d
Despd. 3d } September 1889.
Recd. — 14 9.10.89

No.

ENCLOSURES. three

Subject.

Submitting observations on the points raised by the Examiner of Public Works Accounts on the subject of Vernacular examinations.

3255 2 2 P

opinion of the President of the Board of Examiners, Sergeant Huson's claim - to an allowance of Rs.180 for passing the third class test in tamil might be disallowed.

2. If Government approve, a revised set of rules will be drafted on the basis of the President's letter No.369 dated 2nd. September 1889 and of the orders of the Government of India communicated in G.O.No.2613 W. dated 20th. September 1889 and else - where, and on the lines indicated in my office note No.776 dated 5th. June 1889.

8/11

C.

7/11

8/11

(Enc. 2)

26

P.W.C. No. 8749

No 586 d/ 26.5.74 Public
" 2785 d/ 2.10.74
" 386 d/ 10.10.79
" 673 d/ 4.2.81 Military
" 1675 W d/ 7.7.81
" 2264 W d/ 14.8.83
" 1932 W d/ 8.8.84
" 189 W d/ 23.1.85
" 2492 W d/ 15.8.88
" 3348 W d/ 20.10.88
" 4946 C d/ 8.12.88
" 444 D d/ 3.7.89
" 2613 W d/ 20.9.89

No. 3255 W 325 Genl Asst

PUBLIC WORKS DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

18th June 1889.

READ the following

Letter from the Subg. Engr. I Circle. No. 1061 G.M. d/ 30th January 1889
Office Note from the Exr. P.W.d. " No. 776 d/ 5 June 1889
Endorsement in the P.W. Dept. " No. 444 D d/ 3rd July 1889
Letter from the President Bd. of Examrs " No. 369 d/ 2nd Sept. 1889
Endorsement in the Educl. Dept. " No. - d/ 8 Oct. 1889
Office note from the Exr. P.W.d. " No. 597 d/ 8th Nov. 1889.

2370

Sergeant Anson's claim is disallowed.

2. The proposal in para 2 of the Examiner's Office note No. 597 d/ 8th November 1889 is approved. A draft of the revised rules should be submitted for the approval of Government as early as practicable.

13.11.89

14.11.89

To
The Subg. Engr. I Circle
" Exr. P.W. d. Subg
" Educl. Dept.

27

3255

28

10749.

Govt. of 18 Madras

PUBLIC WORKS

20/11/8

G.O. 18th Novr 1887 No. 3255.

Sergeant Huson.

Claim of — to an allowance of Rs. 150 for passing the third class test in Tamil in connection with the exam

80/4

(28)

RC 18/11

P 18/11