

CONTENTS.

PAGE.

Memorandum prepared in the Home Department of the Government of India with respect to the Indian Civil Service.

Collection of papers referred to in the Memorandum under the following heads :—

Introductory	...	...	...	...	...	35—40
Chapter	I.—Origin and History of the Indian Civil Service Cadre	...	...	...	...	41—91
"	II.—Regulations for the open and final examinations for admission to the Indian Civil Service, including—					
	(i) age-limits for admission to the open examination ;					
	(ii) subject of the open examination ;					
	(iii) simultaneous examinations in England and India ; and					
	(iv) training of selected candidates in England	...	...	...	...	93—190
"	III.—Training of junior officers in India	...	...	...	...	191—284
"	IV.—Strength of, and annual recruitment for, the Indian Civil Service Cadre	...	...	...	...	285—420
"	V.—Salary including exchange compensation allowance and acting allowance	...	...	...	...	421—459
"	VI.—Selection for high appointments and the compulsory retirement of inefficient officers	...	...	...	...	461—471
"	VII.—Leave Rules	...	...	...	...	473—532
"	VIII.—Pensions, including family pensions	...	...	...	...	533—574
"	IX.—Measures taken for the employment of Indians in the Indian Civil Service, or in posts ordinarily held by members of the Indian Civil Service	...	...	...	...	575—728

Memorandum prepared in the Home Department of the Government
of India with respect to the Indian Civil Service.

INDIAN CIVIL SERVICE.

1. The position of the Indian Civil Service and of the posts usually filled by members of the Indian Civil Service is dealt with in this memorandum in the following chapters:—

I. Origin and history of the Indian Civil Service Cadre.

II. Regulations for the open and final examinations for admission to the Indian Civil Service, divided into the following sub-heads—

(i) age-limits for admission to the open examination.

(ii) Subjects of the open examination.

(iii) Simultaneous examinations in England and India.

(iv) Training of selected candidates in England.

III. Training of junior officers in India.

IV. Strength of, and annual recruitment for, the Indian Civil Service Cadre.

V. Salary including exchange compensation allowance and acting allowance.

VI. Selection for higher appointments and the compulsory retirement of inefficient officers.

VII. Leave Rules.

VIII. Pensions including family pensions.

IX. Measures taken for the employment of Indians in the Indian Civil Service, or in posts ordinarily held by members of the Indian Civil Service.

CHAPTER I.

Origin and History of the Indian Civil Service Cadre.

2. The Indian Civil Service has been developed out of the service of junior and senior merchants, factors, and writers, who were employed for purposes of trade by the East India Company, and whose mercantile denominations were continued long after the occupation of trading had ceased to represent more than a subordinate feature in the Company's operations. This service, which was originally recruited solely by nomination, first received statutory recognition in

Page 43.

the East India Company Act, 1793, (33 Geo. III, Cap. 52), sections 56 and 57 of which, to quote Sir Charles Wood, the Secretary of State in 1861, were designed "to prevent jobbing in Indian appointments on the part of the Indian authorities." Under the provisions of this Act the Company's Civil Servants enjoyed, subject to certain restrictions, the sole right to be employed in the Civil line of the

Page 49.

Company's administration. In 1853 the East India Company Act of that year (16 and 17 Vict. Cap. 95) introduced into the service the competitive principle, and five years later, when the Government of India was transferred from the Company to the Crown, section 32 of the Government of India Act, 1858 (21

Page 53.

and 22 Vict. Cap. 106) imposed upon the Secretary of State in Council, acting with the advice and assistance of Her Majesty's Civil Service Commissioners in

V2, 8

N12

9514

England, the duty of making Regulations for "admitting all persons, being natural-born subjects of Her Majesty (and of such age and qualifications as may be prescribed in this behalf), who may be desirous of becoming candidates for appointment to the Civil Service of India, to be examined as candidates accordingly, and for prescribing the branches of knowledge in which such candidates shall be examined, and generally for regulating and conducting such examinations under the superintendence of the said last-mentioned Commissioners, or of the persons for the time being entrusted with the carrying out of such Regulations as may be from time to time established by Her Majesty for examination, certificate, or other test of fitness in relation to appointments to junior situations in the Civil Service of the Crown." The section further laid down (1) that the candidates who might be certified by the Civil Service Commissioners to be entitled under such Regulations "shall be recommended for appointment according to the order of their proficiency as shown by such examinations;" (2) that "such persons only as shall have been so certified as aforesaid shall be appointed or admitted to the Civil Service of India by the Secretary of State in Council;" and (3) that all Regulations made under the Statute "shall be laid before Parliament within fourteen days after the making thereof, if Parliament be sitting, and if Parliament be not sitting, then within fourteen days after the next meeting thereof." The provisions above summarized are still in force, and constitute the legal authority under which Regulations are issued annually by the Secretary of State in Council respecting the examination of candidates for admission to the Civil Service of India.

3. The next landmark is the Indian Civil Service Act of 1861 (24 and 25 Vict. Cap. 54), which was introduced with a view to regularising the numerous appointments, particularly of Military and Uncovenanted officers, which had been made in contravention of the provisions of the East India Company Act of 1793 (33 Geo. III. Cap. 52). The new Statute laid down that only certain

scheduled appointments should be regarded in future as the preserve of the Indian Civil Service, and that even they might be filled under certain restrictions by other persons, subject to the ratification in each case of the Secretary of State in Council, to be given at a meeting of his Council and with the concurrence of a majority of the members present at the meeting. This power of outside selection is still occasionally exercised, particularly in connection with the appointment of military officers to reserved posts in the Foreign Department of the Government of India Secretariat, and of Indian officers of the Provincial Civil Services to judicial posts, to fill which no member of the Indian Civil Service has happened at the time to be available. It is exercisable, however, only to meet special circumstances, and cause has in each case to be shown for bringing it into play. It should also be noticed that the appointments entered in the Schedule of the Statute are almost exclusively those in the so-called Regulation Provinces, namely Madras, Bombay, Bengal (which includes the present Bengal and Bihar and Orissa) and the Province of Agra (the old North-West Provinces). These were the Provinces, which were originally governed by Regulations made under the Charter Acts, whereas the subsequently acquired territories, the so-called Non-Regulation Provinces, for example the Punjab, Oudh, Central Provinces, Assam and Burma, were administered originally by laws based on executive orders, corresponding to the Orders in Council made by the Crown for what are called Crown Colonies. This distinction has long become obsolete in matters of legislation, whilst the position of the members of the Indian Civil Service, wherever employed, has

Page 67.

been equalised in practice by the orders passed by the Secretary of State in his despatch No. 81, dated the 13th July 1876 to the effect that the statutory privileges conferred on the Service in the Regulation Provinces should be recognised *mutatis mutandis* in the Non-Regulation areas. All the distinction, which now remains, is a difference in the nomenclature of the staff, and the presence everywhere in the Non-Regulation tracts, except in Burma, of a rapidly dwindling body of Military or Uncovenanted officers in Civil Service posts. In

Burma, as will be explained later military officers are still recruited alongside of ordinary members of the Indian Civil Service.

4. The arrangement, thus come to in 1861, remained in force until 1870

Page 57.

when by section 6 of the Government of India Act of that year (33 Vict. Cap. 3) the privileges of the Service were still further curtailed. It was then enacted that nothing in any "Act of Parliament or other law now in force in India shall restrain the authorities in India by whom appointments are or may be made to offices, places, and employments in the Civil Service of Her Majesty in India from appointing any Native of India to any such office, place, or employment, although such Native shall not have been admitted to the said Civil Service of India in manner in Section 32 of the Act for the Government of India, 21 and 22 Vic., Cap. 106, provided, but subject to such rules as may be from time to time prescribed by the Governor General in Council, and sanctioned by the Secretary of State in Council, with the concurrence of a majority of members present." It was further laid down that "for the purpose of this Act, the words 'Natives of India' shall include any persons born and domiciled within the dominions of Her Majesty in India of parents habitually resident in India, and not established there for temporary purposes only, and that it shall be lawful for the Governor General in Council to define and limit from time to time the qualifications of Natives of India thus expressed: provided that every resolution made by him for such purpose shall be subject to the sanction of the Secretary of State in Council, and shall not have force until it has been laid for thirty days before both Houses of Parliament." In accordance with these provisions rules were drawn up and first took definite shape in 1879. These rules have since been added to

Appendix H. of the Report of the Public Service Commission of 1886-87. Pages 644 and 659-661.

or modified by the rules of 1892 and 1910, the detailed bearings of which on the position of the Indian Civil Service will be explained in Chapter IX of this memorandum. It should be added that the Statute of 1870 applies only to "Natives of India" and that the only way in which Europeans, who are not covered by this definition, and who are not members of the Indian Civil Service, can be appointed in a Regulation Province to a post ordinarily held by members of that Service, is by an exercise of the special power of selection conferred by the Statute of 1861. The desirability of removing this race disqualification was discussed in connection with the recommendations of the Public Service Commission of 1886-87, but it was decided that

Page 601.

it was not worth while to take any action.

5. The position thus is that the Indian Civil Service is now manned by persons, being natural-born subjects of His Majesty, whether European or Indian, who are selected at an open competitive examination in accordance with regulations made by the Secretary of State in Council, with the advice and assistance of His Majesty's Civil Service Commissioners in England, under the provisions

Page 53.

of the Government of India Act, 1858 (21 and 22 Vict. Cap. 106). Such persons, once they have been selected, are exclusively entitled, either by statutory right or executive provision, and subject in the latter case to the claims of military or other officers, who in the Non-Regulation Provinces have been or may be recruited alongside of them, to be appointed to posts of the class scheduled in

Page 55.

the Indian Civil Service Act, 1861 (24 and 25 Vict., Cap. 54). This right may, however, be limited by the exercise of the special power of selection contained in the Statute of 1861, and by the general power of curtailing the schedule of the same statute conferred by the Government of India Act of 1870 (33 Vict. Cap. 3).

Page 57.

6. It remains to explain the position of the Military and other officers who have been recruited in the Non-Regulation Provinces alongside of the members of the Indian Civil Service. Such officers were originally selected, either because the tracts in question were at annexation in a disturbed state and unfit for the methods of settled administration, or on account of the peculiar local knowledge

and experience of the individuals chosen, which made their services of special benefit at a time of need. Once appointed such officers were treated, except in matters of pension, as practically on an equality with their civilian colleagues*. The only distinction was that they were debarred by the operation of the Statute of 1861 from filling the posts of Secretaries, Junior Secretaries and Under Secretaries to their several Governments, whilst hesitation was always shown in practice about appointing them to the highest judicial offices. As the need for them died out the practice of recruiting them fell into disuse. It was definitely stopped in the case of Oudh and the Central Provinces and the small areas attached to the Governments of Bengal and the North-West Provinces of a Non-Regulation character in 1876, by virtue of the orders contained in the Secretary of State's despatch

Page 67.

No. 81, dated the 13th July of that year, and the opportunity was then taken formally to direct that in these territories appointments should be regulated henceforth in accordance with the principles contained in the Indian Civil Service Act,

Page 55.

1861 (24 and 25 Vict. Cap. 54.) The system remained in the Punjab, Assam, Burma and Sind for some years afterwards, but was abolished in Sind in 1885, in the Punjab in 1903, and in Assam in 1907.

Pages 69-85.

It still continues in Burma out of deference to the views expressed by the local Government in their letter No. 682-T-1 C-3, dated the 17th October 1906. In recruiting for these posts the practice is to ascertain the number of vacancies which

Page 89.

would ordinarily have been filled in any one year by members of the Civil Service, and to recruit only three-quarters of these, and to select military officers for the remaining quarter. The body of officers so recruited in a Non-Regulation province is ordinarily referred to collectively as the Commission of the province. A member of the Indian Civil Service, or a military officer, filling an Indian Civil Service post in, for example, the Punjab, is said to belong to the Punjab Commission.

CHAPTER II.

Regulations for the open and final examinations for admission to the Indian Civil Service.

Sub-Head (i) Age limits for Admission to the open Examination.

7. By section 60 of the East India Company Act, 1793 (33. Geo. III. Cap.

Page 43.

52) it was provided that the age of writers on first appointment should be not less than 15 years or more than 22 years. In those days no arrangements existed for giving junior Civil Servants any education previous to their appointment. This was remedied in 1806, when a College was established at Haileybury†, in which probationers were required to undergo a two years' course of study, on the expiry of which their qualifications were tested by means of an examination. In

Page 47.

1837 by the provisions of sections 4 and 5 of the India Officers' Salaries Act (7 Will. IV and 1 Vict. Cap. 70) it was enacted that the maximum age limit for admission to Haileybury should be 21 years, and for appointment as a writer 23 years.

Page 49.

Finally by sections 39 and 40 of the East India Company Act, 1853 (16 and 17 Vict. Cap. 95) which, as already explained, also introduced the competitive principle, the power of determining the age of persons to be admitted to Haileybury, or appointed to the Civil Service, was delegated to the Board of Commissioners for the affairs of India, subject to Parliamentary control. This power with the

* In Assam there is some slight differentiation in favour of members of the Civil Service but this is due to the fact that one of the districts of that province is a Regulation district and cannot be officered by military men.

† The East India Company was relieved from the obligation to maintain the College at Haileybury by a statute of 1855 (18 and 19 Vict. Cap. 53).

passing of the Government of India from the Company to the Crown, now vests, under the terms of section 32 of the Government of India Act, 1858 (21 and 22 Vict. Cap. 106), in the Secretary of State in Council, acting with the advice and assistance of His Majesty's Civil Service Commissioners in England.

Page 53.

8. The starting point for the present discussion of the age limits for admission to the Indian Civil Service Examination is thus the regulations made under the Statute of 1853. To frame these a very influential Committee, of which Lord Macaulay was Chairman, and which included Dr. Jowett, was appointed. Its report, which is the *locus classicus* for the whole subject of recruitment for the Indian Civil Service, and which is reproduced as Appendix F. to the Report of the Public Service Commission of 1886-87, is dominated by the conception that a young civilian should have received a full University education before proceeding to India, and the further conception that this education should be imparted before the open competition. This point of view prevailed throughout what may be called the first period of the system, which lasted from 1855 to 1877, and during which the age limits were kept high. These started with a minimum of

Para 32 of the Report of Public Service Commission of 1886-87.

18 and a maximum of 23, reduced in 1860 to 22, but were subsequently lowered to 17 and 21 in 1866, with the introduction of a period of two years' probation in England for all selected candidates after passing the examination. This arrangement of course proved inconvenient to the University authorities, as it rendered it difficult for a candidate to take his University course before the open examination, whilst it did not go far enough to enable him, after his selection, to receive

Page 95.

a full University training. "The University of Oxford", wrote Dean Liddell to the Secretary of State in 1874, "has felt it to be a grievance that the age at which young men are now selected as candidates for the Indian Civil Service practically prevents aspirants from coming to the University", and this communication ushered in a discussion, which inaugurated the second period of the system, lasting from 1878 to 1891, during which the age limits were fixed low, and the University course, or so much of it as was possible, was taken after the open examination.

9. The relevant correspondence about this change of policy has been included in the collection of papers prepared for the Commission. The arguments in favour of placing the University course before the open examination, and thus keeping the age limit high, are stated in Dr. Jowett's letter dated the 27th December 1874, and in Sir Ashley Eden's and Lord Northbrook's Minutes of the 15th and 22nd September 1875 respectively, and may be summarised as follows:—

Pages 98-100 and 115-125.

- (i) A low age-limit would reduce the number of well qualified candidates. Parents do not make up their minds to part with their children when the latter are only about 18.
- (ii) With a low age-limit the selected candidates would all be school-boys, and at such an age it is difficult to form a proper estimate of a youth's real capacity.
- (iii) To place the period spent at a University after the open examination would defeat the whole object of such a course of training, which is to provide a general liberal education. The latter would not be provided by a special course of training for Indian service undergone at a University by candidates selected at the age of about 18. Once a candidate has been selected he must necessarily leave his general education and embark on a special one.
- (iv) The junior Civil Servants are the best judges of this question. In 1875 the junior Civil Servants in India were almost unanimously in favour of a high age-limit.

- (v) The object of the Indian Civil Service recruitment should be to get hold of the man who has the ability and industry to work for and obtain a good honour's degree, rather than a youth who has just emerged from the VI form of a public school.

10. Sir Henry Maine on the other hand in his Minute dated the 12th November 1875, and Lord Salisbury in an undated Minute of the same period, argued

Pages 128-134.

that—

- (i) It is unsound to keep a large number of young Englishmen working up to the age of 22 at subjects which do not directly contribute to success or efficiency in the career which they are attempting to enter.
- (ii) The position of a man of 22, who failed at the open examination, would be pitiable.
- (iii) As a consequence of (ii), competition would be greatly intensified, as competitors would throw aside all the requirements of a University course and devote themselves to special training. This again would result in the Universities sending to India their second best men, keeping the best for themselves.
- (iv) The adoption of a high age-limit would involve the limitation of the probationary period to one year, if not to its actual abolition. No studies worth mentioning could be prosecuted in a twelvemonth.
- (v) It is impracticable to make a University course compulsory for candidates *before* selection. But by a system of allowances during the probationary period it is possible practically to force candidates to go to a University *after* selection, by making the allowances dependent on this condition.
- (vi) A high age-limit will not facilitate a University course before selection, for the greater efficiency of the "Crammer" as a special trainer, will draw men away from the Universities.
- (vii) It is better for young civilians to arrive in India at the age of 20 or 21 rather than at the age of 23 or 24.

This view, as already explained, prevailed and the upshot was that—

- (i) the age-limits were placed at 19 and 17;
- (ii) a probationary period of 2 years was fixed; and
- (iii) an allowance of £ 150 a year was made to selected candidates conditional upon their passing their probation at some "approved" University.

11. The system thus introduced did not go long unchallenged. The Public Service Commission of 1886-87, the scope of whose enquiry was limited to Indian questions, expressed in paragraph 62 of its Report the opinion that the existing age-limits were unsuitable for and pressed hardly upon candidates who were natives of India. This opinion was accepted by the Government of India,

Page 585.

who in paragraph 20 of their despatch No. 58, dated the 9th October 1888 stated that "the Covenanted Civil Service is so strictly limited and reduced in numbers that very wide powers are necessarily entrusted to officers shortly after their arrival in the country, and the increasing complexity of the administration demands greater maturity of judgment and more thorough education on the part of our officers." The Secretary of State concurred in paragraph 26 of his

Page 604.

despatch No. 104, dated the 12th September 1889, and the third period, lasting from 1892 to date, was ushered in, in which high age-limits were again in evidence, ranging from 21-23 from 1892-1905, and from 22-24 from 1906 onwards, to fit in with the Home Civil Service conditions. Throughout this period the time spent in England on probation after passing the open examination has been limited to one year.

12. The question was again reopened in a despatch to the Secretary of State No. 16, dated the 4th July 1907. The Government of India, as then constituted,

were of opinion that selected candidates were arriving in India too old, and that the period of one year's probation allowed them was too short to enable them to obtain a proper training in law before coming to the country. They therefore favoured an age-limit of from 20-22, combined with a two years' period of probation. No orders have as yet been received on these proposals.

Sub-Head (ii) Subjects of the Open Examination.

13. The principle, on which the members of Lord Macaulay's Committee proceeded in 1854 in framing a syllabus of subjects, in which competitors for admission to the Indian Civil Service should be tested, was that the examination should be of such a nature that no candidate, who might fail, should have any reason to regret the time and labour which he had spent in preparing himself for the contest. They endeavoured in fact to secure the ordinary well educated young men of the time being. The only subjects of a specially oriental character introduced into the curriculum, and those on a voluntary basis, were Sanskrit and Arabic. As to these the Committee evidently felt some doubts, but as they apprehended that it would very seldom happen that any candidate would offer himself for examination in them they decided not to exclude them. This hesitation was intensified as time went on, and in 1878 the Civil Service Commissioners remarked that, except for the sake of the Indian candidates, and if only the United Kingdom had to be considered, they would have proposed to exclude Arabic, and would have hesitated to include Sanskrit, notwithstanding the place which the latter held in European culture and even at a few of the English schools and colleges. The claims to consideration, however, of the Indian candidates gained the day.

Appendix F to the Report of the Public Service Commission of 1886-87.

Paragraph 34 of the Report of the Public Service Commission of 1886-87.

14. With this exception the principle laid down by Lord Macaulay's Committee has been maintained ever since, and the changes made in the syllabus have only been such as to adapt it to the capacities of the competitors in accordance with the necessities of the varying age-limits, laid down for them from time to time. A full history of the matter, down to the date of the introduction of the low age-limit of 1878, has been given in paragraphs 30-35 of the Report of the Public Service Commission of 1886-87, and the following statement brings up to date the information as to details contained in paragraph 34 of that publication.

PERIOD OF AGE-LIMITS 17-21. i.e., 1877-1897.	PERIOD OF AGE-LIMITS 17-19. i.e., 1878-1891.	PERIOD OF AGE-LIMITS 21-23. i.e., 1892-1903.	PERIOD OF AGE-LIMITS 23-24. i.e., 1906 TO DATE.
Subjects.	Subjects.	Subjects.	Subjects.
Marks.	Marks.	Marks.	Marks.
1. English Composition ...	1. English Composition ...	1. English Composition ...	1. English Composition ...
2. History of England, including that of the Laws and Constitution ...	2. History of England, including a period selected by the candidate ...	2. English History ...	2. English History, either or both sections may be taken—Section I., to A. D. 1485 ... Section II., A. D. 1485 to 1848 ...
3. English Language and Literature ...	3. English Literature, including books selected by the candidate ...	3. English Law, <i>viz.</i> —Law of Contract.—Criminal Law.—Law of Evidence and Law of the Constitution ...	3. English Law ...
4. Language, Literature, and History of Greece ...	4. Greek ...	4. English Language and Literature ...	4. English Language and Literature ...
5. Language, Literature, and History of Rome ...	5. Latin ...	5. Greek Language and Literature ...	Greek, not less than two subdivisions of which one must be Translation:— 5. Translation ... 6. Prose Composition ... 7. Verse Composition ... 8. Literature, etc. ...
6. Language, Literature, and History of France ...	6. French ...	6. Greek History (Ancient, including Constitution), ... 7. Latin Language and Literature ... 8. Roman History (Ancient, including Constitution) ... 9. Roman Law ... 10. French Language and Literature ...	9. Greek History (Ancient including Constitution) ... Latin, not less than two subdivisions of which one must be Translation:— 10. Translation ... 11. Prose Composition ... 12. Verse Composition ... 13. Literature, etc. ... 14. Roman History (Ancient including Constitution) ... 15. Roman Law ... 16. French, History of the Language and Literature ... 17. French, Translation, Composition and Conversation ...
7. Language, Literature, and History of Germany ...	7. German ...	11. German Language and Literature...	18. German, History of the Language and Literature ... 19. German, Translation, Composition and Conversation ... 20. Italian, History of the Language and Literature ... 21. Italian, Translation, Composition and Conversation ... 22. General Modern History ...
8. Language, Literature, and History of Italy ...	8. Italian ...	12. General Modern History (period to be selected by Candidates from list in the syllabus issued by the Commissioners, one period at least to include Indian History) ...	23. Lower Mathematics ... 24. Higher Mathematics ...
9. Mathematics (pure and mixed) ...	9. Mathematics (pure and mixed) ...	13. Mathematics (pure and applied) ... 14. Advanced Mathematical subjects (pure and applied) ...	25. Natural Science, <i>i.e.</i> , any number not exceeding four of the following or three if both Lower and Higher Mathematics be also taken— (1) Chemistry ... (2) Physics ... (3) Geology ... (4) Botany ... (5) Zoology ... (6) Animal Physiology ... (7) Geography ...
10. Natural Science—that is (1) Chemistry, including Heat; (2) Electricity and Magnetism; (3) Geology and Mineralogy; (4) Zoology; (5) Botany ...	10. Natural Science—that is the Elements of any two of the following Sciences, <i>viz.</i> , Chemistry, 500; Electricity and Magnetism, 300; Experimental Laws of Heat and Light, 300; Mechanical Philosophy, with outlines of Astronomy, 300 ...	15. Natural Science, <i>i.e.</i> , any number not exceeding three of the following subjects:— Elementary Chemistry and Elementary Physics ... (N.B.—This subject may not be taken up by those who offer either Higher Chemistry or Higher Physics)— Higher Chemistry ... Higher Physics ... Geology ... Botany ... Zoology ... Animal Physiology ...	26. Logic and Physiology ... 27. Moral and Metaphysical Philosophy ... 28. Political Economy and Economic History ... 29. Political Science ...
11. Moral Science—that is, Logic, Mental and Moral Philosophy ...	11. Logic ...	16. Logic and Mental Philosophy (Ancient and Modern) ... 17. Moral Philosophy (Ancient and Modern) ... 18. Political Economy and Economic History ... 19. Political Science (including Analytical Jurisprudence, the Early History of Institutions and Theory of Legislation) ...	30. Sanskrit Language and Literature ... 31. Sanskrit Language and Literature ... 32. Arabic Language and Literature ...
12. Sanskrit Language and Literature ...	13. Sanskrit ...	20. Sanskrit Language and Literature ...	
13. Arabic Language and Literature ...	14. Arabic ...	21. Arabic Language and Literature ...	

Consistently with the limitations specified above Candidates are at liberty to name any of the foregoing subjects, provided that the maximum number of marks that can be obtained from the subjects chosen is limited to 6,000.

Candidates are at liberty to name any or all of these branches of knowledge. No subjects are obligatory.

Sub-Head (iii) Simultaneous Examinations in England and India.

15. A further question of importance in connection with the open examination for the Indian Civil Service is the place at which it should be held, whether in England only, or in England and India simultaneously, for the benefit in the latter contingency of Indian candidates. The Public Service Commission of 1886-87 dealt exhaustively with the matter in paragraph 60 of their Report, and it was discussed by the Government of India and the Secretary of State in paragraphs 18 and 19 and paragraphs 23-25 of their despatches No. 58 dated

Pages 584-585.
Pages 602-603.

the 9th October 1888 and No. 104 dated the 12th September 1889 respectively.

The subject has since been further ventilated in the correspondence, which followed in 1893 and 1894, on the passing of a Resolution in the House of Commons in favour of the simultaneous system. The arguments then used

Page 169.

against this concession were summed up in paragraph 18 of the Government of

India's despatch No. 62 dated the 1st November 1893 and ran as follows—

- "(1) No such concession is necessary for the fulfilment of the so-called pledges upon which the claim has been founded.
- (2) The practical difficulties of introducing a system of simultaneous examinations would be extremely serious.
- (3) It is conceded that, in order to ensure the efficient government of the country, a minimum of European officials is indispensable. Such a minimum could not be maintained in the event of simultaneous examination being resorted to in this country.
- (4) It would be entirely out of the question to reduce the existing minimum of Europeans at the present time.
- (5) Open competition is not the best way of selecting Natives for the higher ranks of the service. It may be necessary in Europe in order to check nepotism, but in this case nepotism is impossible. Probation by actual employment forms a competitive examination of the best kind. Competitive examination in India would certainly have the effect of admitting a large number of competitors deficient in the qualifications necessary for the higher ranks of the service, and whose antecedents and origin would not be such as to command the confidence or the good will of the classes for whose welfare they would be responsible; on the other hand, it would exclude the most valuable and capable assistance which the British Government could obtain from natives of India in the Sikhs, Muhammadans, and other races accustomed to rule and possessing exceptional strength of character, but deficient in literary education.
- (6) The proposed change would, unless the irreducible minimum of Europeans is to be diminished, involve the withdrawal of the appointments recently given, after the fullest consideration, to the Provincial Service, and would thus deprive that service of the prizes promised to it, disappointing its hopes and lowering its efficiency by a sense of injustice."

The orders of Her Majesty's Government were conveyed by Sir Henry Fowler, the then Secretary of State, in his despatch No. 37 dated the 19th April 1894,

Page 177.

paragraph 11 of which was to the following effect:—

"Her Majesty's Government are most anxious that the Natives of the country should enjoy every facility, compatible with the maintenance of the efficiency of the administration and the safety of British rule, to enter the

public service of India, and they have reconsidered the whole subject with a sincere desire to give full weight to the arguments in favour of a system of simultaneous examinations; but they have arrived at the conclusion that there are insuperable objections to the establishment of that system, and that by far the best method of meeting the legitimate claims and aspirations of the Natives of the country is to bestow such of the higher posts as can be made available for them on those who distinguish themselves by their capacity and trustworthiness in the performance of subordinate duties".

Sub-Head (iv) Training of selected Candidates in England.

16. As already explained in paragraph 7 of this memorandum the first attempt to give a training to selected candidates for the Indian Civil Service was made in 1806 with the founding of the old Haileybury College, in which institution all probationers were required to spend a period of two years. With the introduction of the competitive system in 1855 this arrangement was temporarily swept away, and the candidates who passed in that year and in 1856

Page 179.

and 1857 proceeded at once to India without having been submitted to any

further test. In 1858, when the conduct of the examination was placed in the hands of the Civil Service Commissioners, the probationary period was revived, but the scheme of Lord Macaulay's Committee for its employment was

Paragraph 32 of the Report of the Public Service Commission of 1886-87.

only partially carried out, and it was limited to one year. In 1866 the two year period

originally contemplated was enforced for all probationers, but the place and mode of study were left to each man's choice. The evil, which resulted from this lack of control at an impressionable stage of the probationers' careers, was largely instrumental in bringing about the lowering of the age limit in 1878 to from 17 to 19, and the introduction of the system of granting allowances of £150 a year to all who would spend their period of probation, which was still kept at 2 years, at an approved University. With the subsequent further change of the age-limit in 1892 to from 21 to 23 the probationary period was again reduced to one year, but the condition of residence at an approved University in exchange for a monetary allowance continued to be enforced. The insufficiency of this period was the subject of comment by the Government of India as constituted

Pages 181-190.

in 1907, and their views are set out in their despatch No. 16, dated the 4th July

of that year. On this despatch, as already explained, no orders have as yet been received.

17. For the principles followed in prescribing the course of studies to be pursued by selected candidates during their probationary period reference must again be made to the recommendations of Lord Macaulay's Committee. "It seems

to us", they wrote, "that, from the moment at which the successful candidates, whom we will now call probationers, have been set apart as persons who will, in all probability, have to bear a part in the government of India, they should give their whole minds to the duties of their new position. They must now be considered as having finished their general education, and as having finished it with honour. Their serious studies must henceforth be such as have a special tendency to fit them for their calling." They accordingly suggested Indian History, the Science of Jurisprudence, Commercial and Financial Science (*viz.*, Political Economy and Accounts) and Oriental tongues as the proper subjects for attention. This system still holds the field, but the extent to which the character of the final examination has come to be altered owing to the curtailment of the period for special study will be evident from the following statement which compares the subjects and marks allotted to them, as well as the courses of reading, prescribed in 1912, with those in vogue in 1891, which was the last year of the two year probation period.

FINAL EXAMINATION OF 1891 WHEN THE PERIOD OF PROBATION WAS 2 YEARS.			FINAL EXAMINATION OF 1912 WHEN THE PERIOD OF PROBATION WAS ONE YEAR.		
Subjects. (a)		Marks.	Subjects.		Marks.
1. *Classical languages of India—			<i>Compulsory.</i> —		
Sanskrit	...	500	1. The principal Vernacular language of the Province to which the Candidate is assigned	...	400
Arabic	...	400	2. Indian History	...	400
Persian	...	400	3. Indian Penal Code	...	400
2. †Vernacular languages of India (excepting Hindustani when taken up by Madras Candidates, and Gujrati) each.	...	400	4. Code of Criminal Procedure	...	200
3. The History and Geography of India	...	350	5. The Indian Evidence Act	...	200
4. Law‡	...	1,250	<i>Optional</i> —(Not more than one of the following subjects).		
5. Political Economy	...	350	1. §Sanskrit	...	400
			2. §Arabic	...	400
			3. Persian	...	400
			4. Hindustani (for Candidates assigned to the Province of Burma only).	...	400
			5. Hindu and Muhammadan Law	...	450

(a)—In addition to the above candidates were permitted to take up any one of the following branches of natural science, *vis.*, Agricultural Chemistry, botany, geology and zoology, for which 350 marks were allowed.

* One or more of these subjects could be taken.

† One of the languages prescribed for the candidates' Presidency or Province.

‡ The course of reading in Law included

(1) General Jurisprudence—

Blackstone's Commentaries.
Austin's Jurisprudence.
The Institutes of Justinian.
Maine's Ancient Law.
Mackenzie's Studies in Roman Law.
Bentham's Theory of Legislation.

(2) Law of Evidence—

The Indian Evidence Act.
Pitt Taylor's Treatise on the Law of Evidence.

(3) Law of India—

The Code of Civil Procedure.
The Indian Penal Code.
The Code of Criminal Procedure.
The Indian Law of Contracts.
The Intestate and Testamentary Succession Act.
Hindu Law.
Muhammadan Law.

Simultaneously the candidates attended courts and supplied the following detailed reports, with an analysis and notes in each case:—

1st Periodical Examination	...	Seven reports of police court cases of a stipendiary magistrate, embracing cases in which the magistrate exercised final jurisdiction and cases which he committed for trial. Four civil cases of a county court in which the parties were represented by counsel. One separate report of the whole business, of whatever kind, transacted in a police court during one day.
2nd Periodical Examination	...	Five reports of civil actions in the superior courts of London in which the defendant was represented by counsel. Five reports of cases decided in the Central Criminal Court in which the prisoner was represented by counsel.
3rd Periodical Examination	...	Three reports of civil cases of importance tried before special juries in the superior courts of London. Three reports of criminal cases of importance tried before juries in the Central Criminal Court and selected for some special quality such as the gravity of the offence, the nature of the evidence produced, the number of the prisoners, etc.
Final Examination	...	One report of the investigation before a London Police Magistrate of a grave criminal charge ending in committal. One report of the whole business, of whatever kind, transacted in a London police court in one day. Two reports of important civil cases tried by a special jury in London. One report of a case heard in the Judicial Committee of the Privy Council on appeal from India.

§ These subjects cannot be offered by any candidate who has offered them at the Open Competition.

18. The curriculum favoured by the Government of India in 1907, as set out in their despatch referred to above was to be spread over a term of two years

Pages 181-190.

and to include

- a law course, which was to be both theoretical and practical;
- a course of study in the vernacular language comprising one compulsory language and allowing only one optional, with the object of imparting a knowledge of grammar and text-books sufficient to enable candidates to master the language readily after some study and practice in India;
- an acquaintance with the Geography and History of India;
- political economy;
- a knowledge of accounts; and
- proficiency in riding.

CHAPTER III.

Training of Junior Officers in India.

19. An officer appointed to the Indian Civil Service, or a military or other officer appointed to the Commission of a non-regulation province, is on joining his appointment required to pass a departmental examination in accordance with the rules prescribed for the province to which he is posted. This examination is divided into two standards, a Lower and a Higher. The object of the Lower standard examination is to test an officer's proficiency for practical purposes in one of the vernacular languages of the province to which he is posted and his general acquaintance both with the leading principles of the systems of provincial revenue administration and criminal justice in vogue, and also with the more important local laws and rules of procedure. The Higher standard of examination is similar in its nature to the Lower, but more difficult in degree.

20. Officers on passing the Lower or Higher standard of examination in all subjects are, as a rule, invested with the powers of a second class or first class magistrate respectively, and are, subject to certain conditions, entitled to higher rates of pay. In some provinces a limit of time is laid down within which the examination must be passed and failure to do this is penalised, for example either by suspension or a deduction of a percentage from pay, or stoppage of increment of pay or promotion either substantive or officiating.

21. The subjects of the examination are (a) Law and procedure, (b) Treasury and Accounts and (c) Languages.

(a) *Law and Procedure.*—The papers comprise portions of Indian Civil Law and Procedure, Criminal Law and Procedure and Revenue Law. They are usually of two kinds, one dealing with general principles of law and practice, and the other with matters of fact, to which the law has to be applied. In answering the former the use of books is forbidden, but allowed in the latter. The laws, regulations, Acts, etc., in which the examinations are actually held, are prescribed in the rules of each province. Certain Acts, however, for example the Indian Penal Code, the Code of Criminal Procedure, the Indian Evidence Act, the Indian Contract Act, the Code of Civil Procedure, and the Whipping Act, are common to almost all provinces.

(b) *Treasury and Accounts.*—The examination is confined to certain chapters of the Civil Account Code, and questions are set so as to test the practical acquaintance of the candidates with the principles and provisions of the Code. The use of the Civil Account Code is allowed. Officers are also required to undergo a previous course of training in a district Treasury.

- (c) *Languages*.—An officer is ordinarily required to pass in two languages, first, in the vernacular of the district in which he is stationed, and then in one of the provincial vernaculars. In certain provinces, where more than two vernaculars are current, an officer is required to pass, under certain conditions, a compulsory examination in a third or additional language, for which a reward of Rs. 500 is usually given.

22. Officers of the Indian Civil Service and of the Commissions of the Non-Regulation provinces are also encouraged, but not compelled, to undertake a deeper study of the oriental languages by the grant of rewards for passing certain examinations. The standards of examination and the donations given to successful candidates have been set out in the Government of India's letter Nos. 139-48, dated the 23rd July 1912 and its enclosures, and are as follow:—

- (i) *Higher standard*.—Examinations are held in Persian, Arabic and Sanskrit, and for Burma officers in Pali. A reward of Rs. 800 is given to a candidate for passing the examination before the expiration of 10 years, counted from the date of his first arrival in India.
- (ii) *Proficiency standard*.—Examinations are held in the important vernaculars of each province. The reward is Rs. 750 for passing within a period of 10 years from the date of first arrival in India.
- (iii) *High Proficiency standard*.—Examinations are held in the classical languages and in the recognised vernaculars of each province. The reward is Rs. 2,000 for Persian, Arabic and Sanskrit, and also, in the case of Burma officers only, for Burmese and Pali. For the recognised vernaculars in each province the reward is Rs. 1,500. The time limit for securing a reward is in all cases 15 years from the date of first arrival in India.
- (iv) *Degree of Honour standard*.—Examinations are held in the classical languages and the recognised vernaculars of each province. In the case of the recognised provincial vernaculars the reward is Rs. 3,000; for Persian, Arabic, Sanskrit and Pali Rs. 5,000; and for Burmese Rs. 4,000. No limit of time is prescribed for this standard.

Candidates for these examinations are in certain circumstances allowed to take study leave, the rules for the grant of which are laid down in the Civil Service Regulations.

23. In addition to the examinations mentioned above, officers of the Indian Civil Service, and of the Commissions of the Non-Regulation provinces, are also encouraged, but again not compelled, to study, under certain conditions,

- (i) the various languages of the frontier tribes in Bengal, Assam and Burma. The rewards for passing in these range from Rs. 500 to Rs. 1,000.
- (ii) the Baluchi language in the Punjab. A language allowance of Rs. 100 a month, or lump sum rewards of Rs. 500 and Rs. 1,000, are given according to the rank of the officer. This monthly allowance is admissible so long as the officer is employed in the Dera Ghazi Khan district in certain grades.
- (iii) Certain local languages of Burma, such as Shan and Karen. Rewards range from Rs. 1,000 to Rs. 2,000.
- (iv) Chinese and Yunnanese. The examinations are open to Burma officers only, and carry rewards of Rs. 2,000 and Rs. 1,000 respectively.
- (v) Russian. A limited number of officers of the Indian Civil Service are permitted to present themselves for examination in the Russian language while on furlough. A gratuity of £125 is admissible

under certain conditions to an officer passing the interpretership examination and an additional gratuity of £75 is given for passing a further test.

24. All the foregoing rewards are granted to European and Indian officers alike, except where the language passed is the officer's mother tongue, or is closely allied to his mother tongue.

25. Officers of the Indian Civil Service in the Political Department of the Government of India are also allowed to appear for examination in—

- (i) the Pashtu language in the North-West Frontier Province and Chilas. A language allowance of Rs. 100 a month, or a lump sum reward of Rs. 1,000, is given according as the substantive pay of the successful officer is below or above Rs. 1,500 a month.
- (ii) the Baluchi language in the districts of Hazara, Peshawar, Kohat, Bannu, Dera Ismail Khan and Dera Ghazi Khan. A language allowance of Rs. 100 a month, or lump sum rewards of Rs. 500 or Rs. 1,000, are prescribed according to the rank of the officer.
- (iii) The Brahui language in Baluchistan. The reward prescribed under certain conditions is Rs. 300.

26. Officers of the Indian Civil Service in the Political Department, employed beyond the limits of India, are also, under certain conditions, given allowances ranging from Rs. 100 to Rs. 150 a month for proficiency in Persian, Arabic, Russian, Chinese and Tibetan.

27. The question of a special legal training for those junior officers, who elect, or who are selected, for duty in the judicial line, has lately been receiving the attention of the Government of India. The Secretary of State was addressed on the subject in a despatch No. 9, dated the 26th March 1908, but the views of the

Pages 219-223.

various members of the Government of India, as then constituted, were so divergent, that the whole subject was remitted for reconsideration in Secretary of State's despatch No. 151, dated the 28th October 1910. The various local Governments have now again been consulted, and their replies are attached to this memorandum.

Pages 231-232.

Pages 237-284.

CHAPTER IV.

Strength of, and annual recruitment for, the Indian Civil Service Cadre.

28. The principles, in accordance with which the strength of the cadre of the Indian Civil Service, and its annual rate of recruitment, should be fixed, were exhaustively discussed in the correspondence, which commenced with the Government of India's despatch No. 10, dated the 10th February 1898, and ended with the Secretary of State's telegram, dated the 9th January 1900. In this correspondence it was settled that the two main underlying ideas to be kept in view were—

Page 287-293.

Page 315.

- (a) that the members of the Service should have sufficient training in subordinate or inferior appointments before they were called upon to discharge the duties of higher ones, and
- (b) that they should, throughout the whole period of their service, have sufficient salaries, and sufficiently responsible duties.

To secure these objects it was decided to ascertain exactly what number of posts, called technically "superior" posts, carrying a salary of over Rs. 1,000 per mensem, existed, and to recruit only sufficient officers to make it probable

that each should find himself officiating with practical permanency in at least the lowest of these appointments after the completion of eight* years' service. It was further settled so to attempt to order the cadre that officers of over two but under eight years' completed service should be appointed in the ordinary course of promotion to charges of minor responsibility, called technically "inferior" posts, and be paid at rates† above that of the lowest grade but not exceeding Rs. 1,000 per mensem, whilst the lowest grade‡ would be kept, first, for officers of under two years' service, who would be regarded as under training; secondly, for a reserve against leave vacancies, and thirdly to cover vacancies caused by the absence of officers in temporary posts and on deputation. Vacancies of this last named character are constantly recurring in the ordinary course of the administration, as when a census is held, or a colonisation scheme is on foot, or arrears have accumulated and have to be cleared off, or a special enquiry is in progress, or the loan of an officer is made to a Ruling Chief and so on, and some provision to fill them is therefore necessary.

29. In accordance with this scheme up to date lists of superior posts are maintained for each Presidency or Province in the Home Department of the Government of India, and in the Provincial Secretariat concerned. Copies of them, as they stood on the 1st July 1912, bearing the letters "A" to "I" are attached to this memorandum. They have been framed to show the actual total number of superior posts in each Presidency or Province, the deductions which have to be made on account of the posts listed as open to members of the Provincial Service, as explained in Chapter IX of this memorandum, the additions required to meet the claims of the superior posts directly under the Government of India,§ for filling which the Government of India have to indent on the nine§ presidencies or provinces, on one of whose rolls every member of the Service, wherever employed, is borne, and finally the resulting total. To this an addition of 4 per cent¶ is made to provide for temporary posts and deputations of a superior character, and the resulting total is the basic figure on which the rest of the cadre is built up by a series of increments calculated in percentages on the basic amount.

30. These percentages were worked out last in 1904 in the light* of past actuals under the orders of Mr. O. T. Barrow, I.C.S., the then Comptroller General, and a copy of his report dated the 10th September 1904 is attached. The results were summed up in the Government of India's despatch No. 25, dated the 24th June 1909, and showed the need for increments of 39, 15.5 and 40 per cent on account of inferior appointments and the training and leave reserves respectively. These figures were accepted by the Secretary of State in his despatch No. 9, dated the 4th February 1910, and still hold the field. The Secretary of State also accepted an annual recruitment rate of 4.17 per cent on the total strength of the service, based on the actual average decrement experienced

* The total number of these posts is fixed, and an up to date list of them, of which a copy is attached bearing the letter "J", is maintained in the Home Department of the Government of India, but in the nature of things it cannot be said from which presidency or province the actual incumbents will be drawn, and for purposes of recruitment an arbitrary distribution is effected, which is varied from time to time as occasion demands (vide paragraph 7 of Page 344. Government of India despatch no. 25, dated 24th June 1909).

† Although this addition is made to the superior posts the men actually recruited against this need are kept in the reserve in the lowest grade of the service.

during the 50 years from April 1st 1854 to April 1st 1904. The results for the whole of India are shown in the following statement:—

	Madras.	Bombay.	Bengal.	United Provinces.	Punjab.	Burma.	Bihar and Orissa.	Central Provinces.	Assam.	Total.
1	2	3	4	5	6	7	8	9	10	11
(1) No. of "Superior" posts, i.e., posts carrying a salary of over Rs. 1,000 a month in the Presidency or Province.	87	84	90	111	80	83	54	51	22	662
(2) Deduct for pos's listed as open to Provincial Service.	8	6	8	7	11	5	5	6	...	56
(3) Add for posts under the Government of India.	8	8	8	10	7	6	5	4	2	58
(4) Balance number of "Superior" posts.	87	86	90	114	76	84	54	49	24	664
(5) Add 4 per cent for temporary posts and for deputation [N.B.—For such posts additions are made in the lowest grade of assistants.]	3	3	4	5	3	3	2	2	1	26
(6) Total number of "Superior" posts on which recruitment is based.	90	89	94	119	79	87	56	51	25	690
(7) Add "Inferior" posts, i.e., posts above the lowest grade of assistants, but below the "Superior" posts, at 39 per cent of line (6).	35	35	37	46	31	34	22	20	9	269
(8) Add leave reserve at 40 per cent of line (6).	36	35½	37½	47½	32	35	22½	20	10	276
(9) Add training reserve at 15.5 of line (6).	14	13½	14½	18½	12	13	8½	8	4	106
(10) Strength of service required at 194.5 per cent of line (6).	175	173	183	231	154	169	109	99	48	1,341
(11) Rate of recruitment at 4.17 per cent of strength shown in line (10):	7.3	7.2	7.6	9.6	6.4	5.3 Civil 1.7 Military.	4.5	4.1	2.0	5.4 Civil 1.7 Military.

31. The upshot is that the Indian Civil Service contains 690 superior and 269 inferior charges, or 959 charges in all, whilst to keep these filled an additional number of 276 officers for a leave, and of 106 for a training reserve should theoretically be available, making a total strength of 1,341. In practice, as will be seen from the statement below, there were 1,385 officers available on the 1st July 1912. This excess of 44 officers is due to surpluses of 3, 6, 37, 6 and 5 in Bombay, the United Provinces, the Punjab, Burma and the Central Provinces, and of deficits of 2, 9 and 2 in Madras, Bengal and Bihar and Orissa respectively:—

Provinces.	Sanctioned strength.	Actual strength on 1st July 1912.	No. of officers over (+) or under (—) strength.
1	2	3	4
Madras ...	175	173	—2
Bombay ...	173	176	+3
Bengal ...	183	174	—9
United Provinces ...	231	237	+6
Punjab ...	154	191	+37
Burma ...	169	175	+6
Bihar and Orissa ...	109	107	—2
Central Provinces ...	99	104	+5
Assam ...	48	48	...
Total ...	1,341	1,385	+44

32. The general working of the foregoing system of recruitment was examined by the Government of India in 1910, and their conclusions are embodied in their despatch No. 9, dated the 31st March of that year. These were, as noted by the Secretary of State in his despatch No. 90, dated the 29th July 1910, that in Madras, the United Provinces, Burma, Eastern Bengal and Assam and the Central Provinces no special measures of relief were called for, whilst in Bombay, Bengal and the Punjab certain minor adjustments were needed. These were sanctioned in the two last named provinces by the despatch of the Secretary of State already referred to, whilst a reference about the Bombay difficulty was made in the Government of India's despatch No. 108, dated the 9th May 1912, to which no answer has as yet been received.

33. Since that date there have been signs of considerable dissatisfaction amongst the members of the Service, and formal memorials, indicating widespread discontent, have been received from officers serving in the United Provinces, the Punjab and the Central Provinces. Copies of letters forwarding these have been attached to this memorandum for the information of the Commission. The points of objection taken, which are of a general character, seem to be as follows :—

- (i) that the existing scale of pay for members of the Service was fixed at a time when prices were far lower than now, and have never been adjusted to meet present conditions ;
- (ii) that owing to uneven recruitment in the past, or to faulty calculations, officers with eight years' completed service do not find themselves holding with practical permanency posts carrying a pay of over Rs. 1,000 ;
- (iii) that for similar reasons future prospects are uncertain, as, though the total strength of the cadre in any province may be approximately correct, there are too few senior officers in the higher, and too many junior in the lower appointments ;
- (iv) that officers recruited at the present high age-limits are in a far worse position financially than were their seniors who came out to enjoy similar rates of pay at a lower age ; and
- (v) that the relative superiority of pay over the other services in India, hitherto enjoyed by the Indian Civil Service, is diminishing, whilst in certain ranks, age for age, and service for service, members of the Indian Civil Service are worse off.

The Punjab and Central Provinces officers complain in addition that the posts in their respective cadres are worse paid and graded than the corresponding posts in other provinces.

34. Amongst the remedial measures of a permanent nature prayed for, apart from a general rise in salaries, and a removal of the flaws, which are alleged to exist in the present system of recruitment, and of the inequalities of payment as between provinces, are—

- (i) the introduction of a time scale of pay as in the Political Department, as set out in the Foreign Department Resolution No. 2485, Est. A., dated the 1st September 1911 ;

- (ii) the adoption, in the case of transfers, of rates of travelling allowance, which would save officers from the heavy loss which, under existing regulations, is alleged frequently to occur ; and
- (iii) the abolition of the 4 per cent. deduction which is made from the salary of members of the Indian Civil Service, and not, so it is alleged, from the salaries of any other services.

Immediate action is also requested in the form of personal allowances, or special proportionate pensions to those who are willing to take them, until such time normal flow of promotion is restored.

CHAPTER V.

Salary, including exchange compensation allowance and acting allowance.

35. The pay of an officer in the Indian Civil Service or holding a Civil Service post is governed by the Civil Service Regulations*. These regulations may be changed from time to time by the Government of India, subject to the approval of the Secretary of State, and are interpreted by the Government of India in case of dispute. An officer's claim to pay is regulated by the rule in force at the period in respect of which it was earned, and unless in any particular case it is otherwise distinctly provided, his whole time is held to be paid for by the State, he may be employed in any manner required by proper authority, within his branch of duty, without claim for additional remuneration.

36. The rates of pay for the posts in the provinces usually filled by members of the Indian Civil Service, whether actually held by them, or by military or naval officers of the Commissions of the non-regulation provinces, are shown in the following table, the theory being that recruitment will be so arranged that every officer will be filling with practical permanency one of the appointments to which a salary of over Rs. 1,000 a month is attached. The pay attached to the posts held directly under the Government of India will be found in Lists J and K, referred to in Chapter IV of this memorandum.

Pages 415-416.

The pay of the following officers is fixed at the following amounts per mensem under the Statute in force against each—

- Lieutenant-Governor Rs. 8,333½ (16 & 17 Vict. Cap. 95, s. 35).
- Ordinary Members of the Governor General's Council, Rs. 6,666½ (3 & 4 Will. IV, s. 76).
- Ordinary Members of Council of any Presidency, Rs. 5,333½ (3 & 4 Will. IV, s. 76).

Deputy Commissioners which carry a pay of Rs. 1,000 each on account of their amenities.

+ Includes City Magistrate, Lucknow and an Assistant Judge on Rs. 80.

Pages 423-424.

Pages 441-442.

Pages 453-458.

39. Besides pay and exchange compensation allowance an officer holding a Civil Service post also draws an acting allowance in addition to his substantive pay, when he is appointed to officiate in another appointment, or in a higher grade. This amounts to one-fifth of the pay of the appointment or grade officiated in, but must not be less than two-thirds of the difference between the pay of the appointment or grade officiated in and the substantive pay of the officiating officer or Rs. 200 a month. In this way an Assistant Collector whose substantive pay is Rs. 500, Rs. 700 or Rs. 900, as the case may be, when officiating in a Collectorship, the lowest grade pay of which is Rs. 1,000 would draw Rs. 1,166 $\frac{2}{3}$ Rs. 1,233 $\frac{1}{3}$ or Rs. 1,300 respectively, whilst a Collector, whose substantive pay was Rs. 1,500 would, when officiating in the Rs. 1,800 grade of Collectorships, draw the full Rs. 1,800. This latter system of officiating grade promotion, without any change of work, is peculiar to the Indian Civil Service cadre. It arose out of the old custom in accordance with which an officer lost his lien on a post when he went on long leave, thus throwing open a chain of permanent or substantive *pro tempore* promotions. When this was altered in 1868 the system of officiating grade promotions was introduced to compensate the Service generally for the advantages, which they would otherwise have lost.

40. Officers may also in special circumstances draw charge, local, deputation or personal allowances, but these are in no way of general application, and do not materially affect the prospects of the Service as a whole. They will not therefore be explained in detail in this memorandum.

Pages 561-568.

Page 565.

the Regulations) sums amounting to Rs. 653, Rs. 1,433, Rs. 2,125 or Rs. 2,555 respectively in accordance with the following calculations in each case—

	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Rate of Salary ...	700 0 0	1,500 0 0	2,250 0 0	2,750 0 0
Add exchange compensation allowance at 6.25 per cent.	43 12 0	93 12 0	138 14 3	138 14 3
TOTAL ...	743 12 0	1,593 12 0	2,388 14 3	2,888 14 3
Deduct annuity at 4 per cent ...	29 12 0	63 12 0	95 8 7	115 8 7
TOTAL CLAIM ...	714 0 0	1,530 0 0	2,293 5 8	2,773 5 8
Deduct * subscriptions for the Indian Civil Service Family Pension Fund.	43 5 0	58 10 0	111 2 0	148 5 0
BALANCE ...	670 11 0	1,471 6 0	2,182 3 8	2,625 0 8
Deduct Income-tax at 5 pies in the rupee.	17 7 2	38 4 11	56 13 2	69 13 0
NETT SALARY DRAWN ...	653 3 10	1,433 1 1	2,125 6 6	2,555 3 8

• Salary Rs.	Wife	Son	Daughter	Rs. A.
700	...	...	...	21 14
	...	...	...	7 8
	...	...	...	13 15
1,500	...	...	...	37 3
	...	...	...	7 8
	...	...	...	13 15
2,250	...	...	...	89 11
	...	...	...	7 8
	...	...	...	13 15
2,750	...	...	...	126 14
	...	...	...	7 8
	...	...	...	13 15

42. The military and other officers of the Commissions of non-Regulation Provinces receive salary at the same rates as members of the Indian Civil Service.

Pages 55-56.

The promotion of such officers, except to the appointments specially mentioned in the schedule attached to 24 and 25 Vict. Cap. 54, is unrestricted in all provinces except Assam, where military officers can rise only to a certain proportion of the posts in the Commission. When statutory civilians hold these posts they draw 64 per cent of the salary drawn by a member of the Indian Civil Service or of a Commission under Article 566, Civil Service Regulations. Officers of the Provincial Civil Services holding posts listed as open to those Services draw pay at the rates fixed for such posts by the Government of India with the sanction of the Secretary of State (vide the Home Department Resolution

Pages 633-638.

No. 1342-52, dated the 21st April 1892.)

These rates are approximately two-thirds of those drawn by members of the Indian Civil Service, as explained in paragraph 85 of the Report of the Public Service Commission of 1886-87 and paragraph 34 of the Secretary of State's despatch

Page 605.

No. 104, dated the 12th September 1889.

The salary of other natives of India, who do not come under any of the two classes mentioned above, and who may hold an office which is ordinarily held by a member of the Indian Civil Service, is, in the absence of special orders to the contrary, also two-thirds of that assigned to Europeans, as laid down in Article 63, Civil Service Regulations. On the other hand Article 85 of the same Regulations prescribes that a European officer, when deputed to Europe on special duty, is entitled to not more than two-thirds of the salary, which he would draw, were he on duty in India.

CHAPTER VI.

Selection for higher appointments and the compulsory retirement of inefficient officers.

43. In a service like the Indian Civil Service, in which an officer's pecuniary prospects depend largely on the celerity with which in the ordinary course he can reach one of a few superior posts, the question of selection for higher appointments and of the retirement of the inefficient is of special importance. The matter has recently again been under the consideration of the Government of India in connection with the recommendations of the Royal Commission upon decentralisation, and their views have been recorded in a despatch No. 20, dated the

Pages 467-470.

19th September 1912 to the Secretary of State. These were—

- (i) that promotion to the rank of Collector should be by seniority, but that the rejection of the unfit should be much more stringent than it is at present ;
- (ii) that an officiating appointment as Collector should be refused to an officer who was obviously unsuitable, and that the period of trial should be regarded rather as a test of capability than of incapacity ;
- (iii) that the Secretary of State should distinctly enunciate his power to order the retirement of an officer, who had been passed over for a Collectorship on the grounds of proved unfitness for further advancement, but that in such circumstances a definite scale of proportionate pensions should be adopted as a standard permissible in these cases ;
- (iv) that promotion to the office of Commissioner of a division should be by selection from the best Collectors of the province, seniority only being regarded where other qualifications were practically equal ;
- (v) that no officer should be recognised as having any claim to be tried as a Commissioner prior to supersession ;
- (vi) that it is ordinarily unnecessary to direct the compulsory retirement of an officer superseded for the rank of Commissioner, but that in exceptional cases this may be done on the lines laid down for Collectors ;
- (vii) that the foregoing principles should be applied at any stage of an officer's career in case of need, and not only when his claims are being considered for a Collectorship or Commissionership ;
- (viii) that seniority and experience are both qualities of importance ; and
- (ix) that it need not necessarily follow that an officer who has once been superseded should be regarded as superseded for good.

No orders have as yet been received on this reference.

CHAPTER VII.

Leave rules.

44. Leave of absence can never be claimed as of right, and is given or refused at the discretion of Government. It may be considered under four main heads, as laid down in the Civil Service Regulations; *vis* :—

- (i) Furlough;
- (ii) Privilege leave;
- (iii) Combined leave, and
- (iv) Other leave.

The question of the last named need not be noticed in detail. It covers what are known as subsidiary leave, special leave, extraordinary leave without allowances, examination leave, departmental examination leave, and wound leave. All of these forms of leave are of a special character, and do not materially affect the administration, or the privileges of the service as a whole. Furlough, privilege leave and combined leave, on the other hand, enter into every officer's calculations and react immediately on the machinery of Government. They accordingly deserve further explanation.

45. Furlough is admissible to an aggregate amount of six years during an officer's service. The amount earned is one-fourth of an officer's active service, and the amount due is that amount less any enjoyed. Furlough without medical certificate can, if due, generally be taken after eight years' active service, and again after three years' continuous service, but is limited to two years at a time. Furlough with medical certificate can, if the officer has put in three years' continuous service, be taken up to two years and may be extended to a third year. In the case of an officer who has not served three years continuously, the amount which may be granted is that due, not exceeding two years or one year, according as the amount due does or does not exceed one year. During the first two years of furlough without medical certificate, or so much of furlough with medical certificate as may be due, the allowances admissible are half average salary, subject to the following limits—

<i>Maximum.</i>	<i>Minimum.</i>
	Whichever is the less of the two undermentioned rates.
When paid in England £1,000 a year	... £500 a year or the salary last drawn on duty.
When paid in India Rs. 833½ a month	... Rs. 416½ a month or the salary last drawn on duty.

After the expiration of the period, for which the foregoing allowances are admissible, a subsistence allowance is given, ranging from Rs. 250 to Rs. 400 per mensem, up to a total of three years' furlough at any one time. Whilst on ordinary furlough, an officer retains a lien on his substantive appointment, or on a substantive appointment of a like character and not less pay.

46. Privilege leave is an annual holiday granted to the extent of one-eleventh part of the time that an officer has been on duty without interruption, and may be accumulated up to three months, earned by thirty-three months' service. An interval of six months must elapse between two periods of absence on privilege leave. Whilst on privilege leave an officer retains a lien on his substantive appointment, and on his officiating appointment, so long as it is not resumed by an officer having a superior lien on it, and draws ordinarily the salary which he would have received, had he been on duty in the appointment on which he has a lien, and he is entitled to this allowance even though another officer is appointed to act for him.

47. Combined leave is an amalgamation of privilege leave with furlough or with certain sorts of other leave. This form of leave was introduced in 1901 as

the result of the correspondence beginning with the Government of India's letter Nos. 2137-46, dated 19th September 1899, and ending with the Home Department Resolution Nos. 224-40, dated 25th January 1901, with a view to reducing the expense and inconvenience resulting from the frequent transfers of officers from one district or appointment to another. Such leave must be of not less than six months' duration, and must not, except when extended on medical certificate, last longer than two years.

48. This question of adjusting the requirements of leave to the continuity of local administration is an old one, and had been discussed, prior to 1899-01, in 1882-83, when a Home Department Resolution on the subject No. 21-885-96, dated 6th July 1883, was published. It was again examined by the members of the Royal Commission upon Decentralisation, and was referred to in paragraphs 650-658 of their report. It was then advised, apart from certain other recommendations of an administrative nature, that the present leave rules should be made more elastic, so that officers might be given leave when it best suited Government to spare them. The matter is still under the consideration of the Government of India, and Local Governments were addressed about it in a letter No. 538-

C.S.R., dated the 13th September 1912.

49. The foregoing rules apply also to military officers holding Indian Civil Service Cadre posts, whilst the cases of officers of the Provincial Civil Services holding listed posts, are governed by the rules applicable to the Provincial Civil Services, and described in that connection. Statutory civilians have their own special rules as set out in Chapter XXVI of the Civil Service Regulations.

CHAPTER VIII.

Pensions, including family pensions.

50. On his resignation of the service being accepted, an Indian Civil Servant, who has been 25 years in the Service, and who has rendered 21 years' active service, is entitled to an annuity of £1,000. The same is paid to him even if he serves on for thirty-five years, when in the ordinary course he is obliged to retire. Towards this annuity every Indian Civil Servant has to contribute 4 per cent on his salary throughout his service. The origin of this is to be sought in the old system by which, prior to 1871, the annuities earned by Civil Servants were paid from private funds, which were financed by the officers themselves with the aid of a subvention from Government. The working of this arrangement proved unsatisfactory, and in 1871 memorials were submitted, in which it was complained, first, that the pension granted by the State was mixed up with the pension purchased by the subscriptions of the officers themselves: secondly, that the subscriptions made by an officer who died before retirement lapsed to the State, and thirdly, that a maximum limit was placed to the amount of annuity purchasable by an officer's subscriptions, so that he derived no benefit by prolonging his service beyond the minimum period. In replying to these memorials the Secretary of State in his letter No. 52, dated the 10th

February 1871, pointed out that an essential feature of the funds, as they then existed, was to benefit the whole body of subscribers by accelerating promotion by encouraging retirements, and that the annuities themselves were wholly different in character from pensions on superannuation. He further objected that, if, as suggested, higher retiring annuities were to be paid to those who had enjoyed the most lucrative appointments, this would have to be at the expense of the common fund, and that the Service as a whole would be bound to be dissatisfied with such a system and to regard it as unjust. He accordingly refused to alter the existing basis of the arrangements, but made certain minor concessions, which rendered the retention of the machinery of the annuity funds unnecessary, with the result that they were wound up, and their assets and

liabilities transferred to the Secretary of State for India in Council by the East India Annuity Funds Act, 1874 (37 Vict. Cap. 12), in accordance with the provisions of which the annuities of members of the Indian Civil Service are still calculated.

51. The Statute of 1874 also provided for a special rate of annuity in the event of resignation on account of ill health before the completion of twenty-five years' service and of twenty-one years' active service. This rate, however, proved in practice to be productive of hardship and in 1904 was raised by the Secretary of State (*vide* his despatch No. 148, dated the 28th October 1904) to the following extent—

- (i) for less than five years' service a gratuity of £500.
- (ii) for five years' completed service an annuity of £150, rising by £20 for each additional year up to twelve;
- (iii) for twelve years' completed service an annuity of £290, rising by £30 for each additional year up to twenty-three;
- (iv) for twenty-three years' completed service an annuity of £620;
- (v) for twenty-four years' completed service an annuity of £660.
- (vi) for twenty-five years' completed service (of which less than 21 have been active service) an annuity of £700.

52. The maximum annuity of £1,000 has also been raised in the special case of members of the Service, who are Judges of the four High Courts, by virtue of the orders contained in Secretary of State's despatch No. 18, dated the 27th April 1899. In accordance with these instructions every High Court Judge receives, after an actual service of 11½ years as a Judge, a pension of £1,200 a year, and an Indian Civil Service member of the bench profits to the same extent.

53. There have also been discussions from time to time along other lines of development, as follows.

First, it has been suggested that Judges of the High Courts should be permitted to draw a proportionate part of their extra £200 a year, when they have been compelled to retire before serving as Judges for the full 11½ years required by the rules. This was considered and negatived by the Secretary of State in his despatch No. 75 dated the 16th November 1906;

Secondly, proposals have been made for the grant of increased pensions to officers who have held the posts of Lieutenant-Governor on the analogy of those given to Judges of the High Courts. These were similarly rejected by the Secretary of State in 1903 in paragraphs 7 and 8 of his despatch No. 91 dated the 14th August of that year;

Thirdly, and finally, as already explained in Chapter VI of this memorandum, a request has been made to the Secretary of State in the despatch of the Government of India No. 20, dated the 19th September 1912, to sanction a scheme of reduced pensions for such officers as may be found to be inefficient, but whom it would be difficult compulsorily to retire without some provision for their subsistence.

54. For the other officers holding Indian Civil Service Cadre posts there are separate rules. At the age of 55 military officers are reverted as a matter of form to military duty, and are then retired on the pension due to them under military rules. The amount of this ranges from £200 per annum after 18 to £700 per annum after 32 years' service, whilst after 38 years' service a pension of £750 per annum is given. Such pensions are true superannuation pensions and no contribution is made by the officers concerned.

55. Statutory Civilians also are ordinarily retired at the age of 55, when, after not less than 25 years' active service, an officer is entitled to a retiring pension of half his average salary during the three last years of his active service, subject however to a maximum of Rs. 5,000 a year after an active service of not less than 25 years, and of Rs. 6,000 a year after an active service of not less than 30 years. A Statutory Civilian is also entitled to an invalid pension in the event of enforced retirement through ill health. Other officers and officers of the Provincial Civil Services holding listed posts draw pension on the general scale provided for the Provincial Civil Services, as described in the memorandum on that subject.

56. There remains the case of the Indian Civil Service Family Pension Regulations. These prescribe that all members of the Indian Civil Service, except natives of India, must contribute, each according to his class, and whether married or unmarried, and whether with or without children, towards provision for their families, if any, in the event of their decease. The details of the payments due will be found in the regulations on the subject. It will suffice to say here that, in the event of a contributor's decease, Government provide for his widow, during widowhood, an annual pension of from £250 to £300, and for his orphan children pensions according to their age, ranging from £25 to £100 each till the age of 21 years for boys and for girls till marriage. Provision is also made for widows, if they remarry, whilst special concessions are allowed for motherless orphans. The exclusion from the benefits of this arrangement of natives of India, who are members of the Indian Civil Service, has been a source of dissatisfaction, and the question of a change in the regulations to meet these cases has recently been raised by the Secretary of State in his despatch No. 71, dated the 14th June 1912 and is now before the Government of India.

57. For the families of deceased military officers, who hold Civil Service posts, provision is made in accordance with the terms of the Rules relating to the Indian Military Service Family Pension Regulations. In accordance with the terms of these Regulations it is optional with officers who entered the Service before the 1st January 1873, to provide pensions for their families but it is compulsory for those who entered after that date. Like the Indian Civil Service Family Pension Regulations the subscribers are divided into classes, and pensions for the widows of the different classes range from £40 to £160 per annum. Pensions for the orphans vary from £10 to £30 per annum up to the age of 21 years for both boys and girls, and £45 for girls only from the age of 21 years, for life, or till marriage.

Statutory Civilians and officers of the Provincial Service holding listed posts are entitled to contribute to the Government general provident fund, which secures only a lump sum payment and not an annuity, in the event of decease, based on the total amount of subscription paid with compound interest at 4 per cent. For further details on this subject attention is invited to a separate memorandum, which is being prepared in the Finance Department of the Government of India to elucidate the matter.

CHAPTER IX.

Measures taken for the employment of Indians in the Indian Civil Service or in posts ordinarily held by members of the Indian Civil Service.

58. The Government of India Act, 1858 (21 and 22 Vic. Cap. 106), under the provisions of section 32 of which Regulations are made for admission to the Indian Civil Service, recognises no distinction of race. All persons, who are natural-born subjects* of His Majesty, are permitted to compete at the open exa-

* It has been ruled that the subjects of Native States in India are not natural-born subjects of His Majesty—*vide* paragraph 3 of Secretary of State's despatch No. 146, dated the 12th November 1909. It has for long been agreed that this disqualification should be removed, and the latest proposals for so doing are contained in the Government of India's despatch No. 20, dated the 8th August 1912.

mination. The members of the Public Service Commission of 1886-87 in paragraph 58 of their Report cited the provisions of section 87 of the Statute 3 and 4

Pages 45 and 61-62.

of 1858, in support of this principle and attached importance to its maintenance. As a matter of fact there were on the 1st July 1912 59 Indians in the Indian Civil Service out of a total of 1,385 officers of all kinds, holding Civil Service posts, exclusive of listed posts, giving a percentage of 4.26.

Pages 700 and 419.

59. To provide further facilities for "*Natives of India*," an expression which, under the terms of the Statute, includes members of the domiciled community, it was decided in 1870 to enact section 6 of the Government of India Act of that year (33 Vic. Cap. 3). The

Page 57.

purport of this section has already been given in paragraph 4 of this memorandum.

60. It was not, however, until 1879 that the enactment bore tangible fruit in the rules framed in that year. These laid down that a proportion not exceeding one-fifth of the total number of civilians appointed by the Secretary of State to the Indian Civil Service in any one year might be "*Natives of India*" within the meaning of the Act. As to who the nominees should be there was not a little controversy. The original intention of the Government of India had been to select men from amongst their tried and successful officers in the Judicial and Executive branches of the old Uncovenanted Service. Finally however, it was decided to favour a system of direct recruitment, and ordinarily to confine appointments to young men of good family and social position, possessed of fair abilities and education, to whom the offices open to them in the inferior ranks had not proved a sufficient inducement to come forward for employment. Altogether 69 such nominations were made but the unsatisfactory results achieved led up to the constitution of the Public Service Commission of 1885-87 to enquire into the matter.

61. The recommendations of that body are summed up in paragraph 6 of the Secretary of State's despatch No. 104, dated the 12th September 1889. They involved the repeal of section 6 of the Statute of 1870, the extension of the provisions of the Indian Civil Service Act, 1861

Page 594.

Pages 55, 56 and 57.

(24 and 25 Vic. Cap. 54) to the Non-Regulation Provinces, and the amendment of its Schedule to omit a number of posts, which were then to be included by executive arrangement in a new Provincial Civil Service for each Presidency or Province. The Secretary of State accepted the substance of these suggestions, including the formation of the Provincial Civil Services, but objected to the form in which it was desired to give effect to them. He saw no necessity for giving by legislation to the members of the Indian Civil Service in Non-Regulation Provinces the guarantee of employment which they enjoyed in practice by virtue of his own instructions, and disapproved on principle of the removal of the statutory recognition of the claim of "*Natives of India*" to Government service given them by the Statute of 1870. He also refused on the merits to debase the status of the posts specified for exclusion from the Schedule of the Statute of 1861 by letting them be filled, in the ordinary run of promotion, by the senior officers of a Provincial Civil Service, which was *ex hypothesi* to be recruited mainly with reference to qualifications for offices of a less responsible and less independent character. He accordingly laid down that no fresh legislation should be attempted but that new rules should be framed under the Statute of 1870 to make "*Natives of India*," who were members of the Provincial Civil Services, available for selection for any of the offices, places and employments ordinarily held by members of the Civil Service of India, and to

which it had been declared that members of such Provincial Civil Services should properly be appointed, and to secure for them at least three-quarters of any such posts. For the remaining one quarter any "*Native of India*" was to be considered eligible. Rules to this effect were promulgated with Home Department Resolution No. 2159, dated the 2nd November 1892, whilst the lists of posts

Page 644.

to which appointments could properly be made were published for Madras, Bombay, Bengal, the North-Western Provinces and Oudh and the Punjab with Home Department Resolution No. ^{6-Public} 1342-1353, dated

Pages 633-638.

Pages 649-650.

the 21st April 1892, and for the Central Provinces with Home Department Resolution No. ^{7-Public} 47-49, dated the 7th January 1893.

Similar pronouncements were subsequently made with respect to Burma and Assam, and the new Provinces, first of Eastern Bengal and Assam and later of Bihar and Orissa. The principle on which these lists were then prepared has remained the same ever since, but the lists themselves have been altered and expanded from time to time to meet varying necessities. They were, however, framed with the idea that they would include about one-sixth of the total number of posts previously held either by the members of the Indian Civil Service or by the officers appointed under the rules of 1879, the so called statutory civilians. This was in effect the same proportion as that recognised as suitable in the original Rules, as the one-fifth of the appointments there referred to as usually held by civilians, and thrown open to the statutory service, is equivalent to the one sixth of the total number held by both classes of officers, quoted in the later correspondence. Such appointments are usually quoted as "listed posts." As the following statement shows, they now include 56 superior and 47 inferior appointments, but as explained in detail in paragraphs 18 and 19 of the Government of India's draft Resolution^a forwarded to the Secretary of State with their despatch No. 9, dated the 10th February 1892, the latter have ordinarily come to be amalgamated with the Provincial Civil Services, and are only shown separately in the case of special appointments such as those of Under Secretary to Government or Secretary to the Board of Revenue.

• See also paragraphs 6 and 7 of the abbreviated Resolution No. ^{9-Public} 1342-1353, dated the 21st April 1892, as actually published. (Pages 633-639).
Page 607.

Superior posts.	Madras.	Bombay.	Bengal.	United Provinces.	Punjab.	Burma.	Bihar and Orissa.	Central Provinces (and Berar).	Total.
Heads of districts ...	2	2	8	2	2	2	5	4	49
District and Divisional Judges.	4	3		5	6	2		2	
Settlement Collectors ...	...	...	...	...	2	1	...	...	3
Sub-Collectors ...	2	...	...	...	...	...	...	...	2
Secretary, Board of Revenue	...	...	...	...	1	...	...	...	1
Talukdari Settlement Officer	...	1	...	...	...	...	...	...	1
TOTAL ...	8	6	8	7	11	5	5	6	56
<i>Inferior posts.</i>									
Secretary to Board of Revenue.	1	...	...	1	...	...	...	...	2
Under Secretary to Government.	1	...	1	...	1	...	1	...	4
Joint Magistrates or Assistant Commissioners or Assistant Collectors	5	8	8	7	3	...	...	2	33
Assistant Judges	...	3	...	...	...	...	...	...	3
Small Cause Court Judges ...	...	...	...	2	...	...	...	...	2
Assistant Settlement Officers	...	...	...	2	...	...	...	...	2
Assistant to Director of Land Records.	...	...	...	1	...	...	...	...	1
TOTAL ...	7	11	9	13	4	...	...	2	47
GRAND TOTAL. SUPERIOR AND INFERIOR.	15	17	17	20	15	5	6	8	103

62. The question of the procedure followed in making these appointments subsequently came under the investigation of the Royal Commission upon

Decentralisation, and in accordance with their recommendations certain delegations of the powers of control, reserved by the Rules of 1892, were sanctioned. The opportunity was also taken to regularise the temporary appointments of "*Natives of India*" for periods not exceeding three months, to non-listed posts reserved by the Statute of 1861 for members of the Indian Civil Service. The new rules were promulgated with Home Department Notifications Nos. 1128 and

Pages 659-661.

1129 dated the 26th August 1910.

63. A further use of the powers conferred by the Statute of 1870 has been made with a view to providing training in criminal work for sub-judges belonging to the judicial branches of certain of the Provincial Civil Services. Such officers in the provinces in question ordinarily do only civil judicial work, and it was found by experience that, when they came to be appointed to the "*Listed*" posts of District and Sessions Judge, they were not properly fit to try criminal cases.

Pages 701-703.

To remedy this the Madras Government proposed to invest selected sub-judges with the powers of Assistant Sessions Judges in accordance with the provisions of Section 9 (3) of the Criminal Procedure Code, and to let them in this capacity dispose of criminal cases in addition to their ordinary work. Assistant Judge-ships are however reserved for members of the Indian Civil Service in the Re-

Pages 55-56.

regulation provinces by the Statute of 1861. It was therefore necessary to issue formal notifications under the Statute of 1870 to get round the difficulty. This was

Pages 705-707 and 711-713.

done for Madras and Bengal in 1895, and for the North-Western Provinces (the present Agra) and Bombay in 1896. In 1896 also the Secretary of State expressly extended the system by executive order to the non-regulation province of Oudh. These appointments are not

Page 709.

however "*Listed*" posts, being purely collateral charges, created for instructional purposes. Where Assistant Judge-ships exist as separate posts, they would if held by members of the Provincial Civil Services, need to be listed in the

Pages 659 and 661.

ordinary way under the rules of 1910. 64. Finally at a meeting of the Council of the Governor General of India which assembled at Calcutta on March 17th, 1911 for the purpose of making laws and regulations a Resolution was moved by the Hon'ble Mr. Subha Rao

Pages 663-695.

in the following terms—

"That this Council recommends that a mixed Commission consisting of officials and non-officials be appointed to consider the claims of Indians to higher and more extensive employment in the public service connected with the civil administration of the country".

A copy of the Council proceedings, which reproduce the speeches made on that occasion, is attached to this memorandum.

COLLECTION OF PAPERS REFERRED TO IN THE MEMORANDUM.

INTRODUCTORY.

PAGES.

1. Terms of reference to the Royal Commission to examine and report on the Civil Services in India ... 37
2. Extract from the speech delivered by the Hon'ble Mr. E. S. Montagu, M.P., Under Secretary of State for India, on the 31st July 1912, in the House of Commons in introducing the Indian Budget 37-39

**TERMS OF REFERENCE TO THE ROYAL COMMISSION TO
EXAMINE AND REPORT ON THE CIVIL SERVICES IN
INDIA.**

To examine and report on the following matters in connection with the Indian Civil Service and other Civil Services, Imperial and Provincial:—

1. The methods of recruitment and the systems of training and probation.
2. The conditions of service, salary, leave, and pension.
3. Such limitations as still exist in the employment of non-Europeans, and the working of the existing system of division of services into Imperial and Provincial; and generally to consider the requirements of the public service, and to recommend such changes as may seem expedient.

Extract from the speech delivered by the Hon'ble Mr. E. S. Montagu, M. P., Under Secretary of State for India, on the 31st July 1912, in the House of Commons in introducing the Indian Budget,

INDIAN OPPORTUNITY.

The problem before us when we have educated Indians is to give them the fullest opportunity in the government of their own country to exercise the advantages which they have acquired by training and by education. How are we going to remove avoidable disabilities under which Indians labour while promoting the efficiency of the public services generally? Those who desire reform in the Indian service will welcome the appointment by His Majesty of a Royal Commission of which the House has heard. Sir Charles Aitchison's Public Service Commission reported at the end of 1887 and final orders were published on its recommendation in 1892. He would be a bold man who would say having regard to the development of India during the past 20 years that there is now no necessity for any development of the system which owes its result to Sir Charles Aitchison's Commission. Many points remain and some directly result from the orders which were based upon that Commission's report which have given rise to grave discontent inside and outside the services concerned. First of all there is the Indian Civil Service. A competitive examination at the moment lays the way open for a choice between the home and the Indian Civil Service, and those who choose the Indian Civil Service have a year's probation at home before they go out to do the varied administrative, executive and judicial work the success of which is, I think, the marvel of the whole world and a source of continued pride to the people of Great Britain. (Hear, hear.)

THE KEYNOTE OF BRITISH RULE.

The innate power of well-ordered administration and prompt decisive action which seem to me to be the characteristic of the British race, and perhaps of no other, will never fail. But more than that is wanted—humanity, capacity to deal with men, statesmanship, and, above all, that quality which is increasingly wanted as the keynote of British rule in India: sympathy. (Hear, hear.) The Indians with whom the young Indian civil servant comes into contact will be better educated, with a wider knowledge of other countries and of the world, as the years go by, and it becomes all the more important that we should not risk any deterioration of our Service, but that we should give to India, as we have undoubtedly done in the past, the very best material we can. It is obvious that to open both the home and Indian Civil Services to one examination gives us a wider choice, because it gives to the candidate a choice of profession

when he passes the examination, but it will be for the Commission to consider how far nowadays it results in our getting only the leavings of the home Civil Service and how far, further, an examination which can admittedly be passed mainly by cramming is the best possible way of securing our Indian civil servants.

THE INDIAN CIVIL AND MEDICAL SERVICES.

Then again there is the position of Indians in the Civil Service. The door to the Indian Civil Service is at present only to be found in this country, and this is one of the reasons why Indians come over here. It has been suggested that the examination for the Indian Civil Service should be held here and simultaneously in India, or that, if another process is adopted for selecting civil servants, that the same process should be gone through in India as is gone through here. It has been answered that it would be impossible under such a system to ensure the same status and the same standard in India as we require here, and when the Service has been recruited is the door to promotion open as widely as possible to men of all races in the best possible way? Are the rules of pay and of pensions suitable or incapable of improvement? Is it right that Indians should not subscribe to the family fund? Then there is the Indian Medical Service, which is only recruited in this country. Is the training which is possible for Indians in their own country of such value as to warrant us opening the door to the Indian Medical Service in India? Does the existence of an Indian Medical Service prevent the growth of an independent medical profession? Would it be right to open the doors of the Indian Civil Service and of the Indian Medical Service to subjects of feudatory States? All these problems present themselves again and again to those who have to do with administration in India. We come then to the other Services. Roughly and generally, the Imperial Service is recruited in England and the Provincial Service is recruited in India. The Imperial Service has preserved for it the higher superior appointments, and the Provincial Service fills the higher subordinate appointments, while the lower Imperial appointments are filled partly from the Provincial Service and partly from the Imperial Service. The pay, leave, and pension rules in each service have been fixed by a consideration of what is necessary to secure Europeans to serve away from their own country and by what is necessary to secure Indians to serve in their own country. The result is that the branch which is essentially European has better pay, better prospects, and more responsibility than the branch which is essentially Indian.

THE EUROPEAN ELEMENT NECESSARY.

It does not necessarily by any means follow that these principles are wrong—that is for the Commission to decide. It is necessary to have a European element in almost all of the services. It has been said this has been achieved in a way which causes just discontent among Indians, that it is not achieved in the most appropriate way, and that our present system excludes desirable men and involves avoidable race distinction. In these services where the Imperial branch is recruited by nomination, although Indians are not declared to be ineligible, although in one, the Public Works Department, provision has been made for giving a certain proportion of the appointments every year to India, the result of the system is in almost all the services Indians are shut out from the more important and highly paid posts. In the Education Service by recruiting the Imperial Service only in this country, only two Indians have been appointed in the last 15 years. In the Public Works Department, Lord Morley decided that 10 per cent of the appointments should, if possible, be given to Indians each year. The result was that certain Indians were appointed to the Imperial Service who had failed to get into the Provincial Service. So the system results in either keeping Indians out of the higher branches of the Service or appointing them with qualifications inferior to those required for the lower branch, and if the principle of maintaining appointments in this country only for Europeans is abandoned, it imposes a course of education in England on Indians who wish to attain high office in their own country. It is the question of principle we have to decide first, and the principle must be adjusted before the details can be settled.

THE COMMISSION.

The terms of reference are as follows:—To examine and report on the following matters in connection with the Indian Civil Services and other Civil Services, Imperial and Provincial:—1. The methods of recruitment and the systems of training and probation. 2. The conditions of service, salary, leave, and pension. 3. Such limitations as still exist in the employment of non-Europeans, and the working of the existing system of division of services into Imperial and Provincial; and generally to consider the requirements of the public service, and to recommend such changes as may seem expedient.

The members of the Commission are:—Chairman, Lord Islington; the Earl of Ronaldshay, M.P.; Sir Murray Hammick, of the Indian Civil Service; Sir Theodore Morison, member of the Council of India; Sir Valentine Chirol; Mr. F. G. Sly, member of the Indian Civil Service; Mr. Mahader Bhaskar Chauval, member of the Governor of Bombay's Executive Council; Mr. Gopal Krishna Gokhale, member of the Viceroy's Legislative Council; Mr. W. C. Madge, member of the Viceroy's Legislative Council; Mr. Abdur Rahim, Judge of the Madras High Court; Mr. Ramsay MacDonald, M.P.; and Mr. H. A. L. Fisher, Fellow, and Tutor of New College, Oxford. (Cheers.)

It only remains for me to ask the House to wish these gentlemen, who are so patriotically devoting themselves to a very difficult, arduous, and lengthened investigation, all good fortune in their work. I am confident that the result of their deliberations must be of enormous importance to India and will lead to the improvement of the country. (Cheers.)

"EAST AND WEST."

Perhaps the House will permit me to explain in a few general words what I think is to be drawn from what is happening in India. I can see nothing dangerous in the condition of India at all. But as India must be regarded more than ever as a progressive country, two warnings are necessary. The first is that you cannot now, even if you would, embark on a policy of reaction. The mighty mass in India is moving in response to our own stimulus, and to try and force it back into a condition of sleep which would be a unwilling sleep and could be only achieved, if it could be achieved, by repression, would be a calamity. The second warning I would give is that in the progressive state of the country India will never be the same to-morrow as it is to-day. If we are to do our duty by the enormous responsibility which we have undertaken we must move forward, however cautiously, accepting the results of our own acts and inspirations, keeping ourselves informed as intimately as we possibly can of the modern and changing aspects of the problem with which we have to deal. Nobody can possibly foretell what will be the eventful characteristic of the population of India. East and West are meeting, not with clash or discord, but in harmony and amity. The forces are not mutually destructive, they are mutually complimentary. The quietism of the East is meeting the restless spirit of the West. Each has learnt much and has to learn much from the religion, the art, and the philosophy of the other. The asceticism of the Oriental, the simplicity of his daily life, and the modesty of his bodily needs are meeting with the love of material advancement, the striving after progress, the craving for the concrete and the love of realism which comes from the West. If I may use rather ornate language, the golden thread of Oriental idealism is being woven into the rather drab web of our scheme of life, and our science of Government, which we have labouriously inherited and are handing down, is being offered to the Oriental to teach him the road to progress. In other words, in India, East and West together, uniting and co-operating, are building, let us hope successfully, a lasting temple on their joint ideals. (Cheers.)

CHAPTER I.

ORIGIN AND HISTORY OF THE INDIAN CIVIL SERVICE CADRE.

Statutes.

	PAGES.
1. The East India Company Act, 1793 (33 Geo. III, Cap. 52), Sections LVI and LVII and LX	43
2. The Government of India Act, 1833 (3 and 4 Will. IV, Cap. 85), Section LXXXVII	45
3. The India Officers' Salaries Act, 1837 (7 Will. IV, and 1 Vict., Cap. 70), Sections IV and V	47
4. The East India Company Act, 1853 (16 and 17 Vict., Cap. 95), Sections XXXVI, XXXVII, XXXIX and XL	49
5. 18 and 19 Vict., Cap. 53	51
6. Government of India Act, 1858 (21 and 22 Vict., Cap. 106), Sections XXIX, XXX, XXXI and XXXII	53
7. The Indian Civil Service Act, 1861 (24 and 25 Vict., Cap. 54)	55-56
8. The Government of India Act, 1870 (33 Vict., Cap. 3), Section 6	57
9. Extracts from Ilbert's Digest on "The Government of India," Part VIII	59-60

Royal Proclamations and Message.

10. Queen Victoria's Proclamation, dated 1st November 1858	61-62
11. King Edward VII's Message to the Delhi Durbar of 1903	63
12. King Edward VII's Proclamation, dated 1st November 1908	65-66

Military officers in the Non-Regulation Provinces.

13. Extract paragraph 13 of a despatch from the Secretary of State, No. 81, dated the 13th July 1876	67
14. Despatch to the Secretary of State, No. 213, dated the 8th August 1885	69-71
15. Despatch from the Secretary of State, No. 119 (Public), dated the 3rd December 1885	73
16. Despatch to the Secretary of State, No. 81 (Public), dated the 2nd October 1902	75
17. Despatch from the Secretary of State, No. 145 (Public), dated the 28th November 1902	77
18. Extract paragraph 7 of a despatch to the Secretary of State, No. 47, dated the 2nd February 1905	79
19. Telegram from the Secretary of State, dated the 28th March 1905	81
20. Extract from paragraph 5 of a despatch to the Secretary of State, No. 38, dated the 7th February 1907	83
21. Despatch from the Secretary of State, No. 92 (Public), dated the 5th July 1907	85
22. Extract paragraph 6 of Home Department letter to the Government of Burma, No. 983, dated the 21st August 1906	87
23. Extract paragraphs 7-10 of a letter from the Government of Burma to the Government of India, No. 682-T-1 C-3, dated the 17th October 1906	89
24. Extract paragraph 2 of Home Department letter to the Government of Burma, No. 459, dated the 12th April 1907	91

(33 Geo. III, Cap. 52).

LVI.—And, for establishing a just principle of promotion amongst the Civil servants to have precedence according to their appointments, etc. *covenanted servants of the said united company in India, on their civil establishment, and preventing all undue supercessions*, be it further enacted, That all the civil servants of the said united company in *India*, under the rank or degree of members of council, shall have and be intitled to precedence in the service of the said company, at their respective stations, according to their seniority of appointment ; and no such civil servant or servants shall be capable of being advanced or promoted to any higher station, rank, or degree therein, than he or they shall be respectively entitled to according to the length of his or their service respectively ; any law or usage to the contrary notwithstanding.

LVII.—And be it further enacted, That all vacancies happening in any of the offices, places, or employments in the Regulations for filling up vacancies in the civil line. civil line of the company's service in *India* (being under the degree of counsellor) shall be from time to time filled up and supplied from amongst the civil servants of the said company, belonging to the presidency wherein such vacancies shall respectively happen, subject only to the restrictions in this Act contained, and not otherwise (that is to say) that in the filling up and supplying such vacancies, no office, place, or employment, the salary, perquisites, and emoluments whereof shall exceed five hundred pounds *per annum*, shall be conferred upon or granted to any of the said servants who shall not have been actually resident in *India* as a covenanted servant of the said company for the space of three years at the least in the whole, antecedent to such vacancy ; and if the salary, perquisites, and emoluments of any office, place, or employment, shall exceed one thousand five hundred pounds *per annum*, the same shall not be granted to or conferred upon any of the said servants who shall not have been actually resident in *India* in the said service for the space of six years at the least in the whole, antecedent to such vacancy ; and if the salary, perquisites, and emoluments of any office, place, or employment, shall exceed three thousand pounds *per annum*, the same shall not be granted to or conferred upon any of the said servants who shall not have been actually resident in *India* in the said company's service for the space of nine years at the least in the whole ; and if the salary, perquisites, and emoluments of any office, place, or employment, shall exceed four thousand pounds *per annum*, the same shall not be granted to or conferred upon any of the said servants who shall not have been actually resident in *India* in the company's service for the space of twelve years at the least in the whole, antecedent to such vacancy ; and that all appointments, advancements, and promotions, which shall be made for supplying any such vacancies, other than as aforesaid, shall be null and void.

LX.—And be it further enacted, That no person shall be capable of acting, or being appointed or sent to *India*, in the Writers and cadets to be of certain ages, etc. capacity of writer or cadet whose age shall be under fifteen years, or shall exceed twenty-two years, nor until the person proposed, or intended to be so appointed, shall have delivered to the said court of directors a certificate of his age, under the hand of the minister of the parish in which he was baptized, or keeper of the registry of baptism of such parish ; and if no such registry can be found, an affidavit of that circumstance shall be made by the party himself, with his information and belief that his age is not under fifteen years, and doth not exceed twenty-two years : provided nevertheless, that the said restriction shall not extend to prevent the said court of directors from appointing any person to be a cadet who shall have been for the space of one year at least a commissioned officer in his Majesty's service, or in the militia or fencible men when embodied, and have been called into actual service, or from the company of cadets in the royal regiment of artillery, and whose age shall not exceed twenty-five years.

THE GOVERNMENT OF INDIA ACT, 1833.

(3 & 4 Will. IV, Cap. 85).

LXXXVII.—And be it enacted, That no Native of the said Territories,
nor any natural-born Subject of His Ma-
jesty resident therein, shall, by reason only
of his Religion, Place of Birth, Descent, Colour, or any of them, be disabled
from holding any Place, Office, or Employment under the said Company.

No Disabilities in respect of Religion, etc.

(7. Will. IV, and 1 Vict., Cap. 70).

IV.—And be it further enacted, That so much of an Act passed in the Thirty-third Year of the Reign of His late Majesty King George the Third, intituled *An Act for continuing in the East India Company for a further Term the Possession of the British Territories in India, together with their exclusive Trade, under certain Limitations; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; for appropriating to certain Uses the Revenues and Profits of the said Company; and for making Provision for the good Order and Governments of the Towns of Calcutta, Madras, and Bombay*, as enacts that no Person shall be appointed or sent out to India as a Writer after he has attained the Age of Twenty-two Years, shall be and the same is hereby repealed.

V.—Provided always, and it is hereby further enacted, That it shall not be lawful for any Person to be admitted to the said College as a Student whose Age shall exceed Twenty-one Years, nor for any Person to be appointed or sent out to India as a Writer in the said Company's Service whose Age shall exceed Twenty-three Years.

Part of 33 G. 3, c. 52, repealed.

Limiting the Ages of Students and Writers.

(16 and 17 Vict., Cap. 95).

XXXVI.—The Provisions herein-after mentioned, respecting the Appointment of Persons to the Civil Service of the said Company, and the Admission of Students into the College of the said Company at *Haileybury*, (that is to say) Section Forty-six of the Act of the Fifty-third Year of King *George* the Third, Chapter One hundred and fifty-five, and Sections One hundred and three, One hundred and four, One hundred and five, One hundred and six, and One hundred and seven of the said Act of the Third and Fourth Years of King *William* the Fourth, shall be repealed, and all Powers, Rights, or Privileges of the Court of Directors of the said Company to nominate or appoint Persons to be admitted as Students or Candidates for such Admission, or as Assistant Surgeons in the Forces of the said Company, shall cease as regards all Vacancies which shall occur on or after the Thirtieth Day of *April* One thousand eight hundred and fifty-four.

XXXVII.—Subject to such Regulations as may be made by the Board of Commissioners for the Affairs of *India*, any Person being a natural-born Subject of Her Majesty who may be desirous of being admitted into the said College at *Haileybury*, or of being appointed an Assistant Surgeon in the said Company's Forces, shall be admitted to be examined as a Candidate for such Admission or Appointment respectively.

XXXIX.—It shall be lawful for the said Board, by such Regulations as aforesaid, to determine the Age and Qualifications in all respects of Persons to be admitted Students into the said College and Seminary respectively, and of Persons who may be examined as Candidates for such Admission, and to make Provisions for admitting such qualified Candidates to Examination, and prescribing the Branches of Knowledge in which such Candidate shall be examined, and generally for regulating and conducting such Examinations, and for admitting into such College and Seminary respectively qualified Persons from among Candidates who shall have been examined as aforesaid.

XL.—It shall be also lawful for the said Board, by such Regulations as aforesaid, to determine the Age and Qualifications of Persons to be appointed to the Civil Service of the said Company in *India*, or to their Military Service there, or as Assistant Surgeons in the said Company's Forces, and to prescribe the Branches of Knowledge in which Candidates for Appointment to the Civil and Military Service respectively of the said Company in *India*, and for Appointment as such Assistant Surgeons as aforesaid, shall be examined, and generally to provide for regulating and conducting such respective Examinations.

18 AND 19 VICT. CAP. 53.

An Act to relieve the *East India Company* from the Obligation to maintain the College at *Haileybury*.

(16th July 1855).

WHEREAS, in consequence of the Regulations made or which may hereafter be made by the Board of Commissioners for the Affairs of *India* for the Admission of Persons to the Civil Service of the *East India Company*, under the provisions of an Act of the Sixteenth and Seventeenth *Victoria*, intituled *An Act to provide for the Government of India* the Maintenance of the said Company's College at *Haileybury* will after a limited Period be no longer necessary: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. From and after the Thirty-first Day of *January* of the Year One thousand eight hundred and fifty-eight the said College shall be discontinued and closed.

II. No Person shall be admitted as a Student into the said College after the Twenty-fifth Day of *January* in the Year One thousand eight hundred and fifty-six.

III. Every Student of the said College at the Period of the last Examination in the Year One thousand eight hundred and fifty-seven shall be examined in the usual Manner for Admission to the said Company's Service, and all those who shall be certified by the Principal of the said College to be duly qualified in other respects may be admitted to the Service of the said Company, notwithstanding such Students may not have resided Four Terms at the said College.

IV. It shall be lawful for the said Commissioners to determine any Question of Priority of Rank which may arise between Persons appointed to the said Service in respect of Vacancies which occurred prior to the Thirtieth Day of *April* One thousand eight hundred and fifty-four, and Persons appointed in respect of Vacancies which occurred on or after that Day.

V. The said Company shall, with the Approval of the said Commissioners, as soon as may be after the Discontinuance of the said College, sell and dispose thereof and of all Lands and Hereditaments attached thereto, or, with the like Approval, may, at any Time after the passing of this Act, contract for the Sale and Disposal of the said Premises from the Thirty-first Day of *January* One thousand eight hundred and fifty-eight; and the Proceeds of such Sale shall be received and held by the said Company in trust for Her Majesty, Her Heirs and Successors, for the Use of the Government of *India*.

VI. At any time within Six Months before the closing of the said College, it shall be lawful for the said Company to take into consideration the Claims of the Officers and Servants of the said College whose Interests may be prejudicially affected by the Abolition of the said College, and, under the Control of the said Commissioners, to grant such Compensations, Superannuations, or Allowances as shall appear reasonable, the Charge whereof shall be defrayed by the said Company out of the Revenues of *India*.

THE GOVERNMENT OF INDIA ACT, 1858.

(21 and 22 Vict. Cap. 106).

XXIX. The appointments of Governor General of India, *fourth ordinary member of the Council of the Governor General of India* (Virt. rep., 24 and 25 Vict. c. 67 s. 3.), and Governors of Presidencies in India, now made by the Court of Directors with the approbation of Her Majesty, and the appointments of Advocate General for the several Presidencies now made with the approbation of the Commissioners for the Affairs of India, shall be made by Her Majesty by warrant under Her Royal Sign Manual; *the appointments of the ordinary members of the Council of the Governor General of India, except the fourth ordinary member, and the appointments of the members of Council of the several presidencies, shall be made by the Secretary of State in Council, with the concurrence of a majority of members present at a meeting* (Virt. rep. 32 and 33 Vict. c. 97. s. 8); the appointments of the Lieutenant-Governors of provinces or territories shall be made by the Governor General of India, subject to the approbation of Her Majesty; and all such appointments shall be subject to the qualifications now by law affecting such offices respectively.

XXX. All appointments to offices, commands, and employments in India, and all promotions, which by law, or under any regulations, usage, or custom, are now made by any authority in India, shall continue to be made in India by the like authority, and subject to the qualifications, conditions, and restrictions now affecting such appointments respectively; but the Secretary of State in Council, with the concurrence of a majority of members present at a meeting, shall have the like power to make regulations for the division and distribution of patronage and power of nomination among the several authorities in India, and the like power of restoring to their stations, offices, or employments, officers and servants suspended or removed by any authority in India as might have been exercised by the said Court of Directors, with the approbation of the Commissioners for the Affairs of India, if this Act had not been passed.

XXXI. Sections Thirty-seven, Thirty-eight, Thirty-nine, Forty, Forty-one, and Forty-two of the Act of the Sixteenth and Seventeenth Victoria, Chapter Ninety-five, are hereby repealed, so far as the same apply to or provide for the Admission or Appointment of Persons to the Civil Service of the *East India Company*.

XXXII. With all convenient speed after the passing of this Act, regulations shall be made by the Secretary of State in Council, with the advice and assistance of the commissioners for the time being acting in execution of Her Majesty's Order in Council of twenty-first May one thousand eight hundred and fifty-five, "for regulating the admission of persons to the civil service of the Crown," for admitting all persons being natural-born subjects of Her Majesty (and of such age and qualification as may be prescribed in this behalf) who may be desirous of becoming candidates for appointment to the Civil Service of India to be examined as candidates accordingly, and for prescribing the branches of knowledge in which such candidates shall be examined, and generally for regulating and conducting such examinations, under the superintendence of the said last mentioned commissioners, or of the persons for the time being intrusted with the carrying out of such regulations as may be from time to time established by Her Majesty for examination, certificate, or other test of fitness in relation to appointments to junior situations in the civil service of the Crown; and the candidates who may be certified by the said commissioners or other persons as aforesaid to be entitled under such regulations shall be recommended for appointment according to the order of their proficiency as shown by such examinations; and such persons only as shall have been so certified as aforesaid shall be appointed or admitted to the Civil Service of India by the Secretary of State in Council: Provided always, that Regulations made by Secretary of State to be laid before Parliament. Secretary of State in Council under this Act shall be laid before Parliament within fourteen days after the making thereof, if Parliament be sitting, and, if Parliament be not sitting, then within fourteen days after the next meeting thereof.

THE INDIA CIVIL SERVICE ACT, 1861.

(24 & 25 Vict., Cap. 54.)

AN ACT TO CONFIRM CERTAIN APPOINTMENTS IN INDIA, AND TO AMEND
THE LAW CONCERNING THE CIVIL SERVICE THERE.

[1st August 1861.]

WHEREAS by section fifty-six of an Act of the thirty-third year of King George the Third, Chapter fifty-two, it was enacted that all the civil servants of the East India Company in India under the rank or degree of Members of Council should have and be entitled to precedence in the service of the said Company at their respective stations according to their seniority of appointment, and that no such civil servant should be capable of being advanced or promoted to any higher station, rank, or degree therein than he should be entitled to according to the length of his service; and by section fifty-seven of the same Act it was enacted that all vacancies happening in any of the offices, places, or employments in the civil line of the Company's service in India (being under the degree of Counsellor) should be from time to time filled up and supplied from amongst the civil servants of the said Company belonging to the presidency wherein such vacancies should respectively happen: And whereas by reason of the exigencies of the public service vacancies in certain offices, places, and employments in India have been filled up by the appointment of persons not being civil servants, or not being civil servants belonging to the presidency wherein the vacancies have happened, and otherwise not in accordance with the provisions of the said enactments, and it is expedient that such appointments should be rendered valid, and also that the authorities in India should be empowered to make such appointments in like cases in future:

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. All appointments made by the Authorities in India to any such Offices, Places or Employments shall be and be deemed to have been as valid and effectual as if the Act herein-before recited or referred to had not been passed.

Appoint-
ments not in
accordance
with 33 G. 3,
c. 52, valid.

(Rep. 55 & 56 Vict. c. 19.)

2. All vacancies happening in any of the offices, places, or employments specified in the Schedule annexed to this Act, and all such offices which may be created hereafter, shall be filled up and supplied, except as hereinafter provided, from amongst the covenanted civil servants of the Crown in India.

Vacancies in
offices to be
supplied by
covenanted
civil servants.

3. Where it appears to the authority in India by whom an appointment should be made to any office, place, or employment specified in the said Schedule, that such appointment, under the special circumstances of the case, should be made without regard to the recited qualifications, conditions, and restrictions of the said Act, it shall be lawful for such authority to make such appointment accordingly; provided that no person shall be so appointed who has not resided for at least seven years in India, and that every person previously to his being so appointed to any of the offices in the Revenue and Judicial Departments specified in the said Schedule shall pass an examination in the vernacular language of the district in which he is to be employed, where such examination is now required, and shall be subject to all the departmental tests and other qualifications and restrictions which are or may be imposed in the like case on covenanted civil servants.

Persons not
covenanted
civil servants
may, under
special cir-
cumstances,
be appointed
to such offices
subject to
certain re-
strictions.

4. Every such appointment shall be provisional only, and shall forthwith be reported to the Secretary of State in Council of India, together with the special reasons for making the same; and unless the Secretary of State in Council shall approve such appointment, with the concurrence of a majority of

Such appoint-
ment in each
case to be
reported to
the Secretary
of State.

Members present at a meeting and shall within twelve months from the date of such appointment notify such approval to the authority by whom the appointment was made, then such appointment shall be cancelled.

Certain offices may be filled up without regard to restrictions prescribed by recited Act.

Act not to apply to office of Lieutenant-Governor, etc.

So much of 33 G. 3, c. 52, as requires seniority, etc., for appointments repealed.

5. All vacancies happening in any other offices, places, or employments than those mentioned in the said Schedule, and all other offices than those so mentioned that may hereafter be created in India may be filled up and supplied without regard to the qualifications, conditions, and restrictions prescribed by the said Act.

6. Provided always that this Act shall not apply to the office of Lieutenant-Governor of any part of Her Majesty's dominions in India, or to any offices for the supply of which provision may be made by any other Act of the present session of Parliament.

7. Section fifty-six of the said Act of the thirty-third year of King George the Third, and so much of the other sections of the said Act and of any other Act now in force as requires seniority as a condition or qualification for the appointment of civil servants to offices, places, or employments, shall be repealed.

SCHEDULE.

Secretaries, Junior Secretaries, and Under Secretaries to the several Governments of India, except the Secretaries, Junior Secretaries, and Under Secretaries in the Military, Marine, and Public Works Departments

Accountant General.

Civil Auditor. (a)

Sub-Treasurer. (b)

Judicial.

1. Civil and Sessions Judges, or Chief Judicial Officers of Districts in the Provinces now known as Regulation Provinces.
2. Additional and Assistant Judges in the said Provinces.
3. Magistrates or Chief Magisterial Officers of Districts in the said Provinces.
4. Joint Magistrates in the said Provinces.
5. Assistant Magistrates or Assistants to Magistrates in the said Provinces.

Revenue.

1. Members of the Board of Revenue in the Presidencies of Bengal and Madras.
2. Secretaries to the said Boards of Revenue.
3. Commissioners of Revenue or Chief Revenue Officers of Divisions in the Provinces now known as Regulation Provinces.
4. Collectors of Revenue or Chief Revenue Officers of Districts in the said Provinces.
5. Deputy or Subordinate Collectors were combined with the Office of Joint Magistrate in the said Provinces.
6. Assistant Collectors or Assistants to Collectors in the said Provinces.
7. Salt Agents.
8. Controller of Salt Chowkies.
9. Commissioners of Customs, Salt and Opium.
10. Opium Agents.

(a) Now called Comptroller General.
(b) Now non-existent.

G. C. B. P., Simla.—No. 14 P. S. C.—16-9-12.—150.—F.C.A.

THE GOVERNMENT OF INDIA ACT. 1870.

(33 Vict., Cap. 3.)

AN ACT TO MAKE BETTER PROVISION FOR MAKING LAWS AND REGULATIONS FOR CERTAIN PARTS OF INDIA, AND FOR CERTAIN OTHER PURPOSES RELATING THERETO.

[25th March 1870.]

6. Whereas it is expedient that additional facilities should be given for the employment of natives of India, of proved merit and ability, in the civil service of Her Majesty in India:

Power to appoint natives of India to certain offices without certificate from the Civil Service Commissioners.

Be it enacted, that nothing in the Government of India Act, 1858, or in the Indian Civil Service Act, 1861, or in any other Act of Parliament or other law now in force in India, shall restrain the authorities in India by whom appointments are or may be made to offices, places, and employments in the civil service of Her Majesty in India from appointing any native of India to any such office, place, or employment, although such native shall not have been admitted to the said civil service of India in manner in section thirty-two of the first-mentioned Act provided, but subject to such rules as may be from time to time prescribed by the Governor General in Council, and sanctioned by the Secretary of State in Council, with the concurrence of a majority of members present;

and that for the purpose of this Act the words "natives of India" shall include any person born and domiciled within the dominions of Her Majesty in India, of parents habitually resident in India, and not established there for temporary purposes only;

and that it shall be lawful for the Governor General in Council to define and limit from time to time the qualification of natives of India thus expressed; provided that every resolution made by him for such purpose shall be subject to the sanction of the Secretary of State in Council, and shall not have force until it has been laid for thirty days before both Houses of Parliament.

G. C. B. P., Simla.—No. 14 P. S. C.—17-9-12.—150.—F.C.A.

EXTRACT FROM ILBERT'S DIGEST ON "THE GOVERNMENT OF INDIA."

PART VIII.

THE CIVIL SERVICE OF INDIA.

91. No native of British India, nor any natural-born subject of His Majesty resident therein, is, by reason only of his place of birth (3 and 4 Will. IV, c. 85, s. 17.) religion, place of birth, descent, or colour, or any of them, disabled from holding any place, office, or employment under His Majesty in India.

This reproduces s. 87 of the Act of 1833, with the substitution of 'British India' for 'the said territories' and 'His Majesty in India' for 'the said Company.' See the comments on this enactment in paragraphs 103-109 of the despatch of December 10, 1834.

92. (1) The Secretary of State in Council may, with the advice and assistance of the Civil Service Commissioners, make regulations for the examination of natural-born subjects of His Majesty desirous of becoming candidates for appointment to the Civil Service of India.

(2) The regulations prescribe the age and qualifications of the candidates, and the subjects of examination.

(3) Every regulation made in pursuance of this section must be forthwith laid before Parliament.

(4) The candidates certified to be entitled under the regulations must be recommended for appointment according to the order of their proficiency as shown by their examination.

(5) Such persons only as are so certified may be appointed or admitted to the Civil Service of India by the Secretary of State in Council (a).

(a) The civil service referred to in these sections is the service which used to be known as the covenanted civil service, but which, under the rules framed in pursuance of Sir Charles Aitchison's Commission, is designated the Civil Service of India. See above, page 125.

Where a child of a father or mother who has been naturalized under the Naturalization Act, 1870 (33 and 34 Vict. c. 14), has during infancy become resident with the father or mother in any part of the United Kingdom he is, by virtue of s. 10 (5) of that Act, a naturalized British subject, and is entitled to be treated under the enactment reproduced by this clause as if he were a natural-born British subject. The expression includes a native of British India, but would, apparently, not include a subject of a Native State in India.

93. Subject to the provisions of this Digest, all vacancies happening in any of the offices specified or referred to in the Second Schedule to this Digest, and all such offices which may be created hereafter, must be filled from amongst the members of the Civil Service of India belonging to the presidency wherein the vacancy occurs.

The provision of the Act of 1793 as to filling vacancies from among members belonging to the same presidency appears to be still in force, but has given rise to practical difficulties, and seems inapplicable to such offices as that of secretary to the Government of India.

94. (1) The authorities in India by whom appointments are made to offices in the Civil Service of India may appoint any native of India of proved merit and ability to any such office, although he has not been admitted to that service in accordance with the foregoing provisions of this Digest.

(2) Every such appointment must be made subject to such rules as may be prescribed by the Governor-General in Council and sanctioned by the Secretary of State in Council with the concurrence of a majority of votes at a meeting of the Council of India.

(3) For the purposes of this section the expression 'native of India' includes any person born and domiciled in British India of parents habitually resident in British India, and not established there for temporary purposes only; and the Governor-General in Council may by resolution define and limit the qualification of natives of India thus expressed; but every resolution made by him for that purpose will be subject to the sanction of the Secretary of State in Council, and will not have force until it has been laid for thirty days before both Houses of Parliament.

The enactment reproduced by this section is not very clearly expressed, and runs as follows:—

'Whereas it is expedient that additional facilities should be given for the employment of natives in India, of proved merit and ability, in the civil service of Her Majesty in India: Be it enacted, that nothing in the Government of India Act, 1858, or in the Indian Civil Service Act, 1861, or in any other Act of Parliament or other law now in force in India, shall restrain the authorities in India by whom appointments are or may be made to offices, places, and employments in the civil service of Her Majesty in India from appointing any native of India to any such office, place, or employment, although such native shall not have been admitted to the said Civil Service of India in manner in s. 32 of the first-mentioned Act provided, but subject to such rules as may be from time to time prescribed by the Governor-General in Council and sanctioned by the Secretary of State in Council, with the concurrence of a majority of members present; and that for the purpose of this Act the words "natives of India" shall include any person born or domiciled within the dominions of Her Majesty in India, of parents habitually resident in India, and not established there for temporary purposes only; and that it shall be lawful for the Governor-General in Council to define and limit from time to time the qualification of natives of India thus expressed; provided that every resolution made by him for such purpose shall be subject to the sanction of the Secretary of State in Council, and shall not have force until it has been laid for thirty days before both Houses of Parliament.'

For the history of the successive rules made under this section, see above, page 124. The expression 'native of India' as defined by the section is construed as including persons born or domiciled in a Native State.

95. (1) Where it appears to the authority in India by whom an appointment is to be made to any office reserved to members of the Civil Service of India, that a person not being a member of that service ought, under the special circumstances of the case, to be appointed thereto, the authority may appoint there-to any person who has resided for at least seven years in India, and who has, before his appointment, fulfilled all the tests (if any) which would be imposed in the like case on a member of that service.

(2) Every such appointment is provisional only, and must forthwith be reported to the Secretary of State in Council, with the special reasons for making it; and unless the Secretary of State in Council approves the appointment, with the concurrence of a majority of votes at a meeting of the Council of India, and within twelve months from the date of the appointment notifies such approval to the authority by whom the appointment was made, the appointment must be cancelled.

QUEEN VICTORIA'S PROCLAMATION DATED THE 1ST NOVEMBER 1858.

[The following Proclamation was issued on 1st November 1858, after the events of the Mutiny, by Queen Victoria:—]

"Proclamation by the Queen in Council to the Princes, Chiefs and Peoples of India:—

"Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland of the Colonies and Dependencies thereof in Europe, Asia, Africa, America and Australia, Queen, Defender of the Faith.

"Whereas, for diverse weighty reasons, We have resolved by and with the advice and consent of the Lords, Spiritual and Temporal, and Commons, in Parliament assembled, to take upon Ourselves the Government of the Territories in India heretofore administered in trust for us by the Honourable East India Company.

"Now therefore, we do by these Presents notify and declare that, by the advice and consent aforesaid, We have taken upon Ourselves the said Government; and We hereby call upon all Our Subjects within the said Territories to be faithful, and to bear true Allegiance to Us, Our heirs and successors and to submit themselves to the authority of those whom We may, hereafter from time to time, see fit to appoint to administer the Government of Our said Territories, in our name and on Our behalf.

"We hereby announce to the Native Princes of India that all Treaties and Engagements made with them by or under the authority of the Hon'ble East India Company are by us accepted, and will be scrupulously maintained and We look for the like observance on their part.

"We desire no extension of Our Present Territorial Possessions; and while We will permit no aggression upon Our Dominions of Our Rights to be attempted with impunity, We shall sanction no encroachment on those of others. We will respect the Rights, Dignity and Honor of Native Princes as Our own; and We desire that they as well as Our own Subjects, should enjoy that Prosperity and that social advancement which can only be secured by internal Peace and Good Government.

"We hold Ourselves bound to the Natives of Our Indian territories by the same Obligations of Duty which bind Us to all Our other Subjects; and these Obligations, by the Blessing of Almighty God, We shall faithfully and conscientiously fulfil.

"Firmly relying Ourselves on the truth of Christianity, and acknowledging with gratitude the solace of Religion, We disclaim alike the Right and the Desire to impose Our Conviction on any of Our Subjects. We declare it to be Our Royal Will and Pleasure that none be in anywise favoured, none molested or disquieted, by reason of their Religious Faith or Observances, but that all shall alike enjoy the equal and impartial protection of the Law; and We do strictly charge and enjoin all those who may be in authority under Us that they abstain from all interference with the Religious Belief or Worship of Our Subjects, on pain of Our highest Displeasure.

"And it is Our further Will that so far as may be, Our Subjects, of whatever Race or Creed, be free, and impartially admitted to offices in Our Service, the duties of which they may be qualified by their education, ability, and integrity, duly to discharge.

"We know, and respect, the feelings of attachment with which the Native States of India regard the Lands inherited by them from their Ancestors: and We desire to protect them in all Rights connected therewith subject to the equitable demands of the State, and We will that generally in framing and administering the Law, due regard be paid to the ancient Rights, Usages and Customs of India.

KING EDWARD VII'S MESSAGE TO THE DELHI DURBAR OF 1903.

"It gives me much pleasure to send a Message of greeting to my Indian people, on the solemn occasion when they are celebrating my Coronation. Only a small number of the Indian Princes and representatives were able to be present at the Ceremony which took place in London; and I accordingly instructed my Viceroy and Governor-General to hold a great Durbar at Delhi, in order to afford an opportunity to all the Indian Princes, Chiefs, and Peoples, and to the Officials of my Government, to commemorate this auspicious event. Ever since my visit to India in 1875, I have regarded that Country and its Peoples with deep affection; and I am conscious of their earnest and loyal devotion to my House and Throne. During recent years many evidences of their attachment have reached me: and my Indian Troops have rendered conspicuous services in the Wars and Victories of my Empire.

"I confidently hope that my beloved Son, the Prince of Wales, and the Princess of Wales, may before long be able to make themselves personally acquainted with India, a country which I have always desired that they should see, and which they are equally anxious to visit. Gladly would I have come to India upon this eventful occasion myself had this been found possible. I have, however, sent my dear Brother, the Duke of Connaught, who is already so well known in India, in order that my Family may be represented at the Ceremony held to celebrate my Coronation.

"My desire, since I succeeded to the Throne of my revered Mother, the late Queen Victoria, the First Empress of India, has been to maintain unimpaired the same principles of humane and equitable Administration which secured for her in so wonderful a degree the veneration and affection of her Indian Subjects. To all my Feudatories and Subjects throughout India, I renew the assurance of my regard for their liberties, of respect for their dignities and rights, of interest in their advancement, and of devotion to their welfare, which are the supreme aim and object of my rule, and which, under the blessing of Almighty God, will lead to the increasing prosperity of my Indian Empire, and the greater happiness of its People."

2
"When, by the Blessing of the Providence, internal Tranquillity shall be restored, it is Our earnest Desire to stimulate the peaceful Industry of India, to promote Works of Public Utility and Improvement, and to administer its Government for the benefit of all Our Subjects resident therein. In their prosperity will be Our Strength, in their contentment Our Security and in their gratitude Our Best Reward.

"And may the God of all power grant to us and to those in authority under Us, Strength to carry out these Our Wishes for the good of Our People."

KING EDWARD VII'S PROCLAMATION DATED THE 1ST NOVEMBER 1908.

[The following Proclamation was issued by King Edward VII, on the occasion of the fiftieth anniversary of Queen Victoria's Proclamation of 1858, on 1st November 1908 :—]

" It is now fifty years since Queen Victoria, my Beloved Mother and my August Predecessor on the Throne of these realms, for diverse weighty reasons, with the advice and consent of Parliament, took upon herself the Government of the territories theretofore administered by the East India Company. I deem this a fitting anniversary on which to greet the Princes and Peoples of India in commemoration of the exalted task then solemnly undertaken.

" Half a century is but a brief span in your long annals yet this half century that ends to-day will stand amid the floods of your historic ages a far-shining landmark. The proclamation of the direct supremacy of the Crown sealed the unity of Indian Government and opened a new era. The journey was arduous and the advance may have sometimes seemed slow, but the incorporation of many strangely diversified communities and of some three hundred millions of the human race under British guidance and control has proceeded steadfastly and without a pause.

" We survey our labours of the past century with a clear gaze and a good conscience.

" Difficulties such as attend all human rule in every age and place have risen up from day to day. They have been faced by the servants of the British Crown with toil and courage and patience with deep counsel and a resolution that has never faltered nor shaken.

" Errors have occurred ; the agents of my Government have spared no pains and no self-sacrifice to correct them. If abuses have been proved, vigorous hands have laboured to apply a remedy.

" No secret of Empire can avert the scourge of drought and plague, but experienced administrators have done all that skill and devotion are capable of doing to mitigate those dire calamities of Nature.

" For a longer period than was ever known in your land before, you have escaped the dire calamities of war within your borders, internal peace has been unbroken.

" In the great Charter of 1858 Queen Victoria gave you a noble assurance of her earnest desire to stimulate the peaceful industry of India, to promote works of public utility and improvement and to administer the Government for the benefit of all resident therein.

" The schemes that have been diligently framed and executed for promoting your material convenience and advance—schemes unsurpassed in their magnitude and their boldness—bear witness before the world to the zeal with which that benignant promise has been fulfilled.

" The rights and privileges of the Feudatory Princes and Ruling Chiefs have been respected, preserved and guarded, and the loyalty of their allegiance has been unswerving.

" No man among my subjects has been favoured, molested or disquieted by reason of his religious belief or worship. All men have enjoyed the protection of the Law. The law itself has been administered without disrespect to creed, or caste or to usages and ideas rooted in your civilisation ; it has been simplified in form and its machinery adjusted to the requirements of ancient communities slowly entering a new world.

" The charge confided to my Government concerns the destinies of countless multitudes of men, and for ages to come, and it is a paramount duty to repress with a stern arm guilty conspiracies that have no just cause and no serious aim. These conspiracies I know to be abhorrent to the loyal and faithful characters of the vast hosts of my Indian subjects and I will not

suffer them to turn me aside from my task of building up the fabric of security and order.

"Unwilling that this historic anniversary should pass without some signal mark of Royal clemency and grace, I have directed that, as was ordered on the memorable occasion of the Coronation Durbar in 1903, the sentences of persons whom our Courts have duly punished for offences against the Law should be remitted or in various degrees reduced and it is my wish that such wrong-doers may remain mindful of this act of mercy and may conduct themselves without offence henceforth.

"Steps are being continuously taken towards obliterating distinctions of race as the test for access to posts of public authority and power. In this path I confidently expect and intend the progress henceforward to be steadfast and sure, as education spreads, experience ripens and the lessons of responsibility are well learned by the keen intelligence and apt capabilities of India.

"From the first the principle of representative institutions began to be gradually introduced and the time has come when, in the judgment of my Viceroy and Governor-General and others of my counsellors, that principle may be prudently extended.

"Important classes among you, representing ideas that have been fostered and encouraged by British rule, claim equality of citizenship and a greater share in the legislation and Government. The politic satisfaction of such a claim will strengthen, not impair, existing authority and power. The administrative will be all the more efficient if the officers who conduct it have greater opportunities of regular contact with those whom it affects and with those who influence and reflect the common opinion about it.

"I will not speak of the measures, that are now being diligently framed for these objects. They will speedily be made known to you and will, I am very confident, mark a notable stage in the beneficent progress of your affairs.

"I recognise the valour and fidelity of my Indian troops and at the New Year I have ordered that opportunity should be taken to show in substantial form this my high appreciation of their martial instincts, their splendid discipline and their faithful readiness for service.

"The welfare of India was one of the objects dearest to the heart of Queen Victoria. By me ever since my visit in 1875, the interests of India and its princes and peoples have been watched with an affectionate solicitude that time cannot weaken. My dear son, the Prince of Wales, and the Princess of Wales, returned from their sojourn among you with warm attachment to your land and true and earnest interest in its well-being and contentment.

"These sincere feelings of active sympathy and hope for India on the part of my Royal House and line only represent, and they do most truly represent, the deep and united will and purpose of the people of this Kingdom.

"May divine protection and favour strengthen the wisdom and mutual goodwill that are needed for the achievement of a task as glorious as ever committed to rulers and subjects in any State or Empire of record."

Extract paragraph 13 of a despatch from the Secretary of State
No. 81, dated 13th July 1876.

13. The special Committee have pointed out that unless preventive measures are speedily taken the same stagnation of promotion which has occurred in the North-West Provinces will shortly be felt by the civilians employed in some of the so-called Non-Regulation Provinces. I think the time has now come to lay down a new rule as regards some of those Provinces and, unless Your Excellency in Council is distinctly of a contrary opinion, I desire that the appointments to the Commissions of Oudh and the Central Provinces, and to the administration of the Non-Regulation Provinces attached to the Governments of Bengal and the North-West Provinces, be regulated henceforth in accordance with the principle applied by the 24th and 25th of Victoria, Cap. 54, to the Regulation Provinces. With respect to the other Non-Regulation Provinces, namely, the Punjab, Assam, British Burma and Sind, some admixture of military officers seems still to be advantageous. The proportion of military appointed, however, should in no case exceed one to every three civilians, and for the present, till the proper proportion is attained, you should not appoint to these Commissions any military officers unless some special grounds exist in any case for a departure from this rule. Should there appear reason for the appointment of an unconvenanted servant to the administration of any Non-Regulation Province, my sanction to the nomination must previously be obtained. These instructions are not intended to interfere with persons who are now in office, and of course will not affect the operation of the 6th Section of 33 Victoria, Cap. 3, empowering the employment of natives of India of approved merit and ability in the Civil Service of India. I have also to notice an expedient which has occasionally been resorted to in Regulation Provinces of creating for the purpose of promoting unconvenanted servants, offices outside the schedules of the Act of 1861, but invested with substantially the same functions as the appointments included in the schedules. I request that arrangements of this kind may not be repeated.

NO. 213.

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

SALARIES, ESTABLISHMENTS, ETC.
Land Revenue.

To

THE RIGHT HONOURABLE LORD RANDOLPH CHURCHILL, M.P.,

Her Majesty's Secretary of State for India.

Simla, the 8th August 1885.

MY LORD,

WITH reference to the correspondence marginally* noted, regarding the measures which should be adopted with a view to facilitate the employment of Covenanted Civil Servants in the Revenue Branch of the Sind Commission, we have the honour to forward herewith a further representation† received from the Government of Bombay on the subject.

2. In our Despatch No. 164, dated the 30th May 1884, we submitted for Lord Kimberley's orders certain proposals made by the Bombay Government with the object of extending the employment in Sind of Convenanted Civilians. Those proposals were—

- (1) that special Sind allowances should be granted to Covenanted Civil Servants serving in the Land Revenue Department in Sind, namely, to a Collector or 1st Assistant Collector, substantive or acting, Rs. 100 a month; to a 2nd Assistant Collector, substantive or acting, Rs. 50 a month: and
- (2) that a Covenanted Civil Servant employed in Sind in the Revenue Branch should be graded in the same list as Covenanted Civilians in the Presidency proper, and should, in respect of pay and promotion, be on an entirely distinct footing from the Military and Uncovenanted officers of the Sind Commission.

3. It seemed to us that the rates of pay drawn in the different grades of the Sind Commission could not fairly be modified in favour only of members of the Covenanted Civil Service, and that the partial amalgamation of the Executive Branches of the Covenanted Civil Service in Bombay and Sind involved in the second proposal, which contemplated the addition of one Collector and two Assistant Collectors to the Bombay cadre, was inadmissible as being opposed to the principles settled in connection with the recruitment scheme in 1881, and contrary also to the practice which regulates promotion in the Non-Regulation Commissions. On these grounds mainly, and because it appeared to us that any complete scheme of amalgamation on the lines suggested could not be carried out without a large increase of expenditure on the Sind Commission, we were unable to support the proposals of the Bombay Government, and we were of opinion that the requirements of the case would be met by raising the rates of pay of the different grades of Assistant Collectors serving in Sind to the figures for the corresponding grades in the Presidency proper. We believed that the adoption of this plan would lead to a virtual amalgamation of the executive service throughout, since the pay attached to a Collectorship in Sind is the

* To Secretary of State, No. 164, dated 30th May 1884.
From Secretary of State, No. 72, dated 14th August 1884.
† Letter No. 1274, dated 11th February 1885, and enclosures.

same as that drawn by a 2nd grade Collector in the Presidency proper, and a Covenanted Civilian Collector in Sind, on becoming eligible for permanent promotion to the 1st grade, would return to the Presidency. The additional expense involved in this arrangement was Rs. 12,000 annually.

4. Lord Kimberley, in sanctioning* our recommendations, observed that a Covenanted Civilian Collector should receive the pay of the senior or junior grade of Collector according to his standing in the service, whether he is employed in Sind or not. It appeared to His Lordship to make no difference financially whether a Sind Collector on becoming eligible for the higher rate of pay drew it in Sind or returned to the Presidency to draw it, while the arrangement suggested by us was described as open to the objection that it might cause the Province to lose the services of an officer just at a time when he could be most advantageously employed in it.

5. The Bombay Government, to whom we duly communicated a copy of our correspondence with Lord Kimberley, now desires that the matter may be reconsidered. It is urged that the objection to the scheme which was recommended by us, and has been sanctioned by His Lordship, lies in the fact that, although it places Covenanted Civilians in Sind and the Presidency on the same rates of pay, it does not satisfy the more important condition of equalising their promotion; for a Covenanted Civilian appointed to the Sind Commission at the beginning of his service would have to accept the rate of promotion of that Commission in lieu of the rate of promotion of his own service; and as promotion is slower in the former, he would naturally be discontented. The Bombay Government therefore recommends that the proposals originally made, which are referred to in paragraph 2 of this despatch, should be sanctioned as being the only scheme which will secure the object in view. It is also represented that no sufficient reason exists for maintaining the Uncovenanted and Military element in the Sind Commission, as there is no doubt that the administration will be improved if that element is allowed gradually to die out, Covenanted Civilians being substituted as opportunity offers. The manner in which it is proposed to effect the gradual substitution of officers of the Civil Service for the existing agency is by the occasional appointment of a Covenanted Civilian to fill a vacancy in one of the higher posts to which none of the Military or Uncovenanted Officers of the Commission is entitled by seniority or merit, by ceasing to recruit the Commission with Military and Uncovenanted Officers, and by appointing young Covenanted Civilians in their stead. The proposed arrangement, it is stated, could be carried out without injustice to the officers now serving in the Commission and without increased expense.

6. In the event of these proposals being carried into effect, the Sind Commission would, pending the retirement or death of the Uncovenanted and Military Officers now serving in the Commission, consist of a certain number of Covenanted Civilians who would be graded on the General Presidency List, their grade pay being determined by their position on that list alone, and of a certain number of Military and Uncovenanted Officers. As regards the Uncovenanted Officers, it is not apparently proposed, under any circumstances, to appoint them to be Collectors, and it is stated that this has *never* been done, those appointments having invariably been filled by Military Officers or Covenanted Civilians. As regards Military Officers, there are at present only two (Major Mayhew and Lieutenant Beville) serving in the Commission below the grade of Collectors on Rs. 1,800 a month, one of whom is Deputy Commissioner, Upper Sind Frontier, and will shortly be appointed to a vacant Collectorate; while the other is a very junior officer. It will be seen that the Commissioner in Sind distinctly states that "the members of the Commission are in no way likely to think an invidious distinction has been drawn if Civilians are allowed to draw their pay and allowances according to the Presidency scale while serving in Sind."

7. It appears to us that the correspondence now forwarded by the Government of Bombay makes it clear that there is less difficulty in the way of a practical amalgamation of the Sind Commission with the cadre of the Bombay Presidency proper than was originally supposed. We also think that from an

administrative point of view it would be an advantage to allow the Military and Uncovenanted element to die out in Sind, and to recruit in future entirely from the Covenanted Civil Service—a measure which will, moreover, indirectly tend to relieve the existing block in promotion in the Bombay Civil Service. On the whole, we are of opinion that the case which the Bombay Government establishes in favour of the scheme of grading the Covenanted Civilians employed in Sind with their contemporaries in the Presidency proper is a very strong one and we would accordingly recommend that Your Lordship's sanction may be accorded thereto. Under that scheme,*

* See column 2 of Statement A appended to the letter from the Commissioner in Sind, dated 9th January 1885.

as we understand it, a Civilian Assistant Collector in Sind would be promoted to the Rs. 700 grade when his contemporaries in the Presidency proper are promoted to that grade, and similarly he would be promoted to the Rs. 900 grade when they receive promotion to that grade. On his becoming a Collector, he would draw the ordinary Sind pay of Rs. 1,800 a month, which is the same as the pay of the lowest grade of Collectors in the Presidency proper, and eventually when his contemporaries in Bombay arrived at the period for promotion to the higher grade of Collector, his claims would be simultaneously considered, and he would in due course be promoted to the higher grade in the same way as if he were serving in Bombay; but the number of the higher grade Collectorships would not thereby be increased.

8. The Bombay Government and the Commissioner in Sind state that the proposed measure could be carried out without involving any extra expenditure; but it seems to us to be somewhat difficult to estimate with any accuracy the exact financial effect of the scheme. There might at times be some increase of expense, but at other times there might be a decrease. In any case, however, we do not think that the increase of expense to be anticipated from the adoption of the scheme is so considerable as to require or warrant its rejection on that account.

9. We desire, in conclusion, to explain that the proposal of the Bombay Government, if sanctioned by Your Lordship, may necessitate an ultimate increase to the Civilian indent for the Bombay Presidency. Although the Commissioner states that no more junior Civilians will be required in Sind for two years to come, it may be anticipated that when the Military and Uncovenanted element in the Commission has been completely eliminated, the Civilian indent for the Bombay Presidency will certainly have to be raised. The extent, however, to which it will be necessary to raise the indent will not be considerable; and as the point is not of any present importance, we would suggest that if should be allowed to lie over for future consideration.

We have the honour to be,

MY LORD,

Your Lordship's most obedient, humble Servants,

(Signed) DUFFERIN.

" D. M. STEWART.

" T. F. WILSON.

" C. P. ILBERT.

" S. C. BAYLEY.

" T. C. HOPE.

" A. COLVIN.

No. 119 (Public), dated India Office, London, the 3rd December 1885.

From—Her Majesty's Secretary of State for India,

To—His Excellency the Right Honourable the Governor
General of India in Council.

I have received and considered in Council your letter in the Department of Finance and Commerce, dated the 8th of August last, No. 213, submitting, for my favourable consideration, certain proposals made by the Government of Bombay in 1884 for extending the employment in Sind of Covenanted Civil Servants.

2. In deference to the views urged by the Government of Bombay, which are now supported by Your Excellency in Council, I give my sanction to the adoption of the proposed scheme. I presume, however, that, in sending to me the recommendations to which I have assented, you have not overlooked the possible transfer of the administration of Sind to the Punjab Government, which has been formerly under discussion, and may come on for discussion again.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

PUBLIC.

To

THE RIGHT HONOURABLE LORD GEORGE FRANCIS HAMILTON,
His Majesty's Secretary of State for India.

Simla, the 2nd October 1902.

MY LORD,

WE have the honour to refer to the correspondence ending with the despatch from the Government of Lord Lytton, No. 21 (Public), dated the 14th March 1879, on the subject of the appointment of Military Officers to Frontier Commissions. In paragraph 13 of his Public Despatch No. 81, dated the 13th July 1876, Lord Salisbury directed that the appointments to the Commissions of Oudh and the Central Provinces and to the Administration of the Non-Regulation Provinces attached to the Governments of Bengal and the United Provinces should be regulated in accordance with the principle applied by the Statute 24 & 25 Vict., Cap. 54, to the Regulation Provinces; but with respect to the other Non-Regulation Provinces, His Lordship, while expressing the opinion that some admixture of Military Officers was advantageous, desired that the proportion of such officers thus appointed should in no case exceed one to every three civilians. In accordance with these instructions Military Officers have hitherto been recruited for the Punjab Commission to the extent of one-fourth of the strength of that Commission.

2. As the Punjab has now ceased to be a Frontier Province in consequence of the creation of the North-West Frontier Province, the Government of the Punjab, in its letter No. 121, dated the 17th January 1902, an extract from which is enclosed, has raised the question whether, in the altered circumstances, it is necessary to continue the system of recruiting Military Officers for civil employ in that province. From our Home Secretary's letter of the 29th ultimo it will be seen that we have accepted the recommendation of the Local Government that Military Officers should no longer be recruited for the Punjab Commission, that is, from the year 1903. The result of this decision will be that the recruitment for the Punjab Commission will be entirely from the Indian Civil Service with effect from the next open competition for that service.

3. We trust that our proceedings will meet with Your Lordship's approval.

We have the honour to be,

MY LORD,

Your Lordship's most obedient, humble Servants,

CURZON.

A. P. PALMER.

T. RALEIGH.

E. R. ELLES.

A. T. ARUNDEL.

DENZIL IBBETSON.

J. F. FINLAY.

No. 145 (Public), dated the 28th November 1902.

From—The Right Honourable Lord George Francis Hamilton,
His Majesty's Secretary of State for India,

To—His Excellency the Right Honourable the Governor
General of India in Council.

Having considered in Council the letter of Your Excellency's Government No. 81 (Public), dated the 2nd October last, I approve of your proceedings in accepting the recommendation of the Government of the Punjab that from the year 1903 onwards Military Officers shall no longer be recruited for the Punjab Commission.

**Extract paragraph 7 of a despatch to the Secretary of State No. 47,
dated 2nd February 1905.**

* * * * *

7. From paragraph 10 of the same letter it will be seen that we agree in the opinion of the Chief Commissioner that it is not desirable or feasible at present to amalgamate the Berar and Central Provinces Commissions. But we are deterred from effecting such amalgamation immediately only by the difficulty of equitably adjusting individual claims; and we propose to bring about a union of the two cadres by a gradual process which will enable due regard to be paid to existing claims. We propose in future to recruit for Berar only members of the Indian Civil Service and to take into consideration the requirements of both the Central Provinces and of Berar in framing our yearly indents, treating the two provinces for this purpose as if there existed one combined cadre. For the present we propose to transfer each appointment as it falls vacant at the bottom of the Berar cadre, in the absence of recruitment, to the Central Provinces cadre: and to recruit with a view to the joint requirements of both portions of the province, that is to say on the basis of the superior posts in the Central Provinces cadre and the superior posts still remaining in the Berar cadre. It may be that this transference of posts will result in some departure from the prescribed proportion of superior and inferior posts and that some adjustment may hereafter be necessary. When the Berar Deputy Commissionerships come to be transferred to the resulting new joint cadre they should be restored to the grading which obtains in the Central Provinces. It cannot be with any certainty foreseen how the rate of promotion in one portion of the province will compare with the rate in the other portion; and we recognize that it may be necessary to give personal allowances for a time in special cases. But we consider that the only practical solution is to allow the larger cadre gradually to absorb the smaller, and we think that for present purposes such inequalities as may possibly arise in the course of this process may be neglected. In his letter No. 575, dated the 14th January 1905, the Chief Commissioner has accepted these proposals.

* * * * *

Telegram dated the 28th March 1905.
From—The Secretary of State for India, London,
To—His Excellency the Viceroy.
Your Financial Despatch no. 47, dated 2nd February last. Berar. Your
proposals are approved.

**Extract paragraph 5 of a despatch to the Secretary of State No. 38,
dated 7th February 1907.**

* * * * *

5. The urgent matters being disposed of, we proceeded to consider the general cadre questions and the settlement of the *personnel* of the two provinces. At this stage Sir Bampfylde Fuller pressed upon us the importance of an early decision as to the *personnel* of the service as it was administratively desirable to publish a Civil List for the new province as soon as possible. But as this could not be definitely settled without first considering the theoretical cadre and strength of the service, the *personnel* was provisionally accepted and the Civil List for eastern Bengal and Assam was published on April 1st, 1906. The orders which we issued are contained in our Home Secretary's letter dated the 16th January 1906, to which we invite your attention. We decided—

- (1) that the number of superior posts in Bengal and Eastern Bengal and Assam should be 81 and 62, respectively ;
- (2) that the strength of the service in each should be 163 and 124 ;
- (3) that Bengal should surrender 75 members of the Indian Civil Service over and above those already serving in Assam, or 21 officers more than it had agreed to give up ;
- (4) that, with a view to distributing the officers proportionately between the two provinces according to their length of service and minimizing the inconvenience in Bengal, the additional officers to be provisionally transferred should be of the years indicated in our letter ;
- (5) that the inevitable deficit which must occur in the Eastern Bengal and Assam service should be filled by recruitment in England in the usual way ;
- (6) that no more military officers should be recruited for the new province, and that the number of officers of the Indian Civil Service to be recruited annually should be determined later at the ordinary time ;

* * * * *

- (8) that the promotion of the existing military officers of the Assam Commission should be limited to one of the two posts of Commissioner in Assam, to not more than two posts in the first grade, three in the second grade, and three* in the third grade of Magistrates and Collectors ; and

* * * * *

India Office, London,
5th July 1907.

Public,
No. 92.

To His Excellency the Right Honourable the Governor General of
India in Council.

MY LORD,

I have considered in Council your Government's Financial letter no. 38, dated the 7th February last, regarding the constitution of an Indian Civil Service cadre in the new province of Eastern Bengal and Assam, and the reconstitution of the cadre of that service in Bengal.

2. As was explained in the letter of the Government of India of the 3rd August 1905, it was found necessary to make provisional arrangements for the administration of the new province, subject to confirmation by the Secretary of State, and on the understanding that they might be modified after fuller consideration. The arrangements then made, and the appointments provisionally sanctioned, are summarised in the fourth paragraph of your letter.

3. Your Excellency in Council next proceeded to consider, in communication with the local Governments, the question of the permanent settlement of the cadres of the two provinces. The principles which you decided should guide you in this matter are summarised in the fifth paragraph of your letter. They were accepted in the main by the Governments of Bengal and Assam, and, subject to what is said below with reference to the military officers in the Assam Commission, they have my approval. Your final proposals assign 87 superior appointments to Bengal and 63 to Eastern Bengal and Assam, while the total number of appointments, superior and inferior, in the two provinces is to be 125 and 90 respectively. These proposals, however, include one for the creation of a new Commissionership out of the Patna Commissionership, which has already been separately considered by me in Council, and which, for the reasons stated in my despatch no. 28, of the 15th of February last, I was unable to sanction. With this exception I see no objection to your general proposals as to the strength of the cadres of the two provinces, and as to the grading and pay of the officers, and I give them my sanction. I also approve the appointments provisionally sanctioned by the Government of India with effect from the date of the constitution of the new province of Eastern Bengal and Assam.

4. I observe that the Lieutenant-Governor of that province has demurred to your proposals placing a restriction on the promotion of military officers of the Assam Commission to the first and second grades of magistrates and collectors. Your Excellency in Council, having again considered the matter, asks for my sanction to your proposals. Before issuing final orders on this point, however, I think it desirable to await the views of Your Excellency in Council on the memorials which have been addressed to me on the subject through your Government by the military officers concerned. Meantime the arrangements provisionally sanctioned by you, distributing the military officers between the first and second grades of magistrates and collectors may stand.

I have the honour to be,

MY LORD,

Your Lordship's most obedient, humble servant,

JOHN MORLEY.

Extract paragraph 6 of Home Department letter to the Government of Burma, No. 983, dated 21st August 1906.

* * * * *

6. In conclusion, I am to observe that the careful examination which the Government of India have made of the local Government's proposals leads them to think that the time has now come to put an end to the recruitment of military officers for the Commission and to place that Service on the same footing as the Commissions of other provinces. It appears to them that Burma has now reached a stage of development at which its administration can best be entrusted to members of the Indian Civil Service. Dacoities and outbreaks of violence are comparatively rare, and should emergencies occur with which military officers are specially qualified to deal, such officers will for many years to come continue to be available in the rank of the Commission. It seems probable that the change now suggested will result in raising the intellectual level of the Service and in rendering its character more uniform, while it will guard against the occasional nominations of inferior men owing to the difficulty of judging of their capacity and qualifications. It will at the same simplify the difficult question of recruitment and will maintain that even flow of promotion which it is difficult to secure in a composite cadre comprising two classes of officers one of which serves as a rule for a longer period than the other. I am to request that the Government of India may be favoured with a full expression of the views of His Honour the Lieutenant-Governor on this question.

Extract paragraphs 7-10 of a letter from the Government of Burma to the Government of India, No. 682-T-IC-3, dated 17th October 1906.

* * * * *

7. With reference to the question stated in paragraph 6 of your letter, whether the recruitment of Military officers for the Commission should now cease, I am to submit the following expression of the Lieutenant-Governor's views.

It is happily true that dacoities on a large scale and organized crimes of violence are of less frequent occurrence than in former days. His Honour hopes that this comparative immunity may continue. If so, it is no doubt the case that the special qualities for which, it may be assumed, Military officers were first appointed to Civil Commissions are likely to be required less frequently than heretofore. At the same time it may be observed that Burma has a long line of frontier bordering on China and Siam, and that it includes the Shan States and the Chin and Kachin Hills where for many years the administration will probably not be that of settled districts.

8. The restriction of recruitment to members of the Indian Civil Service would no doubt raise the level of academic qualification. The Lieutenant-Governor is not prepared to assent to the proposition that it would raise the intellectual level. Officers of the Indian Army are gentlemen of education and selected officers of that Army are probably not deficient intellectually. Moreover, pure intellect is not the sole qualification required of administrators. Resource, force of character, knowledge of and sympathy with the people, are also elements of value. In these respects, officers of the Indian Army have attained and are likely to attain a high position.

9. Sir Herbert White does not regard uniformity as in itself an object of desire. On the contrary, he considers that diversity of gifts is an advantage. In such a Province as Burma, the work is of a very varied nature and officers of diverse qualifications can be utilized. An officer may be of exceptional value in a revenue or judicial appointment and yet be less well adapted than others for service in the Shan States or in frontier districts. Similarly an officer may be capable of rendering invaluable service in frontier tracts and yet be less suited than his comrades for employment in settled districts. Even if uniformity were desirable, it has not been found by experience that it is secured in the Indian Civil Service.

10. As regards the risk of obtaining unsuitable officers, the Lieutenant-Governor finds himself unable to concur in the suggestion that this will be minimized by stopping the recruitment of Military officers. If due care is taken in the selection and training of Military recruits, if the condition of probation is really enforced, and if officers are not retained unless they show promise of being in every respect efficient, it seems to the Lieutenant-Governor that there is less risk in connection with the appointment of Military officers than with that of Civilians. In the case of Military officers, the nominating authority has every opportunity of seeing the recruits, of enquiring into their intellectual and moral characteristics, and of judging by actual experience whether they are men of ability and promise.

11. On the whole, Sir Herbert White is of opinion that it is not advisable at present to restrict the limited recruitment of Military officers allowed by the present system. That system has given to the Commission many officers of exceptional capacity and merit, and may be expected to do so in future. Military civilians are doing excellent work in all branches of the Administration; and His Honour would be sorry to see this source of recruitment closed. The circumstances of Burma are still quite different from those of any other Province; and in Sir Herbert White's opinion military civilians are very well adapted to its conditions. The present time, when the need of bringing the Commission up to its full strength is very pressing, seems to His Honour to be unsuitable for stopping one source from which deficiencies can readily be supplied. He therefore recommends that for the present the proposal to stop the recruitment of Military officers should not be put into effect.

9

**Extract paragraph 2 of Home Department letter to the Government
of Burma, No. 459, dated the 12th April 1907.**

• • • • •

2. With reference to the remarks in paragraphs 7 to 10 of the Honourable Mr. Gate's letter no. 682—T.-1-C.-3, dated the 17th October 1906, in regard to the proposal to stop the recruitment of military officers for the Burma Commission, I am to say that the Governor-General in Council is pleased to accept His Honour's opinion that for the present the proposal should remain in abeyance.

CHAPTER II.

REGULATIONS FOR THE OPEN AND FINAL EXAMINATIONS FOR ADMISSION TO THE INDIAN CIVIL SERVICE.

(i) Age limits for Admission to the open Examination.

	PAGE.
1. Letter from Dean Liddell, dated the 17th November 1874	95
2. Letter from the Vice-Chancellor of Cambridge University, dated the 15th December 1874	96-97
3. Letter from Dr. B. Jowett, dated the 27th December 1874	98-100
4. Letter from the Civil Service Commissioners to the Under Secretary of State, dated the 16th March 1875	101-112
5. Despatch from the Government of India, to the Secretary of State, No. 57, dated the 30th September 1875, and the following enclosures:—	113-127
(a) Minute by Sir Ashley Eden, dated the 15th September 1875.	
(b) Minute by Lord Northbrook, dated the 22nd September 1875.	
(c) Letter from the Government of the United Provinces, No. 1520-A, dated the 23rd August 1875.	
6. Minute by Sir Henry Maine, dated the 12th November 1875	128-132
7. Minute by Lord Salisbury (without date)	133-134
8. Despatch from the Secretary of State, No. 19, dated the 24th February 1876	135-138
9. Minute by Sir C. Aitchison, dated the 7th July 1884... ..	139-142

(ii) Subjects of the open Examination.

10. Regulations for the open competition of 1912	143-155
---	---------

(iii) Simultaneous Examinations in England and India.

	PAGE.
11. Despatch from the Secretary of State, No. 61-(Public), dated the 22nd June 1893, and enclosure.	157
12. Despatch to the Secretary of State, No. 62-(Public), dated the 1st November 1893	159-171
13. Despatch from the Secretary of State, No. 37-(Public), dated the 19th April 1894	173-177

(iv) Training of selected candidates.

14. Extract from a letter from the Civil Service Commissioners to the Secretary of State dated the 3rd August 1864	179
15. Despatch from the Government of India, No. 16, dated the 14th July 1907	181-190

(1) Letter from Dean Liddell, Chairman of the Committee of Council for report on Indian Education, dated Oxford, the 17th November 1874.

MY LORD,

The University of Oxford has felt it to be a grievance that the age at which young men are now selected as candidates for the Indian Civil Service practically prevents aspirants from coming to the University. Our Council would have addressed your Lordship at an earlier date on this subject, but they felt that the terrible question of the famine must have required all your attention. At the beginning of this term this objection had passed away, and a committee was appointed to report upon the matter, of which I have the honour to be chairman.

2. We have just learned that your Lordship has already brought before the Civil Service Commissioners some points in the examinations for India which seemed to require attention. We hope that the question of age above mentioned may be one of them.

3. If not, we venture to ask you to consider whether 18, or at latest 19, might not be fixed as the latest age at which candidates might offer themselves for selection.

4. Were this allowed, selected candidates would be able to come to the University and obtain a degree. The first public examination (commonly called moderations) may now be passed in the 4th or (under certain circumstances) in the 5th term from matriculation, so that a candidate would be free to study special subjects connected with his Indian examinations about the close of his first year of residence. He might obtain a degree in literæ humaniores, or in jurisprudence, or in modern history. On one or other of these schools might be engrafted the study of Sanskrit or Persian, with any modern Indian language that he might be required to know, as also political economy. Or a candidate might obtain honours in the law school, after obtaining his degree in literæ humaniores. Or, if your Lordship should think it more desirable, it would doubtless be possible to construct a new final school embracing prominently special Indian subjects, together with the principles of political economy, and the principles of jurisprudence, which could not be learned by attendance on the courts of law.

5. In these matters, the Council of the University would, I believe, be willing to recommend to Convocation such alterations as might, on deliberation, be deemed expedient. If your Lordship is favourably disposed, and would be willing to offer any suggestions on these heads, your opinion would (I am sure) be received with the utmost deference.

Some years ago founded readerships in Hindustani and in Indian law and were only prevented from doing more by the belief that our exertions in this direction were useless.

6. I may add that, by the present regulations, the Indian service is almost refused to the scholars of the various colleges, who may be considered the ablest of our young men. It cannot be for the interest of India that she should not be able to obtain the services of some of these young men.

7. We are aware that objections have been raised to what we propose, on the ground that our students cannot attend the courts of law, etc. We feel little doubt that we could meet, or at least materially modify, these objections. But I do not wish to trouble your Lordship with these details until we hear from you that we should not, in so doing, be giving you needless trouble.

I have, etc.,

H. G. LIDDELL,

(2) Letter from the Vice-Chancellor of Cambridge University to the Secretary of State, dated the 15th December 1874.

MY LORD.

I am requested by the Council of the Senate of the University of Cambridge to address your Lordship on the subject of the conditions now attending candidature for the Civil Service of India. We are informed by the Dean of Christ Church that a communication has been already made to your Lordship on this question from Oxford, and we think it may assist your estimate of the value of the objections which are entertained to the existing rules and instructions to candidates, if we take the present occasion to represent the opinion of the Council and others in Cambridge who have given attention to the subject.

As we believe that the service referred to would be greatly benefited if the successful candidates could enjoy the advantages of moral and mental training afforded by University residence, provided that this involved no sacrifice of any important condition of special preparation, we observe with much regret that the instructions to the selected candidates offer direct discouragement to such residence. In evidence of this I venture to bring to your Lordship's notice the following passage in the general instructions issued 11th May 1874:—

"Each candidate in choosing his place of residence should carefully consider what facilities will be afforded him for the prosecution of his studies; and in this respect it should be remembered that London offers advantages for the study of law and also perhaps of some of the vernacular languages which can be obtained in no other part of the United Kingdom."

To us it does not appear that residence at the Universities would be otherwise than favourable to the pursuit of that special knowledge which these instructions enforce. To speak of Cambridge alone, the first University examinations may be passed by a well-prepared student, such as these candidates may be assumed to be at the end of the first term. It ought to be passed by all before the completion of the third term; after which, in the case of candidates for honours (and here the consideration of other students may be disregarded). There is no other public examination to interfere with continuous study before that by which honours are finally obtained. The historical tripos, the triposes of Indian languages, of law, of moral sciences, would any of them give ample opportunity for courses of study suitable for the students in question. Moreover, facilities for assistance in each of the several departments, including the principal vernacular languages, are supplied by able professors and teachers, and by access to the public libraries. (Herewith I send a copy of the University Ordinations, where, at pages 45, 64, 68 and 76, will be found the regulation and range of subjects of the above-named triposes, and at page 254 a grace especially contemplating the Indian Civil Service in the duties assigned to the Lord Almoner's Reader in Arabic). As to the opportunities of taking notes of proceedings in English courts of justice, as the instructions direct, these, if not available in sufficient variety during actual residence, could be readily, and perhaps more advantageously obtained in the University vacations.

We have difficulty, therefore, in understanding what sufficient ground exists for preferring London to Cambridge as a place for the special preparation desired.

In other respects we think it must at once be generally admitted that the residence of these young men in London is wanting in many favourable conditions which our college life can supply. It has been represented to us that the Civil Service in India suffers some disadvantage from the circumstance that its officers under the present system of appointment, have no opportunity, before entering on their duties, of forming habits of mutual confidence and good-will. This disadvantage would probably be removed if a body of young men were to prepare themselves for their future life in India under the discipline and moral control of residence at the old Universities.

Practically, then, what is desired by us is that all official examinations for this service should be discontinued, and that the periodical examinations required of them (if those of the University be not accepted as equivalent) should be fixed otherwise than in full University term. Under such free conditions we are confident that the advantages which the Universities offer would sufficiently approve themselves; but we should, I need not add, welcome with much satisfaction any positive encouragement in this direction which those who are in authority may be disposed to give.

I trust that your Lordship will consider that the great public interest of this question of selection for the Indian service fully warrants this application from us. We make it because we hold it to be of high importance that those to whom are to be entrusted the grave responsibilities of Indian official life should be assisted in their educational training by all those advantages of discipline, association, and instruction which, as we believe, our resident students possess.

I have, etc.,

GEORGE PHEAR,
Vice-Chancellor.

Letter from Dr. B. Jowett, to the Secretary of State for India, dated
Balliol College, 27th December 1874.

MY LORD,

HAVING heard that the mode of selection and training of candidates for the Indian Civil Service is again under consideration, I venture to trouble you with a few remarks on a subject in which I naturally take an interest, having been one of those who were engaged in drawing up the original regulations.

The remarks which I have to offer fall under three heads :

- 1st. The examinations for first appointments.
- 2ndly. The limits of age.
- 3rdly. The training of the selected candidates.

I. Under this head the evil which is at present complained of by the head masters of public schools and others is chiefly that the system is too favourable to the "crammers." I am far from saying anything against the gentlemen who are thus described; they are admirable teachers, who make a study of the papers, and appear to possess the power of communicating a great variety of knowledge in a short time. But still it seems undesirable that a youth should be taken away from Harrow or Rugby and sent for six months or a twelvemonth to a tutor in London. He is interrupted in his studies, and at the age of 18 or 19 he is exposed to a good deal of danger from the temptations of a London life, especially when not under the care of his parents. There is another objection. The masters of public schools are set against the service, and are naturally indisposed to send up their best pupils as candidates, because, besides other reasons, they gain no credit from them. They complain that the youth who knows a little of many things which are learned at the "crammers" will beat another who is far superior to him in ability and solid attainments, but has confined his attention to a few subjects only. They remark that no such previous preparation is required in order to enable their pupils to obtain scholarships at the Universities, and hence they infer some defect in the arrangements of the examination.

I have stated their objections as far as I have been able to gather them from conversations which I have had with some of the most eminent of them. The objections appear to me to be well founded, and I think that they might be met,—

1. By limiting the number of subjects which a candidate is allowed to offer to four. This is as many as a boy at school or an undergraduate at college ordinarily studies.
2. By diminishing the number of marks allowed for English literature and history to 500, or (including English composition) giving to English subjects altogether 1,000 marks. This again would more than represent the proportion which the study of English bears to the study of other branches of knowledge at schools and Universities.

In respect to the subjects of the first examination, I would offer another suggestion, *vis.*, that political economy and the general principles of jurisprudence should be included in them. Since the report of Lord Macaulay's committee was framed they have been added to the University course both at Oxford and Cambridge, and they are taught at the Scotch Universities. If it be objected that they form no part of the usual curriculum of schools, it may be answered neither do the moral sciences nor Sanskrit and Arabic. Admitting fully the principle on which the original report was founded, I see no reason for excluding from the first examination subjects which form a part of general education, because they are specially required of the selected candidates.

II. Respecting the age of candidates, I would argue strongly that we should have the widest limits consistent with the requirements of the Indian service. At present the number who offer themselves is smaller than might be expected. The fears of parents, the terrors of an Indian climate, the hope of getting some employment in England, are strong deterrents. But if the age were reduced from 21 to 18 or 19 I should expect that the number of well qualified candidates would be diminished by at least one-half. Fathers and mothers do not make up their minds "to part with their children" at that age. The selected candidates would be all school boys, and it is much more difficult to form an estimate of the real capacity at 17 or 18 than at 19 or 20. The comparison of Woolwich or Sandhurst is out of place here.

During the first 10 years of the present system the age was fixed at 22, and about two-fifths of the competing candidates were selected from Oxford and Cambridge. Since the limit of age was reduced (in 1866) to 21, the number of University candidates has proportionably diminished. I am inclined to think that this is a loss which has not been compensated by the arrival of the candidates in India a few months sooner. The service has probably been deprived of some of the best men who would have offered themselves.

As the Government of India desire that the candidates should not be more than 24 years of age on their arrival in India, I would propose that the limits of age remain as at present (17—21). But with the view (chiefly) of including as many University men as possible, I would allow candidates to compete up to 22 who had previously passed an examination in law, political economy, and some Indian language, such candidates being required only to undergo a year of special study. In every case they should proceed to India before attaining the age of 24.

The problem is, how to attract the greatest number of highly educated and able young men. Any unnecessary restriction diminishes the number. The lowering of the age to 18 or 19 would probably give about as many candidates as now present themselves who are below those ages, and a very few more.

III. The scheme of 1854 was defective in leaving the selected candidates too much to themselves. The Commissioners were right, I think, in proposing to abolish Haileybury, which had not the social and educational advantages of a University, and which could not supply the necessary instruction in law. They wanted to make the service as open as possible. Of the English Universities at that time no use could be made, because they were confined to members of the Church of England, and because, at least at Oxford, students would have been obliged to reside within the walls of a college at an expense which, to many of them, might have been inconvenient. At that time there was no regular training in law and political economy such as is given now, not only in the University but at some colleges.

The change which has been made in these respects naturally leads to a re-consideration of the subject. If the selected candidates could be brought to Oxford and Cambridge, the service would greatly gain in popularity and in prestige. It would be much more attractive both to young men and to their parents. The name of a University degree and education would counterbalance the objections to India which are generally felt by those who have no Indian connexions. The candidates would also have the more solid advantages of society and increased knowledge of the world. Without becoming a clique they would make the acquaintance of one another. Many of them at present are rather friendless and isolated; their college would be a home to them to which they might look for help and support when needed. There could be no difficulty in some college tutor superintending their studies, or in their finding the requisite instruction in law, political economy, and the principal Indian language from University teachers.

In making this proposal I would remark:—

- (i) That the best colleges would be quite willing to receive them and make arrangements for them, and would be proud to take part in training the future Governors of India.
- (ii) That the proposal involves no risk or expense, and if found to be a failure can be easily given up.
- (iii) That there would be nothing invidious in it if a similar proposal were made to all colleges and Universities which were willing:—

To provide the requisite instruction in law, political economy, and oriental languages;

To undertake the superintendence of the students and make reports of them;

To give them a degree on passing an examination in their own subjects.

Most of the candidates would probably come to Oxford and Cambridge. A few would attach themselves to King's College or to University College, London. Their residence at some college or University might be made, not absolutely compulsory, but only the condition of their receiving the usual allowances.

I am aware that several objections may be made to this proposal:—

1. It will be said that clever young men having the temptation of scholarships and fellowships before them will easily be reduced into another career. I do not agree on this. The appointments in the Indian Civil Service can compete with scholarships and fellowships, leading in most cases only to college tutorships and under-masterships of public schools. Among University men the strongest motive for throwing up their appointments is the desire to finish their University course. But as they are public servants I strongly agree in thinking that they should be held to their engagement; and in addition to refunding their allowance in case of withdrawal, be required to give a bond of 500*l.* which they should forfeit if they failed to pass their examinations and proceed to India.

2. It will be argued, that if the greater number of them are located at Oxford and Cambridge, they cannot attend the law courts. But they can be taught law, and the University terms only last during about 24 weeks in the year, so that 28 weeks would remain for attendance in London at the courts. They might be placed under the superintendence of a professor or teacher of law who could also direct their studies in London.

The same remark applies to the study of some oriental languages, such as Tamul and Telegoo, in which it might be impossible to give instruction at the Universities. For all such exceptional acquirements the vacations would give ample opportunity.

3. A more serious objection in the case of students whose time is short is the length of the vacations both at Oxford and Cambridge and at the Scotch Universities. To meet this objection it might be made a condition with the colleges which receive them that they should allow them to reside and provide for their instruction during the vacation.

4. It will be objected that as they can only reside two years; and a degree at Oxford cannot be obtained in less than about two years and eight months (in Cambridge, I believe, that the time is somewhat longer); and as some of them will be unacquainted with Latin and Greek which are at present required in the first public (or previous) examination, they could not, according to the regulations which at present prevail in the University, receive a degree.

This is true, but the Secretary of State for India, if he wished, could probably make an arrangement with the University (I am speaking of Oxford), that they should be admitted to a degree, if they resided for two years and passed with honours in law, political economy, and in Indian subjects.

None of these objections are serious. On the other hand, the gain of a University life to them would be very great. They would be better cared for than at present; they would have the pleasure and advantage of mingling with their contemporaries in every rank of life; they would have college recollections and interests, and the opportunity of forming friends and connexions. In most of these respects and in some others, the plan of bringing them to the University appears to be far superior to that of collecting them in a single college which would have no "genius loci," and to which they must be compelled to go if such an institution were called into existence. I believe that a University education would greatly help to meet an invidious objection which is sometimes made against "Competition Wallahs," that they are not always "gentlemen". It is not in the interest of the Universities that I urge this view of the subject, but in the interest of India, which should also be considered.

Annexed is a short summary of the changes which have been suggested:—

1. That in the first examination no candidate should offer more than four subjects.
2. That the number of marks assigned to English literature and history should be reduced to 500.
3. That law and political economy should be included in the first examination.
4. That the limits of age should remain 17 to 21; but should be extended to 22 for candidates who previously to competing had passed in some of their special subjects.
5. That as a condition of receiving an allowance every candidate should be required to reside at some college or University to be approved by the Secretary of State for India, or the Civil Service Commissioners.
6. That only such Colleges or Universities should be approved as offered the advantages of instruction and superintendence, and (perhaps) of a degree.

I hope that your Lordship will excuse the freedom with which I have submitted these suggestions to your better judgment. I have not spoken of them to anyone in Oxford.

I remain, my Lord,
etc., etc.,

(Signed) B. JOWETT.

Letter from the Secretary, Civil Service Commission, to the Under Secretary of State, India Office, dated Civil Service Commission, 16th March 1875.

SIR,

THE Civil Service Commissioners have given their most careful consideration to the important questions brought to their notice by your letter of the 31st of July last respecting the method of selecting and training candidates for appointments in the Covenanted Civil Service of India, and referred to in subsequent communications, the latest of which was received on the 9th of January.

Sensible of the grave nature of these questions, and feeling that no suggestions which could be offered upon them would be of any value unless based upon the results of experience, the Commissioners have been most desirous to obtain from every quarter such information as might throw light on the objects to be attained, or the means of attaining them; and with this view they at once directed me to address to you the request contained in my letter of the 5th August, that they might be informed of the substance of any returns which might have been received, or which might be procurable, respecting the merits and defects of the present system, as exhibited in the actual work of administration in India.

It was with regret that they learned from your reply that no returns of the nature indicated were accessible to them.

Twelve years ago, when engaged in the discussions which resulted in the institution of the present system, the Commissioners were furnished in the most unreserved manner with a variety of information collected for the purpose in different parts of India. The papers which were then communicated to them, officially and unofficially, are too voluminous to be reproduced on this occasion: but this is the less to be regretted, as the statements which they contained, including strong expressions of opinion by persons of the highest position as to the merits of civilians appointed by competition, must be within the knowledge of the India Office.

It is enough here to observe that the general results of the inquiry were in favour of the system so far as it had been then developed; and that this favourable judgment was adopted and confirmed somewhat later by the Government of India in a despatch, dated May 5th, 1866.

No similar inquiry has ever been instituted, so far as the Commissioners are aware, as to the effect of the changes introduced in 1865, and the manner in which the civilians trained according to the present plan have been found to perform their duties. In the absence of all authoritative information as to the working of this plan, the Commissioners feel no confidence in their ability to offer any suggestions for its improvement.

They have, however, collected and carefully weighed such facts as were within their reach, and they now desire to submit to the Secretary of State for India in Council the following observations, as the results of the best consideration they could give to the subject.

These observations will fall naturally under two heads:—(I.) The method of selecting candidates in the first instance. (II.) The manner in which the persons selected should be trained for service in India.

I. The principle of selecting Civil Servants in the first instance by open competition was laid down in the 36th and 37th clauses of the India Act, 1853, which provided that "all powers, rights, or privileges of the Court of Directors of the said [India] Company to nominate or appoint persons to be admitted "as students" should cease, and that, subject to such regulations as might be made, "any person being a natural-born subject of Her Majesty" who might be desirous of presenting himself should be admitted to be examined as a

V2, 8

9514

N12

MADRAS

candidate. The regulations necessary for carrying out this provision were framed in the following year by a committee composed of persons unusually well qualified individually and collectively, to speak with authority upon the questions referred to them, *viz.*, Mr. (afterwards Lord) Macaulay; Lord Ashburton; Dr. Melvill, the Principal of Haileybury College; the present Master of Balliol College, the Rev. B. Jowett; and Mr. (now Sir John) Shaw Lefevre. Their report contains an exhaustive statement on the whole subject; and as it will be necessary to make frequent reference to it, a copy of it is appended to this letter. It may be convenient to follow the order in which the several branches of the subject are there treated, noticing under each head the particular points to which the attention of the Commissioners has been specially invited.

The first question dealt with in the report is that of the age at which candidates should be admitted. Under the old system the limits within which persons were eligible for admission as students in Haileybury College were 17 and 21; but it appears that in fact the great majority were admitted at about 18, and proceeded to India at little more than 20. Under the regulations framed by the committee the superior limit was raised by two years, and the inferior limit by one; and the actual age of selection rose from about 18 to an average of 21½ for the first 50 who were selected; but as, in the case of many of the candidates selected in the years 1855, 1856, and 1857, circumstances made it necessary to dispense with any further training in this country, the average age of proceeding to India was probably not increased by much more than two years, *i.e.*, to about 22½.

In the year 1859 the maximum limit of age for admissions was lowered to 22; but at the same time a year's probation in England was prescribed so that the average age of actual entrance into the service probably remained nearly as before, *i.e.*, about 22½.

The effect of the increase in the age of civilians appears from the first to have been thought beneficial in this respect, that it supplied the service with persons of "more matured judgment," and "wider experience of life."

Before long, however, apprehensions were expressed that the extension was being carried too far. In a despatch from the Government of India, dated 21st March 1864, it was stated that the objection urged with most force against the new system of selection was "that the men come out at too great an age." Though no attempt was made at the time to lower this age, it was strongly urged that it should not be increased; and accordingly, to counterbalance the addition, then first introduced, of a second year's probationary training, the maximum age for admission to probation was lowered to 21, the minimum limit being at the same time fixed at 17 instead of 18.

These being the rules now in force, the Commissioners are informed by your letter that it has been proposed to alter them completely, and to require candidates to pass the competitive examination at or about the age of 18, in order to facilitate an arrangement whereby those who were successful should be sent to pursue their special studies at Oxford and Cambridge. And this proposal is in fact contained in a letter from the Dean of Christ Church, of which a copy was forwarded by you to the Commissioners, expressing a hope that with a view to the same arrangement, 18, or at the most 19, might be fixed as the latest age at which candidates might offer themselves for selection. On the other hand the Master of Balliol, in a letter to Lord Salisbury of which a copy has likewise been transmitted to this department, while strongly recommending that the special training of the selected candidates should be carried on at the Universities, argues equally strongly against any lowering of the limit of age for selection, and would even raise it in certain cases to 22.

In a similar letter from the Vice-Chancellor of Cambridge, written with a view to the removal of all obstacles to the residence of the selected candidates at that University, no mention is made of the subject of age; and it may therefore be assumed that in his opinion the present limits are not liable to objection on that score.

From the foregoing statement it will be seen that the views entertained on this question are very various. Nor can this be a matter of surprise; for it is obvious that either an early or a late age of admission must be attended with some advantages, and with some disadvantages. "It is undoubtedly desirable," to use the language of the committee in their report, "that the Civil Servant should enter upon his duties while still young; but it is also desirable," as they proceed to point out, "that he should receive the best, the most liberal, the most finished education that his native country affords." And as it has never been suggested, so far as the Commissioners are aware, that candidates after selection should be kept in England for the purpose of continuing their general education, a low limit of age must necessarily involve sending out young men with an imperfect education to a country in which it could never be completed. On the other hand, it may be argued by those who are disposed to look to natural ability only, and not to acquirements, that a youth of great natural ability is more likely to devote himself to service in India at the age of 18, before he is fully conscious of his own powers, than at the age of 21, when in the full career of University distinction; while against this is to be set the remark, unquestionably just, of Professor Jowett, that it is much more difficult to form an estimate of the real capacity of candidates at 17 or 18 than at 19 or 20.

Amid these various views and conflicting considerations, it appears to the Commissioners that the question at issue cannot be determined satisfactorily except with reference to the experience of those who have seen the practical working of the system in India; and in the absence of any evidence that the Government of India is desirous to disturb the settlement which was effected in pursuance of the opinion of Sir John Lawrence and his colleagues in 1864, they are not prepared on their part to suggest any departure from it.

Coming next to the question of the subjects in which the candidates admitted to the open competition for the Civil Service of India should be examined, the committee of 1854 had no difficulty in determining at the outset that the examination "should not extend to branches of knowledge which though useful to a Civil Servant in India, are useless, or almost useless, to a person whose life is to be passed in Europe" but should be "confined to those branches of knowledge to which it is desirable that English gentlemen, who mean to remain at home, should pay some attention." They thought it important, on the one hand, in the interest of the many young men who might be expected to compete, "that no candidate who might fail should, to whatever calling he might betake himself, have any reason to regret the time and labour which he had spent in preparing himself to be examined"; and even more important in the interest of the service, that in the case of every Civil Servant an excellent general education, such as might enlarge and strengthen his understanding, should precede the special education which must qualify him to despatch the business of his country. Starting from this principle they named, as subjects proper for the purpose which they had in view, English, in the first place; the two classical languages, Greek and Latin; the three most important modern languages, French, German, and Italian; mathematics, pure and mixed; natural sciences; moral sciences; and the two classical languages of India, Sanskrit and Arabic, which were included, though not without "much distrust of their own judgment," partly on the ground that they afford a key respectively to two great branches of Indian thought and speech, and partly because "they were already studied by a few young men at the great English seats of learning; they could be learned as well here as in the East; and they were not likely to be studied in the East, unless some attention had been paid to them here."

These being the subjects on which the examination was to turn, it was necessary, they said, "that a certain number of marks should be assigned to each subject, and that the place of a candidate should be determined by the sum total of the marks which he gained." The marks ought, they conceived, "to be distributed among the subjects of examination in such a manner that no part of the kingdom and no class of schools should exclusively furnish Civil Servants to India; and with "an anxious desire to deal fairly, by all parts of the United

Kingdom, and all places of liberal education," they framed a scale which, when embodied in regulations, assumed the following shape, in which it remains, with a few modifications, at the present time:—

	Marks.
English composition	500
English literature and history, including that of the laws and constitution	1,000
Language, literature, and history of Greece	750
" " " Rome	750
" " " France	375
" " " Germany	375
" " " Italy	375
Mathematics (pure and mixed)	1,000
Natural science: that is chemistry, electricity, and magnetism; natural history, geology, and mineralogy	500
Moral sciences: that is, logic, mental, moral, and political philosophy	500
Sanskrit language and literature	375
Arabic language and literature	375

While recommending that proficiency in any subjects included in this list should have weight in the competition, the committee expressly disclaimed alike the expectation that any one candidate would be proficient in all, and the wish to hold out premiums for knowledge of wide surface and of small depth. "We are of opinion," they said, "that a candidate ought to be allowed no credit at all for taking up a subject in which he is a mere smatterer." And they described the results to which they looked forward in the following terms:—A candidate who is at once a distinguished classical scholar and a distinguished mathematician, will be, as he ought to be, certain of success. A classical scholar who is no mathematician, or a mathematician who is no classical scholar, will be certain of success if he is well read in the history and literature of his own country. A young man who has scarcely any knowledge of mathematics, little Latin, and no Greek, may pass such an examination in English, French, Italian, German, geography, and chemistry that he may stand at the head of the list."

It may be noticed in passing how well the results have corresponded with these anticipations. On a review of the yearly tables of marks it appears, on the one hand, that no candidate who was at once a distinguished scholar and a distinguished mathematician—if only a very moderate standard of "distinction" be taken—and no distinguished mathematician or scholar who was well acquainted with English literature and history has ever failed of success. On the other hand, the possibility of obtaining a high, if not the highest, place without any knowledge either of classics or of mathematics, by means of proficiency in a wider range of slighter subjects, has been exemplified in a few instances; while the small number of the candidates who have won appointments at all by means of this method of preparation shows that its success has been, as it was expected to be, exceptional only. Out of a total of 894 candidates selected by open competition, there are 11, and not more than 11, who have achieved this success without showing any knowledge of Latin, or Greek, or mathematics.

Two remarks are here necessary in order to explain the method of proceeding under the rules laid down by the committee.

First, as regards the maximum number of marks assigned to each subject. The Commissioners have always understood this maximum as intended to correspond not to the highest conceivable degree of proficiency,—e.g., as regards a modern language, not to the perfect knowledge of the language and its literature, which might be possessed by a highly educated native,—but to the highest degree of proficiency that candidates might reasonably be expected to have attained, having regard to the age at which they are examined, and to the conditions of education as actually existing in England. And they have assumed that in framing

the scale of maxima, the committee were not actuated by the desire, which indeed, they expressly disclaimed, of encouraging or discouraging any particular methods of education, but aimed at assigning to the several subjects such relative values as might represent approximately the relative amounts of ability and industry which their experience led them to think likely to be bestowed on those subjects respectively; the object being that a given amount of combined ability and industry should receive, as nearly as possible, the same recognition in the shape of marks, in whatever branch of knowledge it might be displayed.

Secondly, as regards the provision against giving weight to superficial knowledge. It has been the practice from the first to disallow all marks that fell below a certain minimum; but for the last nine years the Commissioners have adopted, as at once more just and more conducive to the desired object, the plan of deducting from the marks of every candidate, in each subject, a number of marks corresponding to the lowest amount of proficiency for which any credit should be allowed. Some remarks explanatory of this method of the deductions, the reasons on which it is based, and the results of its adoption, are contained in a memorandum drawn up in 1866, and now appended to this letter.

The Commissioners have thought it desirable to describe at some length the system of examination now in force, in order to facilitate the consideration of the changes which have been suggested respecting it. To these they now proceed to address themselves.

It is mentioned in your letter as one of the objections alleged against the existing system, that it tends "to encourage methods of special preparation for these examinations, neither intended nor calculated to impart sound and well-digested knowledge, but directed solely to obtaining the largest possible number of marks from the examiners."

Certain peculiarities of the examination, it is remarked, have been described as encouraging this tendency. "It has been said that the range of subjects is too wide; that some of them are not regularly taught or studied in English schools, or not in the best of them; that some raise questions or controversies not yet settled; that in some of them all the knowledge practically accessible to young students is contained in books of moderate compass which can be mastered by a comparatively slight effort of the memory."

The Commissioners are asked to express their opinion upon these objections, as well as upon the suggestions which have been made with a view to their removal, *vis.*, "that no candidate should be permitted to take up more than a limited number of subjects, or that a certain number of appointments should be appropriated to each branch of knowledge".

That many of the candidates who compete at these examinations, and a large proportion of those who compete successfully, are "specially prepared" for them, is a fact of which the Commissioners have no doubt; for it is proved, independently of the evidence of advertisements to which you refer them, by the statements of the candidates themselves.

But, unless they are greatly misinformed, there are few competitive examinations held within the Universities themselves for which the greater part of the successful candidates are not specially prepared by means of teaching not provided for them either by University or college; and the Commissioners know of no facts which would lead them to believe that the special preparation of the competitors, at least of the successful competitors, at the examinations which they conduct, any more than the special preparation of students for Oxford and Cambridge degrees, is of the kind described in your letter, as "neither intended nor calculated to impart sound and well-digested knowledge."

The allegation has been publicly repudiated in the strongest manner by the gentlemen to whom your remark appears specially to point; and it is not borne out by the records of the examinations themselves, which show, as set forth in detail in a paper hereto appended, that if there is any difference between the pupils of the establishment referred to and the candidates who come straight from the Universities, it is that the former, while they bring up fewer subjects, obtain higher marks than the University candidates in the very subjects which

are most studied at the Universities, *viz.*, classics and mathematics. And if anyone should be disposed to account for this by saying that these higher marks are not really a proof of superior knowledge, but only of superior skill in deluding the examiners, the Commissioners must be content to point to the list, hereto annexed, of the eminent University scholars and mathematicians who have acted as examiners in these subjects during the last five years, and to avow their own concurrence in the conviction, emphatically expressed by Lord Macaulay and his colleagues, that with examiners of this high standing, "it is utterly impossible that the delusive show of knowledge which is the effect of the process popularly called cramming can ever be successful against real learning and ability."

It appears to the Commissioners that the prevalence of the practice of special preparation may be accounted for more naturally by supposing that in many cases the parents of a boy of good abilities, and quite capable of succeeding without such aid, being desirous that he should omit nothing that could help towards his attaining the object on which their hopes for him are centered, and conscious that he cannot be trusted to withstand the temptations to idleness which are inseparable from school and college life, prefer to place him in one of these establishments, in some of which, as it is understood, no pupil can remain except on condition of unremitting diligence and devotion to his work. In such an atmosphere, if under able tutors, a youth such as has been supposed is tolerably certain to be successful; this success being attributed entirely to his special preparation, acts as an advertisement of the establishment; and thus the system propagates itself, until an impression is created that success is not to be hoped for without such preparation. How erroneous is this impression is shown by the fact that during the last five years as many as 44 candidates have succeeded, coming straight from school, or from a University. And as these were not generally students who had obtained any high honours, it may reasonably be inferred that if other students of greater distinction did not come forward, it was not because they dreaded failure, but because they did not covet success.

Some further statistics on the subject of what is commonly called "cramming" will be found in a memorandum included in the Appendix. Originally collected in the year 1856, they have now been brought down to the present date, and they combine to prove, so far as such a fact can be proved by statistics at all, that "cramming," in the bad sense of the word, is not encouraged by the examinations for the Civil Service of India.

If this is so, it may seem superfluous to discuss certain peculiarities of these examinations to which a supposed tendency in this direction has been attributed; but it may be well still to inquire (1) whether the list of subjects from which candidates are allowed to select is too extensive; (2) whether any of them are ill-adapted for the purpose; and (3) whether it is desirable to put any restriction upon the number which each candidate should be permitted to take up.

As regards the first point, it will probably be admitted that so long as each subject, taken separately, is well fitted to form a subject of examination, the mere length of the list from which candidates may choose cannot do any harm except so far as it creates a difficulty in arranging the examination; and as no such difficulty has been found, the objection on this score may be dismissed.

As regards the second point, if there is to be a general examination, embracing those branches of knowledge to which it is desirable that highly educated Englishmen should pay some attention, and framed on the principle of "dealing fairly by all parts of the United Kingdom, and all places of liberal education," it is difficult to see which of the present subjects could properly be omitted. No one probably would propose to omit any of the six which stand first on the list, English, Greek, Latin, mathematics, French, or German. About Italian there might be more doubt, for it is comparatively little studied at English schools and colleges; but this is no reason why those who are led by their own taste, or by other circumstances, to study it, should be refused all credit for the culture which this language is so admirably calculated to convey. And if it be objected that the inclusion of three modern foreign tongues, in addition to Latin, Greek, Sanskrit, and Arabic, gives a preponderating weight to proficiency in the study

of language, it may be answered, that the one faculty to which, considering the future duties of the young civilians, some preponderance may properly be given in selecting them, is the faculty of readily mastering foreign forms of speech.

Under the head of "moral sciences" it is no doubt true that some questions have to be treated which are not yet, and perhaps may never be, thoroughly settled; but if such questions are treated according to the intention of the committee,—and, it may be added, of the Commissioners,—in such a manner as "rather to put to the test the candidate's powers of mind than to ascertain the extent of his metaphysical reading," any objections to this head of examination on the ground of the indefinite character of the study are reduced within very narrow limits.

But even if the objections were stronger than they are, it would be impossible, in the opinion of the Commissioners, to exclude this subject from the list, so long as it forms an important part of the education of all persons brought up at Scottish Universities, of all who take a degree in classical honours at Oxford, and of many at least of the ablest students at Cambridge, as well as other places. Nor should it be forgotten that if it is desirable that any of the Civil Servants should have studied philosophy at all, it is desirable that they should lay the foundations or such study before entering on their career, as they will have little opportunity of doing so at a later period.

It would be equally impossible, the Commissioners think, to exclude altogether the natural sciences, especially at the present time, when they have begun to be studied in our schools and colleges so much more widely than at any former period. The value of sound scientific knowledge will be questioned, probably, by no one; nor can it be doubted that if such knowledge is to be possessed by any Civil Servants in India, it is in the museums and laboratories of Europe that the ground work of it should be laid. And though it may be true that in this subject there is a peculiar temptation to the use of popular manuals, and that it is possible, by means of a little knowledge thus acquired, to make a great show in the eyes of persons who are themselves imperfectly acquainted with science, it is different when the pretensions of a candidate are sifted both orally and on paper by examiners of the highest attainments in science and much experience in examinations—when one who professes chemistry is called upon to analyse substances in the presence of Professor Williamson, and another who takes up electricity and magnetism is tested, both as to the theory of the subject, and the manipulation of instruments by Sir William Thomson.

The remaining subjects on the list are Sanskrit and Arabic, of which it may be enough to say that if they had not been named by the committee in 1854, they must, almost inevitably, have been introduced in 1859, when the Covenanted Civil Service was thrown open to natives of India. But if it could be stated in 1854, as a reason for including them in the scheme, that they were "already studied by a few young men at the great English seats of learning," the remark-able development which the study has received of late years, in the case of Sanskrit at least, and the importance which it has assumed as bearing on the study of language generally, leave no doubt as to its claim to maintain a place in these examinations.

For the reasons which have been stated, the Commissioners do not think it would be well to narrow the range of the competition by excluding any of the subjects from which candidates are now permitted to choose. On the other hand, they cannot concur in the suggestion of the Master of Balliol that it should be extended by the addition of jurisprudence and political economy. Jurisprudence appears to them to be eminently a study which should be reserved until the general education is completed. The same remark may be applied with almost equal force, to political science; and the Commissioners are satisfied of the wisdom of the arrangement, made by desire of the present Earl of Derby in 1858, whereby political philosophy was removed from the place which it had previously occupied in the open competition, under the head of moral sciences, and political economy was made an obligatory part of the further examination undergone by selected candidates at the end of their probation.

Supposing the list of subjects to be settled, there follows the question whether any limit should be put to the number in which a candidate should be permitted to present himself for examination.

On this point it may perhaps be taken as an axiom that limitation is not in itself desirable unless it is proved to be necessary; and there is no doubt that it would be contrary to the spirit of the scheme framed by Lord Macaulay and his colleagues. The object aimed at in this scheme is, so far as education is concerned, to stimulate but not to direct; to encourage every candidate to pursue with diligence the course of study which individual taste or capacity or other circumstances may have pointed out to him, but in no way to prescribe what that course should be. Any rule of the kind proposed would not only interfere with this liberty by limiting the extent of a candidate's studies, but would also, so long as different maxima are assigned to different subjects, exercise a pressure upon him to turn his attention to those subjects for which most marks could be got; and thus would necessarily arise among intending candidates the very mischievous system which it is desired to thwart, *viz.*, that of arranging their studies with a view to obtaining marks in these examinations, rather than with a view to the cultivation of their own minds.

The question to be determined, therefore, is whether the number of subjects now taken up by the candidates is so excessive as to require that it should be restricted by the enforcement of a rule liable in itself to so much objection.

A collection of facts and figures bearing on this question will be found among the papers appended to this letter. They show, as the Commissioners think conclusively (1) that the number of subjects ordinarily taken up is not excessive as compared with the number which students at many of our chief seats of learning are encouraged if not required to study; (2) that it has not increased under the influence of the present system, being in fact now somewhat smaller than it was in 1855; (3) that in the opinion, as evidenced by the practice, of the teacher who has been most successful in preparing for the examinations, they are more favourable to the thorough study of few subjects than to the superficial study of many; (4) that the few and exceptional cases of success won by means of many subjects appear to justify themselves—the individuals in question having obtained, on the average, a somewhat exceptional degree of distinction in their subsequent career. It appears to follow from what has been said that the proposed rule of limitation is not required and would only be injurious.

Still more objectionable, in the opinion of the Commissioners would be the plan, mentioned in your letter as having been suggested, according to which a certain number of appointments would be appropriated to each branch of knowledge; for the effect of this would be to disturb even more violently and more generally—or rather universally—the ordinary course of candidates' studies. Any young man who wished to succeed in such an examination would find himself almost obliged by the pressure of competition, to cast aside every study except the one on which all his hopes will be staked. In choosing this one he would have to speculate on the chances of its being selected by a larger or smaller number of his rivals, and he would be greatly tempted to devote himself to one lying out of the ordinary line, on the very ground of its being out of the line, and therefore likely to attract comparatively few competitors. And it is to be observed that if actuated by motives of this kind, a candidate, of fair but not first-rate proficiency in classics and mathematics, were to leave his school or college in order to devote himself exclusively to the study of German (it might be), or Italian, or natural science, the results would be equally unfortunate whether he were successful or unsuccessful in his speculation. In the latter case he would undoubtedly have reason in the language of the report of 1854, "to regret the time and labour which he had spent in preparing himself to be examined," and in the other case he would, it may safely be asserted, prove less useful as a Civil Servant of India than if he had pursued his education in the usual way.

There is still another method of selection which the Commissioners are invited by your letter to consider, *viz.*, that of distributing a certain number of appointments annually among certain Universities, to be filled up in such manner as the authorities thereof might prescribe in conformity with their own usages.

On this proposal the Commissioners have only to observe that, apart from the objections which might be urged against it, not only on the ground of principle, but also on the ground of the extreme difficulty in determining to what Universities, and in what proportions, the privilege should be conceded, they see grave reason to doubt whether the plan would be successful in attaining the object which appears to be desired, namely, that of attracting into the service young men of higher calibre than those who now enter it.

In the first place, whatever may be said as to the calibre of the young men who now enter the service, there is the best evidence to prove that it is on the whole higher than it was under the system of nomination. The results of an inquiry upon this point, instituted by the Government of India, were thus summarized by the Governor-General, Lord Lawrence, in a despatch dated May 5th, 1866: "We would observe that, as the Civil Servants who were first appointed under the system of competitive examination have not yet been ten years in India, and as consequently the great majority of the servants so appointed are still holding very subordinate positions in the public service, it would, in our opinion, be premature to pronounce conclusively whether or not the Civil Service has, on the whole been improved by the present system."

"We are inclined, however, to believe that it has; for it may at least, we think, be confidently affirmed that the present system is effective to exclude great inefficiency, which undoubtedly was not excluded under the old system; and also that the young men who enter the service under the present system are, as a rule, more highly educated than those who found admittance under the former system. Even if there should be some defects in the present system, and we are not now prepared to point to any, we are disposed to think that they would be more than counterbalanced by the results above mentioned."

But admitting, as it must be admitted, that the most distinguished students from our greatest Universities do not now come forward as competitors, it is difficult to believe that they are deterred, to any serious degree, by reluctance to engage in a competition in which, as has been shown above, they could hardly fail to succeed. What deters them is the consciousness that if successful they must at once give up all hope of distinction and emolument at home, in order to fit themselves for service in India; a necessity which existed not less in the days of Haileybury than at present, and which cannot be got rid of by any change, either of the manner of selection or of the locality in which the special training is carried on.

Nor indeed is it to be expected that, as a general rule, students of the highest distinction will be willing, either at 21, when anticipating, or at 23, after achieving, a great academical success, to devote themselves to service abroad, when so many lucrative appointments are open to them at home. If the experience of the year 1855 be quoted as an instance to the contrary, it is to be remembered that the circumstances are no longer the same. The brilliant pictures, then recently drawn, of the attractions of an Indian career have since lost something of their brightness by the events of the year 1857. The monopoly of openness which these examinations for a time enjoyed has long ceased. The number of fellowships now annually thrown open to competition at Oxford and Cambridge is said to fall little short of the number of well qualified candidates, and many for them celibacy is no longer a condition. Looking beyond these there has been, in the scholastic field alone, a vast increase in the number of appointments to which a good University degree is a direct passport, such as professorships in Universities, tutorships and lectureships at colleges, school-masterships, inspectorships, and examinerships in the Department of Education; while there has grown up a great and ever increasing demand for men of high education to fill posts of importance in other spheres, including those which are connected with the Press. At the same time the pecuniary value of an Indian appointment has been sensibly diminished, if it be true that while the salaries of civilians have remained the same the price of commodities has greatly increased, and that the period at which a pension can be claimed has been put off by the two years during which they remain in England as probationers.

Under these circumstances it is greatly to be feared that if the proposed plan were put in force, though the best of the candidates selected by the Universities

might be young men of superior ability, the worst of them would be below the level of those who now receive appointments. Nor is this entirely a matter of conjecture; for the experience of the Army Entrance Examinations in which candidates from the Universities are privileged to compete among themselves, apart from the ordinary competitors, for a certain number of vacancies, shows that the minimum standard of proficiency among the privileged candidates is very far lower than among the others. And it is to be remembered that this deficiency in intellectual acquirements is not necessarily compensated by any superiority in moral training derived from academical discipline; for in some of the institutions to which the privilege extends, such as the London University, no academical discipline is enforced.

It may not be out of place to add, as an additional argument against the proposal, that it would interfere with the natural process by which a large proportion of the appointments now fall into the hands of youths connected with India by birth or parentage; a result which all will admit to be desirable, so long as it is not produced by artificial means but follows naturally from the fact that such youths, having more reasons than others for wishing to go to India, make greater exertions to attain their wish.

Before leaving this part of the subject it is necessary to notice the scheme recently put forth in the Report of the Civil Service Inquiry Commission, according to which the vacant clerkships in the Home Civil Service would be filled on the principle of selection by the Heads of Departments, exercised freely within the limits of a list resulting from open competition. But the Commissioners only notice this recommendation in order to point out that whatever might be its merits as applied to the Home Service, it would obviously be inapplicable to the Civil Service of India, where the original selection, made on the ground of general knowledge and ability, is only preparatory to a two years' course of training in special subjects and where no person or persons can be said to stand to the candidates selected in the same relation in which the Head of a Department stands to the clerks who form its Establishment.

From the foregoing observations it will appear that the Commissioners have not found, in such facts as they have been able to collect, any reason for abandoning the present system of selecting civilians for service in India which appears to them to be founded on the only principle that can properly be applied in such a case, and to have been framed as a whole with admirable judgment. On the other hand they are far from denying that it may be susceptible from time to time of improvement in points of detail; and still less can they hope that in their own administration of it they have at all times successfully contended with the difficulties which it presents, more especially with the difficulty, dwelt on by Mr. Playfair's Commission of estimating with strict numerical accuracy the relative values of different kinds of knowledge and ability, when displayed in widely different branches of study. It may be proper here to state that with the view of diminishing this difficulty they have it in contemplation to submit, for the consideration of the Secretary of State in Council, in their draft of regulations for next year, some alterations in the maxima now assigned to certain of the subjects of examination.

II. Passing to the second head of your inquiry, which concern the training of probationers during the interval between their selection and their departure for India, the Commissioners find special reason for the regret, already expressed, that there is no authentic information within their reach as to the manner in which the civilians trained under the present system have performed their duties, and the specific deficiencies, if any, which they have exhibited; a regret which is tempered by the reflection that in a case of this kind, where criticism is likely to be so keen and publicity is so great, the absence of unfavourable reports is itself a proof that no ground for serious dissatisfaction has been found. As it is, having before them no data which were not carefully considered at the time when the present system was instituted, the Commissioners think that they may be permitted to refer, for an exposition of their opinions on the subject, to the letter of which a copy is herewith enclosed, dated August 3rd, 1864, in which the Commissioners of that date, Sir Edward Ryan, the late Sir Edmund Head, and the late Mr. Edward Twisleton, discussed with great fulness the whole

question, and submitted their views upon it to the Secretary of State (Sir Charles Wood) in Council, by whom they were deliberately adopted, and embodied in the system now in force. On that letter the present Commissioners would only now desire to observe that the opinions therein set forth appear to them to be supported by all the statistics which they have been able to collect, whether as to the results, intellectual, moral, and physical, of the probation now passed by the selected candidates in this country, or as to the positions for which they have been found qualified in actual service in India. The papers hereto appended show, that while very few of the candidates fail in the final qualifying examination, a great amount of industry and of zeal is displayed by those who pass, in the voluntary study of oriental languages, both classical and vernacular, over and above what is required of them. In no case has a certificate been refused owing to doubts respecting a candidate's character; and though a few have failed in health, the testimony of Sir William Gull is emphatic and conclusive, not only as to the physical vigour of those who pass out to India, but also as to the tendency of the system to produce this result. It may be added that further reflection and observation have tended to confirm the Commissioners in the belief, first, that with young men who have already given the best possible proof of steadiness and self-control by success in an arduous competition, a system under which they are left free to choose for themselves the place and the manner of their studies is a better preparation for the perfect liberty which they are so soon to enjoy in India than any supervision that the discipline of a college could supply; and secondly, that in any system of training which may be laid down, the most important point to consider, so far as intellectual qualifications are concerned, is the training in the theory and practice of law. An imperfect knowledge of the history and geography of India, or of political economy, may be made good by study in India. In the vernacular languages, if a sound foundation has been laid here as regards the grammar and vocabulary residence in the country will do the rest. But a young civilian who does not carry with him to India a considerable familiarity not only with the principles of law but with the manner in which laws should be administered, can never remedy the defect except at a serious expense to the cause of justice and to the service.

It was no doubt on this ground that the committee of 1854, whose chairman knew India so well, insisted so strongly on this point, as an argument against maintaining Haileybury College. "As respects law," they said, "we doubt whether the most skilful instructor will be able at Haileybury to impart to his pupils that kind of knowledge which it is most desirable that they should acquire. Some at least of the probationers ought, we conceive, not merely to attend lectures, and to read well-chosen books on jurisprudence, but to see the actual working of the machinery by which justice is administered. They ought to hear legal questions, in which great principles are involved, argued by the ablest counsel, and decided by the highest courts in the realm. They ought to draw up reports of the arguments both of the advocates and of the judges. They ought to attend both civil and criminal trials, and to take notes of the evidence and of the discussions and decisions respecting the evidence. It might be particularly desirable that they should attend the sittings of the Judicial Committee of the Privy Council when important appeals from India are under consideration of that tribunal. A probationer, while thus employed, should regularly submit his notes of arguments and of evidence to his legal instructor for correction. Such a training as this would, we are inclined to think, be an excellent preparation for official life in India; and we must leave it to the Board of Control to consider whether any plan can be devised by which such a training can be made compatible with residence at Haileybury."

The Commissioners must avow themselves equally unable to suggest any plan by which such training can be made compatible, as a rule, with residence anywhere but in London or its neighbourhood.

At the same time, while they are themselves convinced of the soundness of the views above expressed, the Commissioners are not insensible to the fact that many persons, whose opinions are entitled to respect, are in favour of requiring the selected candidates to pursue their studies at some institution where collegiate discipline is enforced. They desire, therefore, to state that if a change

were to be made in this direction, it would appear to them that the most feasible of the schemes which have been put forth is that which is suggested in the letter of the Master of Balliol, *viz.*:—"That as a condition of receiving an allowance every candidate should be required to reside at some college or University, to be approved by the Secretary of State for India; and that only such colleges or Universities should be approved as offered the advantages of instruction, and superintendence, and (perhaps) of a degree;" it being understood that the periodical examinations at which the progress of the selected candidates is tested during their period of probation, and the final examination at the close of it, would be maintained as at present. They will only add that before any scheme could be framed on this basis many points of detail would have to be carefully considered, and that they are themselves not sanguine that the difficult problems involved in it could ever be satisfactorily solved.

An essential feature of any such scheme would be that the probationers should be made distinctly to understand that having, to use the language of the Report of 1854, "been set apart as persons who will, in all probability, have to bear a part in the government of India, they should give their whole minds to the duties of their new position. They must now be considered as having finished their general education, and as having finished it with honour. Their serious studies must henceforth be such as have a special tendency to fit them for their calling."

It remains to state, with reference to the concluding paragraph of your letter, that whatever arrangement may be made respecting the training of young civilians, the Commissioners would strongly deprecate the withdrawal of the allowance now granted during the period of probation in England. It may be remembered that this allowance was substituted for the pay and allowances formerly enjoyed by civilians while under instruction at the presidency colleges, amounting annually to a much larger sum. There can be no reasonable doubt that any further reduction of the pecuniary advantages of the Covenanted Civil Service would have the effect of lowering rather than of raising the calibre of the Civil Servants; and if this be so, no argument drawn from another service, such as that of the Public Works Department, could avail to prove that such reduction was desirable. But no argument could properly be drawn unless it were shown that the two cases are parallel, whereas it must be obvious that the kind of general ability and education which it is desired to secure in the men who are to administer the Government of India is of a higher order, and commands a wider market in this country, than that which is necessary for the comparatively subordinate though important duties connected with the carrying on of public works; while, on the other hand, the technical training of an engineer has a higher pecuniary value, independent of the service, than the special training of a Civil Servant. Moreover, it is not asserted that the annual payment made by the students of the Civil Engineering College covers all its expenses; and if the principle is conceded that in such cases part of the cost of a public servant's training may properly be borne by the Government, the question of the proportion is obviously one of policy, to be determined in each case by separate considerations.

Of the nature of any pecuniary arrangements which candidates may make with their teachers, whether before or after the competitive examinations, the Civil Service Commissioners have no knowledge.

The remarks which had to be made on the various points raised in your letter, and the papers necessary to substantiate them, have extended to a length greater than the Commissioners could have wished. But it seemed to them to be due alike to the importance of the questions referred to them, and to the quarter from which the reference came, that they should place unreservedly before the Secretary of State in Council not only their opinions on the several matters under discussion, but also the grounds of those opinions, and, as far as possible, the data on which they were formed.

I am, &c,

(Signed) T. WALROND.

No. 57.

From—The Government of India, Home Department, Public,
To—The Most Hon. the Marquis of Salisbury, Her Majesty's
Secretary of State for India.

MY LORD MARQUIS,

Simla, the 30th September 1875.

WE have the honour to acknowledge your Lordship's despatches (Public), No. 47 of 8th April and Nos. 63 and 64 of 27th May.

2. In these despatches our opinion has been asked upon certain questions regarding the examination and training in England of candidates for the Indian Civil Service. Our attention has specially been drawn to the correspondence between your Lordship and the Civil Service Commissioners and certain high authorities of the Universities of Oxford and Cambridge. We have received from the Governments of Madras and Bombay copies of their replies to the despatches addressed to them by your Lordship upon the subject, and we have invited the opinions of a great number of officers of the Bengal Civil Service. We desire to call your Lordship's particular attention to the ability and good sense of the replies which we have received, and which form the enclosures to this despatch.

3. With regard to the general result of free competition for the Indian Civil Service, we consider that the experience which has been gained since the Government of India expressed their opinion in despatch No. 25 (Public) of the 5th of May 1866 that the result was satisfactory amply confirms the favourable judgment then expressed. In our opinion the Civil Service is filled by officers of merit and ability; and we are confident that they will be found fully competent to discharge the duties which they have to perform, and to supply statesmen and administrators of high distinction in the different branches of the Administration.

4. We concur generally with the views expressed by the Civil Service Commissioners in Mr. Walrond's letter to Sir Louis Mallet of the 16th of March last with regard to the system of examination for the 1st competition, and we are satisfied that such changes as it may be desirable to make from time to time in that system may safely be left to the Commissioners, in communication with your Lordship in Council.

5. With regard to the present arrangements for the training in England of the successful candidates, we are of opinion that considerable modifications are required. In our judgment—which has been confirmed by a great majority of the members of the Civil Service—the present system under which successful candidates are detained for two years in England without any fixed place of residence and under no supervision is not satisfactory. We believe that it would be desirable to substitute some system under which the successful candidates may be associated with one another, and with other young men of their age during the period of their training in England. Such a system would in our opinion not only be advantageous to the candidates themselves, but would also be of benefit to the public service.

6. Considerable differences of opinion exist as to the manner in which this object can best be secured. On the whole we believe that the best plan would be to require the candidates to join some University at which arrangements have been made for the prosecution of the special subjects which they have to study, and where the students are required to reside and are placed under University or Collegiate discipline.

7. We think moreover that some alterations might be made with advantage in the course of training of the successful candidates—that too great value has been attached to attendance in English Law Courts and to the study of the details of English and Indian Law—and that undue importance has been given to learning the vernacular languages of India in England. If the course of training be modified, we believe that the qualifications of candidates in the subjects required

of them may be tested by the Universities, in communication with your Lordship in Council, and that the Civil Service Commissioners may be relieved of the duty of supervising the training of the candidates.

8. Sir Henry Norman and Mr. Hobhouse would make no substantial change in the present arrangements for the training of the candidates. Minutes recorded by them are transmitted herewith, as well as minutes written by His Excellency the Viceroy and other Members of Council, in which the subjects before us are discussed more at length. Your Lordship will find, as might be expected, some difference of opinion with regard to the limits of age fixed for candidates at the competitive examination, and to other particulars relating to their examination and training.

We have, &c.,
 (Signed) NORTHBROOK.
 " NAPIER OF MAGDALA.
 " H. W. NORMAN.
 " A. HOBHOUSE.
 " W. MUIR.
 " A. J. ARBUTHNOT.
 " A. CLARKE.
 " A. EDEN.

MINUTE BY THE HON'BLE A. EDEN, C.S.I., ON THE SELECTION AND TRAINING OF CANDIDATES FOR THE INDIAN CIVIL SERVICE, DATED THE 15TH SEPTEMBER 1875.

Of the general success of the system of open competition there seems to be no room for doubt. I entirely agree with His Excellency that subsequent experience has fully confirmed the favourable opinion of the practical working of that system as a whole which was expressed by the Government of India 10 years ago. No system for recruiting the Civil Service can be expected to be absolutely perfect; but, taken as a body, the majority of the men sent out have fully come up to the required standard, while I believe that the number of men of exceptional ability is in excess of the number of such men under the old system of nomination. There are, it must be admitted, a certain number of men who are altogether out of place in the service; but these form a very small minority, and their deficiencies would possibly not have been so apparent had means existed of ensuring that during some, part of their early training they had been compelled to live in intimate association with a considerable body of young men of good tone and feeling. Any way, had the system of open competition been very much less successful than it is admitted on all sides to have been, any return to a system of nomination or to a system of competition so far modified as to close it to any member of the middle class of England who chooses to qualify himself to compete successfully in the examination is now quite out of the question, and need not be discussed. The one weak point of the present system is that it admits too easily men of deficient knowledge of the ways of the world, who, having been entirely brought up at home or at small private schools, or under private tutors, have not that knowledge of their fellowmen and that general *savoir faire* which is so much more useful to them in the business of their daily life than any great proficiency in any particular branch of study is ever likely to be. On this point there appears to be a general consensus of opinion. Both those who have undergone the training of a Civil Servant under the old system and the new agree that this is what requires amendment. The question is, How is this to be done?

2. There are three main proposals which have been advocated for the purpose of meeting this defect in the present training of Civil Servants:

1st.—The establishment of a special college, such as the old college of Haileybury or the new college of Cooper's Hill, to which after passing the competitive examination, successful candidates should be sent for a period of probation;

2ndly.—The selection of some special college at one of the large Universities to which the probationers should be sent;

3rdly.—The distribution of the successful candidates among a number of selected Universities to which they should remain attached during the period of probationary training.

As to the first—namely, the establishment of a special college—I entirely agree with His Excellency the Viceroy, for the reasons which he gives, that it would be a very great mistake. At best, it would be a very dangerous and expensive experiment, and the chances of its failure in respect to the tone and spirit which it would impart to its scholars are very much in excess of the chances of its success.

The second proposal—to select one college at one of the Universities—would be practically impossible. It would cause such jealousy—first, as to the selected University, and secondly, as to the selected college of that University as would, I think, prevent any Government making the attempt. And even supposing the attempt to be made, it is impossible to believe that the graduates of a special Indian college would receive the same benefits of training from free intercourse with other men of their age than those of other colleges would receive. They would be looked upon as belonging to a special institution in which the University generally would have little or no interest and would be left very much to themselves.

The third proposal is the more practical, and if any period of probationary training is really necessary will be the best, provided that only Universities are selected in which residence is compulsory and in which arrangements are made for instituting special examinations for honours, which would comprise the subjects of jurisprudence, political economy, Indian history, Arabic or Sanscrit, and Persian.

3. If then any period of probation is determined to be essential, the proposals made by His Excellency the Viceroy meet my views as to the least objectionable form which that probation can take, except in respect of the continuance of the pecuniary allowances.

4. But it certainly appears to me that the real fault of the present system is to be found in the existence of this probation. If the two years' probation is abolished, we shall have to deal with men and not boys, and we can take them as they are if we satisfy ourselves that they have had the training best adapted for the work they will have to do. We shall not continue the practice which seems to be universally condemned by those who have personal experience of its working, under which a lot of boys at the time of life when they are most exposed to temptation are thrown loose on London to shift for themselves, and we shall get rid of all these difficulties in respect to the selection of a

place of training which have hitherto been found so difficult of solution. We shall also get rid of the question of the money allowances, which seems to me to be open to much greater objection than most people seem disposed to admit.

5. I would fix the limit of age for selection at under 24. I would let the candidate's connection with the Civil Service Commissioners commence and cease with his competitive examination. I have not an exaggerated notion of the value of an University career from an educational or disciplinary point of view; but I have a very strong impression of the absolute necessity of ensuring that members of the Civil Service shall have lived for some considerable period of their life in association with other young men of their own standing; and I believe that in no way is this to be secured with a greater probability than the tone of this association shall be good and beneficial than by insisting on a residence at some large University as a necessary qualification to be possessed by any candidate for the competitive examination. And with this object I would exclude from the competition all persons who have not taken their pass degree at some University in which residence within college limits is compulsory. I do not think it advisable to keep up a constant pressure on young men who are training themselves for the competitive examination; on the contrary, I think that the men who are inclined to devote some time to the out-door pursuits and amusements of college life are those who are likely to be the most useful public servants. But if it is thought that the competitive examination itself does not supply a sufficient guarantee for the study of Indian subjects, then a further qualification might take the form of honours in certain Indian subjects, for which some of the Universities, at all events, seem disposed to provide, such as jurisprudence, political economy, Indian history, and oriental classics.

6. Objection to this may be raised on the ground that it will favour some Universities to the exclusion of others; but if this is such a great consideration as to make it a substantial objection, it is always within the power of any University to adapt itself to the requirements of the case and to place itself in a position to give to its alumni the necessary qualifications. What we have to consider is not what is likely to be the most favourable arrangement for a number of educational establishments, but what will give India the class of men most likely to make useful public servants. Any consideration for the interests of particular colleges or Universities which leads us away from this one object is a distinct wrong done to the people of India.

7. In the year 1857, 12 members of the Civil Service were sent straight out to this country without going through the probationary course. They certainly have not been less successful or less useful public servants than others who did. It is proposed—and on very intelligible grounds—to limit the period of probation to one year. I would ask, what really efficient special education can a man obtain in this one year which is likely really to affect his usefulness in after life. It is surely much better to keep before him through his whole University career that he must acquire the special knowledge necessary to enable him to compete successfully for the Civil Service—and certainly the knowledge which he is thus likely to acquire will be much more substantial than that which he obtains in a year of special training.

8. If there is only one examination for which men are capable of entering any time before 24, we shall annually get a number of excellent candidates who would not have consented at 18 to bind themselves to an Indian career. It is this special training for two years which must commence before a man has been able to fully realise his prospects in other walks of life which deprives us I believe at present of University men of standing.

9. There are two other advantages in the scheme which I propose. It gets rid of the difficulty of inducing Universities to receive for their probationary year or two years men who are not members of the University. It gets rid of the charitable education for two years which is at present given to members of the Civil Service, and to which we probably to a great extent owe the presence in the service of those exceptional individuals who have obtained for the competitive system the only discredit which has been attached to it. This change would involve a saving of 12,000*l.* a year to Government, and some portion of this might be devoted to providing teachers on oriental subjects at such of the Universities as showed that they required and were entitled to such assistance. Some of it might be given as prizes for special proficiency in Indian subjects. Some possibly might be devoted to a few Indian scholarships, if any practical means could be found of guarding them from abuse and of ensuring that the services of the scholarship-holders should eventually be available for service in India.

10. It may be said, and no doubt will be said, that the withdrawal of this allowance will exclude from competition the sons of men in humble walks of life who cannot afford to give their sons the education which is necessary to enable them to maintain during their probationary training the position which they have earned in the first examination. But there are numerous scholarships at grammar schools or at the Universities which might be secured by boys of exceptional merit. And even assuming that the result alleged did follow, the same may be said of any career. Men do not get a gratuitous education for any other profession; they have to educate themselves for the army, the church, the bar, the medical, engineering, and indeed all other liberal professions. The last service in the world into which men of very humble origin and associations should be brought by State

aid is the Indian Civil Service. A man's success in obtaining an influence over the people of India depends far more on his personal bearing, his courtesy, manliness, versatility, resource and general knowledge of men and things than on his mere educational training: and these qualities are more likely to be obtained by selecting men of mature age who have had a University career than by taking precocious boys from small grammar schools and educating them in London or elsewhere at the expense of the revenues of India. If the allowances were withdrawn we should still get the bulk of the best men we get now, and we should, I think, have fewer men to whom objection can be raised on the score of uncouthness, roughness, and want of sympathy with the finer feelings of the people of the country. I can foresee the sort of reply that will be made to this, and the criticisms to which I expose myself in expressing this opinion; but it is an opinion which is based on full conviction, and which is shared by a great many men, I believe, who have had opportunities of judging of the estimation in which Civil Servants are held by the natives of the country. The men whose admission to the Civil Service I do not desire to promote by artificial and unnatural means are an exceedingly small proportion of those who are annually admitted; but they are an undesirable element, and they have exposed the system of competition to unfavourable criticism which on general grounds it has not deserved. I do not desire to exclude any class from competition, provided its members qualify themselves as they would for any other great profession; what I do object to is that a certain class should obtain by means of State aid the inadequate qualification now made available to them through the pecuniary allowances during probation. I am far from saying that the son of a man in the very humblest walk of life is not likely to be a hard working, conscientious public servant in India; but there is nothing to warrant our seeking men from this class and bringing them forward by artificial means. *Prima facie*, they are not so likely to suit us as well as men of the upper middle class, and certainly there is no such ground to believe that they will suit us better—and that is the only ground which would warrant an annual expenditure of 12,000*l.* for the purpose of securing one or two men of this class.

Some of those who argue for the retention of these allowances and for equal facilities to the scholars of every educational establishment in the country seem to forget the object of the substitution of the competitive system for that of nomination. The change was not made for the purpose of bringing to the door of every man in the United Kingdom, and to the boys of every school throughout the country, an equal chance of entering the Civil Service; it was made for the purpose of securing for India the very best men who could be obtained not only from an educational but from a general point of view. And how this is to be best done is all that has to be considered, and not how the interests of every individual in the country can best be guarded. It is a matter of mere business and not one of sentiment.

11. As regards the medical examination, one certainly sees men whom it is difficult to believe have ever been passed as men of robust health, fit to battle with the world in a trying climate. I imagine that in passing civilians the same course is pursued that has so often led to discussions in respect to the medical examination for Indian emigration. The candidate is passed as fit to undertake the voyage and not as fit for labour.

12. To sum up, the changes which seem to me best adapted to meet the only deficiencies which exist in the present system are,—

- 1st. To have one single competitive examination for the Civil Service which shall in itself comprise all subjects which it is considered necessary that an Indian Civil Servant should know before going out to that country.
- 2nd. To make residence at and a pass degree of the larger Universities of the United Kingdom an essential qualification of candidature; if necessary, to supplement this by adding a qualification of honours in certain special subjects.
- 3rd. To make the medical examination more strict than it seems to be at present, and to apply it as much to physical development as to mere health.
- 4th. To make the limit of age of candidates for this single examination under 24 years and above 21.
- 5th. To abolish all probationary training subsequent to competition.
- 6th. To devote a small portion of the money saved by the abolition of the period of probation at Government expense to giving valuable prizes for proficiency in Indian subjects, establishing Indian scholarships, and aiding the Universities in arranging for teachers of oriental classics.

Finally, I think that all attempts to teach the men vernaculars or Indian law in England should cease.

I am afraid that the changes I have proposed may be considered too radical to be carried, and if this be so and probationary training is to be maintained, I would adopt the scheme suggested by His Excellency the Viceroy.

(Signed). A. Eden.

The 15th September 1875.

MINUTE BY HIS EXCELLENCY THE VICEROY DATED THE 22ND SEPTEMBER 1875.

There are few questions connected with the Government of India of more importance than the manner in which candidates for the Civil Service should be selected, and the selected candidates should be trained for service in India. Upon these questions we are invited in Lord Salisbury's despatch of the 8th of April last to make any observations which may be suggested to us by the correspondence which has passed between the India Office and the Civil Service Commissioners.

2. In a matter of this kind no individual, however responsible his duties, and however large his acquaintance with members of the Civil Service, will be inclined to trust entirely to his own judgment. Accordingly, before answering the reference which was made to us, the opinions of a very large number of members of the Civil Service have been invited and obtained.

3. Of the senior officers who entered the service before the system of public competition was commenced, we have the opinions of 17 belonging to the Bengal Civil Service, of four from Madras, and of nine from Bombay. Of those who entered under the competitive system, we have the opinions of 71; comprising one or more of those who have entered the service in every year from 1856 to 1874. In all we have the opinions of 101 Civil Servants.

4. It is generally agreed that the favourable judgment expressed ten years ago by the Government of India of the system of free competition for the selection of Civil Servants for India has been confirmed by subsequent experience. For my own part, having had considerable opportunities of judging of the manner in which public business is conducted in England and in India in almost every department of Government, I have no hesitation in saying that the members of the Indian Civil Service, as a body, are excellent public servants. In almost every rank of the service and branch of the administration I have been brought into contact with men of distinguished ability, and I believe there are no duties which have to be performed in India for which competent men cannot be found. It seems to me that the opinions which have been expressed upon their own education and training will satisfy any one who reads them, however cursorily, of the good sense and ability of what may be considered a fair representation of the Civil Servants who have gained their appointments by public competition.

5. In the following remarks I shall assume, first, that the system of free competitive examination for appointments to the Civil Service will be maintained; and, secondly, that the principles which were laid down by Lord Macaulay's Committee will not be departed from. As regards the maintenance of free competition, I do not perceive that it has been challenged by any high authority, and I do not think it necessary to discuss the subject. By an adherence to the principles laid down by Lord Macaulay's Committee, I mean that the competitive examination shall be so arranged that men shall be selected for the Civil Service who have completed their general education; that is to say, the education of young men who are preparing themselves, not especially for service in India but to fulfil the various duties of life.

6. It is evident that the proposals which have been made in England by the Dean of Christ Church,* and in India by some of those who have replied to the circulars addressed to them, that the present maximum limit of age for the competitive examination should be largely reduced, are contrary to the principles recommended by Lord Macaulay's Committee. It cannot be held that a young man's education would be completed at so early an age. The successful candidates must either, as recommended by the Dean of Christ Church, pursue their general studies at an University after they have succeeded at the competition, or, as advocated by others, some new institution must be founded where they can be further educated, both generally and specially, before they proceed to India. In my opinion such a change would be inexpedient. When the system of public competition was first commenced there might have been something to be said for maintaining Haileybury, and for using that college as the place of education and training for Indian Civil Servants. I think the Government of the day were probably right in not maintaining Haileybury; but even if they were

wrong there is a great difference between the maintenance of an old institution with all its traditions, and with a tone and spirit likely to exercise a favourable influence over young men who enter it, and the foundation of a new college whose tone would mainly depend upon the accidents whether the staff is well selected, and whether the first pupils joining it are what is commonly called a good or a bad lot. Much more might be said upon this subject; but as the general weight of opinion is against such a radical change in the present system, I shall not discuss it further.

7. The present limits of age for candidates at the competitive examination are 17 and 21. Assuming that young men are to be chosen for service in India who have completed their general education, I agree with those who recommend that the higher limit should be raised to 22, and I think that the lower limits should also be raised, and that the future limits should be the ages of 19 and 22. I therefore agree with the opinion of Professor Jowett, the Master of Balliol,† in respect to raising the limit of age, with the difference that I recommend that the extension of the higher limit shall not be confined to candidates who have resided at the Universities and passed certain examinations, but that it shall be applied equally to all candidates. The effect of raising the limit of age to 22 would be to enable a young man to take his degree at an University before competing for the Indian Civil Service, and so to remove one of the present discouragements to University candidates. I may observe that this proposal would not only suit the educational course of Oxford and Cambridge, but also that of the Scotch and Indian Universities, as will be seen from the answers given by Mr. Justice Nanabai Haridas, Judge of the Bombay High Court, and by Mr. W. Jenkyns. It will be seen further on that I propose to reduce the period of training in England from two years to one, so that although the maximum age at the competition would be raised from 21 to 22 the age of Civil Servants when they arrive in India would remain the same as it now is.

8. Several high Indian authorities recommend a reduction of the higher limit from 21 to 20. The change is apparently a small one, but I am satisfied that it would be followed by consequences which have been not sufficiently considered.

9. The real choice seems to me to lie between (1) making a radical change in the system of entry into the Indian Civil Service by fixing the limits of age at from 16 to 18 (the age at which boys leave a public school and enter the University, the army, or other professions in life) and requiring them to complete their education by three or four years' study at a special college; and (2) maintaining the present system, which fixes the limits of age so as to ensure that the successful candidates shall have obtained a good general education, and limits the subsequent training to the special subjects required for Indian Service. If the former plan is to be adopted, a reduction of the higher limit of age from 21 to 20 would clearly be insufficient. If the present system is to be maintained the reduction of a year in the higher limit for the competitive examination seems to me to be open to more serious objections than the slight difference would at first suggest.

10. The object is to invite candidates to compete for the Civil Service after finishing their general education, and it is obviously desirable to fix the age for the competition so as to admit men who have just passed through the ordinary course and the principal Universities. Our Universities should fill their proper place and provide that general liberal education which fits a man for Indian Service as much as for other important duties of life. No one can, I presume, deliberately desire to discourage University education, and to force all candidates for the Indian Civil Service to resort to other expedients. It seems to me that this is precisely what a reduction of the higher limit from 21 to 20 would effect. It has been pointed out by the best authorities that even the present limit of 21 discourages University candidates, because many men do not take their degree until they have passed that age. It is obvious therefore that if the maximum age be reduced to 20, the discouragement will be still greater, and indeed it is highly improbable that any University man would compete. It may be said that he could do so, and afterwards complete his University course; but excepting in extraordinary cases I do not think this would occur, for the special course of

training for Indian service ought to occupy the whole of the period allowed for such training, and leave no time for completing the ordinary University course.

11. Again I do not think that those who advocate this reduction of the higher limit have fully appreciated the alteration in the scope of high education which has been made during the last 20 years, the longer time which is consequently devoted to education than was formerly the case, and the necessity of bringing out to India men of the highest attainments that the prospects of service in India can secure. To raise the maximum age by a year would tend to raise the general standard of acquirements of the successful candidates, while to lower it would have the opposite result.

12. As this is greatly a question to be determined by authority and experience, I have taken the pains to analyse the answers given by Civil Servants, and I find that a very large majority have expressed their opinions against reducing the higher limit of age. Out of 101 officers of all ranks five either do not refer to the subject of age, or give replies of doubtful import. Of the remaining 96, only 27 recommend a reduction of the present higher limit, 36 would retain the present limits, and 33 would raise the maximum age, most of them adopting Professor Jowett's suggestion that it should be raised to 22.

13. One of the reasons given by those who wish to reduce the age of candidates is that Civil Servants are more likely to be satisfied with their lot in life and to adapt themselves to an Indian career if they come to India younger. This does not appear to be borne out by the opinions of the men themselves. Taking the more Junior Civil Servants I find that of the men who came out to India in and after the year 1861 only 11 out of 53 wish the age lowered. The opinions of the most Junior men are almost unanimous. Out of 26 men who came out in and after 1870, only two recommend a reduction of the age, 15 would leave the present limits as they are, and nine would raise the maximum.

14. With every deference for the opinion of those who would reduce the age, I am disposed to believe that the junior Civil Servants are the best judges of the question, and I think that whatever small advantage might possibly result from lowering of the standard of education which must follow from reducing the higher limit, and by the great discouragement to University education which such a change would involve.

15. Some questions have been raised as to whether the marks allotted to the different subjects in the competitive examination have been properly arranged. Upon these questions I have to express my general concurrence with the opinions given by the Civil Service Commissioners in reply to Sir Louis Mallet's letter of the 31st of July 1874. The Commissioners appear to me to show that they have paid careful attention to the distribution of marks; and they have answered so conclusively the prevalent accusation that what is commonly termed "cram" has been carried on to an injurious extent that no further remarks from me are required on that part of the subject.

16. It has been suggested by Professor Jowett that the number of subjects to be taken up by a candidate should be limited to four. I do not agree with this suggestion. It has been made with the very proper object of discouraging superficial acquirements and encouraging that accurate mental training which is assumed to be only secured by the necessity of thoroughly mastering a few difficult subjects. It seems to me that the Civil Service Commissioners have supplied

• Mr. T. H. Thornton.	M. P. Whalley.
" J. Geoghegan.	" J. R. Naylor.
" H. LePoer Wynne.	" J. Westland.
" H. S. Beadon.	" C. E. R. Girdlestone.
" D. Fitzpatrick.	" L. H. Griffin.
" H. M. Birdwood.	" A. Mackenzie.
" W. Wedderburn.	" C. J. Lyall.
" B. H. Powell.	

the best answer to this objection by the list* which they have given of men now in the Civil Service who have taken up a large number of subjects. That list will be found in Appendix L. to their letter to Sir Louis Mallet, and it contains the names of 15 men who have taken up from six to eight subjects. I happen to have a personal knowledge of the work of many of the men whose names are upon the list, and I have no hesitation in saying that if I had been called upon to mention he names not only of the most able but of the most accurate and thoughtful

rising Civil Servants who have come under my notice since I should have mentioned the names of six at least out of the list.

Mr. Geoghegan was Under Secretary to the Government of India in the Home, and afterwards in the Revenue and Agricultural Department, and distinguished himself by his accuracy and ability.

Mr. Wynne having been Under Secretary to the Government of India in the Foreign Department was acting as Secretary in that Department last year, when he died of cholera at Calcutta. He was undeniably one of the ablest of the Civil Servants of his standing, and he was particularly remarkable for the accuracy with which he studied complicated questions of foreign policy.

Mr. Fitzpatrick is now Deputy Secretary to the Government of India in the Legislative Department. He has taken up the study of law; the work which he has had to do has been difficult, and he has shown a thorough mastery of all the subjects with which he has had to deal.

Mr. Westland was Under Secretary to the Government of India in the Financial Department. He possesses remarkable mathematical attainments, and has dealt ably with difficult questions of finance and accounts.

Mr. Mackenzie was Junior Secretary to the Government of Bengal, and during the famine I had personal opportunities of judging of the thorough and accurate manner in which he performed his duties.

The last gentleman on the list—Mr. Lyall—is now Under Secretary to the Government of India in the Revenue and Agricultural Department, and his accuracy and ability are quite as distinguished as those of the rest.

I know enough, by reputation, of most of the other gentlemen mentioned in the list to be satisfied that those who have a more intimate knowledge of their work would be able to give an equally high report of their qualifications; and I think that this practical experience is the best answer that can be given to those who fear that to allow candidates to take up more than a limited number of subjects will foster superficial habits of thought.

17. It has been proposed that a knowledge of the classical languages shall be made compulsory. As an Oxford man I am not likely to depreciate the value of Latin and Greek; but I do not agree with this proposal, because, if adopted, it would limit the area of competition, and I see no reason why a young man who could succeed in the competition without any knowledge of the classical languages might not be perfectly well qualified for service in India.

18. The only other observation I have to make with respect to the subjects of the competitive examination is that I do not agree with the objection of the Civil Service Commissioners to the proposal of Professor Jowett that political economy and jurisprudence should be included among the subjects for examination. It seems to me that both are subjects upon which the minds of young men might be exercised at least with equal advantage as upon logic and metaphysics. I would include these subjects in the programme of the competitive examination. Perhaps they might be placed under the heading now described as "moral sciences."

19. If, as I believe, the medical examination of the candidates is held after the competitive examination, I would make a change and hold it before, so that no man who is not fit in point of health should be allowed to be examined. There is all the difference in the world between rejecting a candidate before he has been examined and rejecting a successful competitor. A sound and vigorous constitution is one of the most essential qualifications for Indian service. This is likely to be overlooked at home, but every one who has been in a responsible position in India has had practical experience of the injury to the public service caused by frequent changes of officers owing to failure of health. There might even be some advantage in allowing candidates to be medically examined some time before they would come up for competition, so that a young man whose health is feeble might be prevented from looking forward to India as a career.

20. Having made such observations as occur to me with regard to the competitive examination, I now come to the manner in which the successful candidates should be trained.

21. Upon this subject I think the opinions of the members of the Civil Service are entitled to very great weight. I append in an Appendix to this Minute an analysis of those opinions, and they confirm my own opinion that it has been a mistake to encourage the residence of the candidates in London, to leave them without any supervision, and to give them no material assistance in their studies. Only 20 out of 101 gentlemen who have been consulted recommend that the present system shall be maintained intact, and the great majority think that it would be a good thing if the successful candidates could pursue their studies in association with one another or with other young men of their age.

22. With this object it has been proposed,—first, that a college should be founded either in London or in the neighbourhood of London where the successful candidates should be trained. I am against this proposal, which has met with but little support from the junior Civil Servants.* The plan might, as I have observed before, deserve consideration if it were decided to reduce the limit of age and entirely to change the character of the education for the Civil Service, but I can see no reasonable prospect of success for such a college if the present limits of age be maintained; and still less if, as I have suggested, the maximum limit be increased to 22.

23. Secondly, it has been proposed to establish a separate college at one or other of the Universities of Oxford and Cambridge. It is certain that the Universities not selected as the site of the separate college would strongly oppose such a proposal, and I think it exceedingly improbable that it would be carried.

24. But apart from other objections to these proposals I do not consider that the assembly of all the selected candidates at the same college would be attended by unmixed advantage. I prefer the proposal, which has received more general support from members of the Civil Service than any other, that the candidates should reside at one or other of the principal Universities, if the Universities make arrangements—as I believe from the correspondence which has been forwarded to us they are prepared to do—for training the candidates in the special subjects required.

25. I therefore recommend that it shall be a condition in future competitive examinations that the successful candidates shall, so soon as the necessary arrangements have been made with the Universities, reside at some University for the purpose of continuing their studies in the additional subjects required. I would permit them to choose the University to which they should be attached, provided that such University possesses colleges or other arrangements whereby students can enjoy the benefit of association with other students and be subject to University or collegiate discipline.

26. I am satisfied that the association with young men of the same age, instead of the comparative isolation in which many of the Civil Servants are placed at private tutors before they go up for the competitive examination, and instead of the isolation in which most of them are now kept after they have succeeded in the competition, would be of great advantage both to themselves and to the public service.

27. It appears to me that there need be no difficulty in arrangements being made by the Universities for the reception and training of these young men.

28. It is probable that if the maximum limit of age for the competitive examination is, as I propose, raised to 22, and if it becomes necessary for successful competitors to reside at an University, there will be a considerable increase in the number of University men who will compete. A man who has taken his degree, say at the age of 21, and who afterwards succeeds at the Indian Civil Service

* Only 12 out of 69 Civil Servants who have entered the Service by competition recommend a special college.

competition, would naturally pursue his studies at the University to which he belonged. I can hardly think there would be any difficulty in instituting examinations comprising the subjects of law, political economy, Indian history, and Oriental languages which the Indian Civil Servants have to master. Indeed I believe that little requires to be done in order to provide such examinations at Oxford and Cambridge.*

29. In the case of men who have succeeded at the competitive examination without being members of an University, I should hope that the Universities would make such statutes as would enable them to become members of the Universities and to join as students without passing any other examination. They would then be admitted equally with the other students to the examinations in the special subjects which they are required to master before proceeding to India. Their names might appear in the class lists, and they might receive an University certificate, but I would not ask the Universities to confer upon them the honour of a degree, which should be confined to students who pass through the general University course. I think that the duty of testing the qualification of the candidates in the special subjects which they are required to master before their appointments to the Indian Civil Service are confirmed might be left to the Universities in communication with the Indian Office; and the Civil Service Commissioners might be relieved of the duty of dealing with the training of the successful candidates after the competitive examination. The only difficulty that I see in this arrangement is to secure uniformity in the minimum acquirements to be fixed at the different Universities, in default of which a candidate would lose his appointment to India.

30. After reading the papers before us, I have been impressed with the opinion that the present scheme of studies and examinations after the competitive examination might be considerably modified with advantage. It is generally agreed that much benefit is derived from the acquisition of some knowledge of the classical languages of the East in England. The instruction in those languages in India appears to be inferior to that which is to be obtained in England, and some knowledge of Sanskrit, Arabic, or Persian should I think be required of candidates. But considerable doubts have been expressed whether instruction in the vernacular languages is so well obtained in England as in India. No difficulty is found by officers of the army in acquiring a knowledge of the vernaculars in India, and I do not see why members of the Civil Service should not be required to do the same.

31. I do not think that the study in England of Acts of the Indian Legislature is necessary except as illustrative of the principles of jurisprudence. Any man who takes pains can easily and quickly master the Acts of Parliament which he has to administer, and it appears to me that this part of the home training might well be omitted, especially as junior Civil Servants are required to pass examinations in India as to their knowledge of the law of India.

32. So far as I am able to judge I agree with those who think that undue importance is attached to attendance at English law courts and to making reports of civil and criminal cases. It must be remembered that when this subject was first dealt with the Indian Codes had not assumed their present complete shape. There are now considerable differences between English and Indian law and procedure, and, while I think it is desirable that some knowledge of the practice of English courts of law should be acquired by a young man before he comes to India, I think that more is required than is necessary, and that the number of marks allotted to this part of the training is much too great. Several instances have been adduced to show that even the present requirements can be met by a young man residing at an University, and I should think that there would be no difficulty at all if those requirements should be reduced. Every year will create a broader line of separation in India between the administration of civil law and the executive duties of Government; and the time given to the details of civil law must be thrown away in the case of a large number of young civilians. In short,

* See the letter from the Vice-Chancellor of Cambridge University of the 15th of December 1874, and the letter from the Vice-Chancellor of Oxford University of the 13th of May 1875.

I concur with those who think that the legal training should be confined to principles and avoid technicalities.*

33. The alterations in detail in these studies and examinations require more attention than I have time to bestow, and more knowledge than I can pretend to possess; but I feel confident that such modifications might be made as would enable a young man to complete his training in one year from the date of his passing the competitive examination, and I think that he should be required to do so. It might be well to allow a man who could not pass within the year an additional six months for the purpose, but I would not extend the time beyond a year and a half from the date of the competition, or so as to allow a Civil Servant to come to India above the age of 24, which is the present limit. The extension which I recommend of the higher limit of age for the competitive examination would thus not raise the average age at which young civilians now arrive in India. The order of seniority in which Civil Servants would come out to India under the new system would require consideration, but I cannot suppose that it would present any serious difficulties. The most simple arrangement would be to grade them in each year according to their place in the competitive examination, those who fail to pass within the proper time being put at the bottom of the list of men of their year.

34. The changes I have proposed would bring out successful candidates a year sooner than at present, and would consequently send to India at first one year's supply more than is required. This excess would be corrected by the suspension of the competitive examination for one year, which, coupled as it would be with the extension of the maximum limit of age by a year, would not entail any serious hardship upon candidates who are preparing for examination.

35. The only other subject which is brought to notice in the correspondence which we have been asked to consider is whether the allowance now given to successful competitors should be withdrawn. I agree with the Civil Service Commissioners and with almost all those who have given their opinions upon the subject that this allowance should not be withdrawn. It should be recollected that before the allowance was given young men came out to India at once, and were detained at the Presidency towns for some time in order to pass certain examinations, and that during that time they received allowances higher than those which are given to successful competitors. It is only because the subjects in which they are trained can be acquired better in England than in India that successful candidates at the competitive examination are not sent out to India immediately: and several authorities of great weight even now recommend that this should be done. They are detained in England because it is more for the interest of India that they should be trained at home than in India, and I therefore think it is only fair that they should receive a sufficient allowance to enable them to carry on their training.

36. It may be thought that to withdraw the allowance would prevent the admission to the Civil Service of men of inferior social position and small means.

37. In the first place I should regret that any man should be debarred from entrance to the Indian Civil Service who possessed such energy and ability as to enable him, in a humble position of life, to succeed at the competitive examination. Such a man would, in my opinion, be likely to be an useful, if not distinguished, public servant, and it would be to the advantage of India that he should form one of the Civil Service. The residence at one of the Universities which I propose to make necessary after the competitive examination, would tend to rub off any little roughness of manner and habits; and it must be remembered that in order to succeed at the competitive examination a man must possess what is commonly called the education of a gentleman.

38. But in the second place I do not think that withdrawing the allowance would have the effect of excluding such candidates; its only effect, as it seems

* Upon this subject a great difference of opinion will be found in the answers of Civil Servants. Out of officers who have given opinions, 32 are in favour of modifying the present requirements, while 17 are for maintaining the present system or extending it. The opinions of Mr. Justice Bayley and Mr. Justice Kimball, of Bombay, should be read.

to me, would be to force young men of small means into debt during the time of their training. A man who has succeeded in the competitive examination would find no difficulty in borrowing, although probably upon hard terms, the money necessary for his subsequent training; and he would come to India saddled with a burden of debt which is might take him some time to throw off. Nothing, in my opinion, would be more to be regretted than that young Civil Servants should come out to India in debt.

39. So far from reducing the present allowance I should be inclined somewhat to increase it in consequence of the expense which would attend a residence at one of the Universities. Unless that expense has been considerably reduced of late, I do not think that 200*l.* a year would be too much to allow for the period of training. I would propose that the allowance, which would take the form of a scholarship to be held at one of the Universities, should be given for one year only, and should cease if the candidate is unable to pass his examinations within that time.

40. To conclude, the opinions I have formed upon this interesting and important subject are—

- 1st. That the system of free competition for the Indian Civil Service should be maintained intact.
- 2nd. That it would be inexpedient to lower the maximum limit of age for the competition.
- 3rd. That the limits of age should be raised from 17 to 21 to 19 to 22.
- 4th. That the present arrangements as to the competitive examination are satisfactory, with the exception that jurisprudence and political economy should be added to the subjects.
- 5th. That the medical examination should precede the admission of a candidate to the competitive examination.
- 6th. That the present system of training candidates after the competitive examination should be modified.
- 7th. That successful candidates should be required to reside at an University in order to complete their training, and that it is not desirable to found a special college for the purpose either at one of the Universities or elsewhere.
- 8th. That the course of training should be revised and limited to one year, and that the test of qualification might be left to the University authorities in communication with the Secretary of State for India in Council.
- 9th. That the allowance now given to successful candidates during training should not be diminished.

41. A most important means of securing the supply of good candidates for the Indian Civil Service is alluded to incidentally by the Civil Service Commissioners, and in several of the other papers before us; that is, that the prospects of advancement of Civil Servants in India should be sufficient to encourage good men to compete. This is too extensive a subject to be discussed with advantage on the present occasion, especially as the Secretary of State has requested us to furnish our answer to his reference in the month of October. Moreover, the subject will come before the Government of India, in connexion with some memorials which have been received from the Civil Service as to their present position and prospects. I will content myself therefore with saying that I think that whatever temporary stagnation in promotion there may now be, and from whatever causes it may arise, there is no ground to anticipate that the career of an Indian Civil Servant will in future present less inducements, either in a pecuniary point of view or in regard to the interest and importance of the work, than have served up to the present time to produce a body of administrators and statesmen second to none in the world.

(Signed) NORTHBROOK.

September 22nd, 1875.

From the Officiating Secretary to Government, North-Western Provinces, to the Secretary to the Government of India, Home Department, No. 1520 A., dated Naini Tal, the 23rd August 1875.

SIR,

I AM directed to reply to your letter No. 16-1034, dated 23rd June last, and to forward the opinions of certain selected officers of the Civil Service on the questions referred to them. The Lieutenant-Governor also asked the opinion of the Hon. Mr. Turner, now Officiating Chief Justice of these provinces, who has been good enough to state his view on the subject. To the correspondence now sent, I am directed to add the following remarks.

2. Her Majesty's Secretary of State for India asks for an opinion both as to the method in which candidates shall, in the first instance, be selected, and as to the manner in which those who are selected shall be trained for service in India. According to the wish of His Excellency, as expressed in your demi-official letter of 23rd June, in circulating the papers the three following points were expressly referred for opinion:—

- (1.) As regards the training at home after the first examination is passed.
- (2.) As to the age up to which it is desirable that candidates for the first examination should be admitted.
- (3.) Whether successful candidates would be likely to take advantage of being able to complete the University course if this advantage were open to them.

The first point referred by the Secretary of State is not included in these three questions, and his Honour in the present letter omits it from consideration.

3. More particularly to answer the second question put by the Government of India, but in fact to enable us to form any opinion on the subject, there must be a clear understanding as to the nature of the duties which ordinarily await a civilian on arrival in India, and occupy him for the ten or twelve succeeding years. The papers forwarded for opinion assume in great part that a complete University education, or at least a finished education at home, is very necessary to the performance of those duties, because probably they are a valuable introduction to public or professional life in England. But the value of such training varies with the circumstances in which a man is placed: and in India, while doubtless of great use to its possessor, it cannot give him much of that special knowledge, which can only be acquired in this country, and during the earlier years of life. If, on the other hand, as not unfrequently happens, prolonged stay in England gives a man absolute distaste for the further necessary education, and for the dull mechanical detail of business which awaits him here, it is not only not useful, but mischievous.

4. All who have been consulted are agreed that an Indian career demands Indian education, and a long apprenticeship in the details of Indian work. During the first two years of his service, a civilian must go to school again to learn the local languages and local laws and rules of administration, and is accordingly subjected to local examinations in both before he can obtain any—the smallest—increase of salary. During a term ranging from 10 to 14 years, he must train himself in the exercise of humble and in many cases extremely unattractive duties. The precise period of apprenticeship varies in different presidencies; but in none probably is it less than 10 years.

5. In many cases, it must further be remembered, the kind of work which awaits a man in his first 10 or 14 years is the kind of work which will occupy him to the day he leaves India. He has not come out to shape the measures of the Empire, but in a humbler sphere to carry out in careful detail the views of other men; and to assist, by his knowledge of the people, and familiarity with administrative possibilities, in making the execution of public measures practicable. The degree of responsibility increases with his length of service, but the subjects are mostly the same. Sir John Strachey dwells especially on this, because without question there prevail in England exaggerated views as to the position and prospects of the Indian Civil Service. Its summits naturally have arrested the attention of those who look at it from a distance; but those nearer to it know perfectly well that, a few high officers excepted, the mass of the service is on a comparatively low level, with little to reward, or to need exceptional attainments, and with an atmosphere better adapted to tact, temper, insight, and common sense, than to high culture. In course of time this will be more generally recognized, but the Lieutenant-Governor thinks that no opportunity should be lost—such an opportunity for example as this—of dissipating the notions which float about in England, and which favour the belief that most men exercise at once in India functions which in truth few ever exercise at all; and that the responsible half of his service may perhaps overtake, but which are carefully confined to officials of experience and long local training. Exceptions of course there are, but no scheme can be based on exceptions: and the truthfulness of this sketch, so far, at least, as it concerns these provinces, will, the Lieutenant-Governor thinks, be admitted by all.

6. It follows that a man should, on arrival in India, be sufficiently young to accept cheerfully this preliminary local education, and that the training he has received in England, while qualifying him to turn to good account the experience which awaits him here, should not make him impatient of a laborious, technical, and long novitiate. Such periods are of course incidental to all professions, but in India they admit of little distraction, such as the literary employment common among barristers or other young men in professions at home. When a man comes to India, he has much to learn, which, though inevitable, will be distasteful in proportion as his mind is, with increased age, acquiring

fixed tastes. Further, he must not think that a high standard of training will, in the ordinary line, necessarily procure him one day's advancement before seniors equally successful in passing the competitive test; or that his education is wasted because he has proved himself capable of more than, for a third or a half of his service, is required of him. In proportion to his age and culture, will be the tendency to think himself thrown away on ordinary Indian work. This view is well put in the 4th paragraph of Mr. Smith's note, himself a University man. No doubt there are a few offices in which the highest culture and the keenest training are needed; but under the old Haileybury system, as under the present, men were always found for these few posts. Exceptional men will not be wanting, though the training is not adapted solely to produce them.

7. Accepting then this unusual and moderate, but as he believes accurate, view of the nature of the ordinary civilians' duties, and the training needful for them, Sir John Strachey sees no use in providing for him facilities of taking University honours. As more than one University man has said, in his reply to the present reference, an University degree carries little weight in the Civil Service; and this is probably because it provides no necessary test of the qualities which are looked for here in useful subordinates. The conditions of usefulness are in many ways different in India, and University honours test only some of them.

8. There remains the mode and place of training in the interval between the two examinations. The objections to fixing on any one University, or establishing an Indian College, seem nicely balanced; and as the Lieutenant-Governor does not think a University course necessary, he will not discuss them. It has been suggested by Mr. Oldham and by Mr. Smith, that a single examination is sufficient, and that men should come out, like many who were first appointed in 1855 or 1856, as soon as they have passed one examination. From the 8th and 9th paragraphs of the Hon. Mr. Turner's note, his opinions seem to point in a similar direction. Holding the view he has stated above, his Honour agrees with these gentlemen. He believes that there should be one examination only for candidates between the ages of 20 and 22; modified, as would be necessary, to ensure a moderate knowledge of jurisprudence, history, and political economy. The after education would be better attained in India, among the people, and in the daily exercise of the Indian magistrate's offices, than by taking notes in English law courts, and by studying oriental languages with English professors. While the Civil Service Commissioners especially dwell on the great advantages of attendance upon law courts in England, it will not fail to be observed that in the opinion of the officers now consulted, many of whom speak from experience, these advantages are greatly over-estimated. In so many of the subjects of the first examination as are retained, the test should be as searching as at present: but in the subjects now occupying the later examinations, a lesser degree of proficiency would, his Honour thinks, be sufficient. If men compete from a University and good: but the scheme of one examination only makes all considerations of after training unnecessary. Should the two examinations, however, be maintained, he would certainly not make residence at a University compulsory. The expense of the two intermediate years is already very considerable: the necessity of residing at a college would probably increase it. The men who after great labour have succeeded in a competitive examination are the last in the world to succumb to the vulgar temptations of town life. Although they might in some cases prefer to pass their two years in a college, they are perfectly capable of looking after themselves wherever they may be. As for *esprit de corps*, about which much has been said, the desire to resist encroachments which are supposed to threaten the service, is welding it together against outsiders and giving it a unity which it never possessed before; while eagerness and ambition to distinguish themselves—self interest, in other words—keep up among the men who fill its ranks an emulation and rivalry exceeding possibly that of old days. A college, it is urged, rubs down angles and makes men smooth. It may; but so far as the Lieutenant-Governor has observed, like seeks like, whether in a college or out of it. If men are to be sent compulsorily to a college merely to learn manners, or to give them the advantages of college society, is the gain worth the cost? India is a country large enough to admit of many angles and it would be easy to give illustrations from the Civil Service of men who have risen in modern times to some of the highest offices of the State, who have been as noted among all classes for capacity in the conduct and despatch of public business and control of public men, as for deficiencies in refinement of manners and in culture.

9. At the bottom of all these discussions there lies the assumption that the men who now come out are not suited to the profession they have entered. The chief defect alleged, Sir John Strachey believes, is that they are too much men of books, and have too little *savoir faire* and self reliance; in a word are not as much as they might be men of practical habits. The practical man, it has been said, is too often the man who has seen, heard, and misunderstood. Assuming the objection to be true, which, however, the Lieutenant-Governor does not believe, it seems to him that a prolonged course of study in England would be an aggravation rather than a remedy of the defect complained of. The world of business is the best school for defects of this kind, and introduction to Indian education and Indian work after one searching test of capacity and acquirements, seems to His Honour eminently desirable.

I have &c.,

(Sd.) A. COLVYN,

Offg. Secy. to Govt., North-Western Provinces.

Minute by Sir H. Maine dated the 12th November 1875.

I have gone through this mass of papers in the order in which they are put together, that is, with the Minutes of the Members of the Government of India at the end, and I find that my results as to the preponderance of opinion on certain points tally very closely with those of the Viceroy. For the purpose, then, of judging towards what conclusions the gentlemen consulted in India incline, it will be enough to consult the Appendix to Lord Northbrook's Minute.

There seems to me to be a very decided preponderance of opinion on two points:—

1. Against disturbing the system of open competition by which candidates for the Covenanted Civil Service are selected, and even against any serious modification of the examination. The Viceroy, however, favours the proposal to add Jurisprudence and Political Economy to the subjects in which the competitors are examined.
2. In favour of calling in the Universities to aid in the training of candidates for the Civil Service, either before or after selection.

The virtual unanimity on the first point is, no doubt, owing in part to an assumption that the competitive system is not, under any circumstances, likely to be disturbed, and in part also to the large proportion which civilians selected by competition now bear to the rest of the Civil Service. Those, however, whom the system inspires with most distrust would probably allow that it must be maintained, in the absence of any strong opinion in India unfavourable to its working. As regards a certain class of imputations which have been directed against it, I venture to recommend careful attention to Notes E, G, and H, printed at pages 35 and 36 of the correspondence between the Secretary of State and the Civil Service Commissioners. It may be observed, that the table contained in Note E, which classifies the candidates of fifteen years, does not probably express the whole truth. There is reason to believe that the number of candidates answering to the higher classes in the table is progressively increasing, and the number of those belonging to the lower progressively diminishing, the latter having been at one time in much greater proportion than at present. This appears to be a consequence of the fact that preparation for the competitive examination is extremely costly, and, like most things in our day, is steadily becoming costlier. It may be remembered that a late colleague of ours, Sir George Campbell, condemned the competitive system, not on the ground ordinarily taken, that it favoured the lower classes at the expense of the higher, but on the exactly contrary ground that it tended to make the Indian Civil Service a monopoly of the rich. Whatever be the force of the objection, the assertion on which it rests seems to me to be not so very far from the truth.

On the second point, the manner in which advantage should be taken of the desire of the Universities to share in the education of our candidates, I regret to say that I do not agree with the Viceroy. Lord Northbrook has evidently bestowed much thought and care on the subject, and I differ from him with unfeigned hesitation. But I have had a long experience of both the older Universities, and some experience of the present mode of training the selected candidates; and there may, besides, be some convenience to the Secretary of State and the Council to have the only important issue which they have to decide raised with considerable distinctness.

Lord Northbrook proposes that the earliest age at which a candidate should be allowed to compete should be 19, instead of 17 as at present, and that the latest age should be 22, instead of 21 as at present. He would send all the selected candidates to a University for a single year, leaving them (paragraph 25) to choose the University to which they are to be attached, provided that it satisfied certain conditions, and allowing this University to test their progress in their special studies. The curtailment of the period now given to special study he would apparently compensate by transferring the subjects of Jurisprudence and Political Economy from the special to the general or competitive examination. The proposal wears a very strong resemblance to that of Mr. Jowett, the Master of Balliol.

On the other hand, I would lower the maximum age of competition from 21 to 20, and I frankly own I would lower it to 19, if I had my own way. I would leave the minimum age at 17, as at present. I would either compel the selected candidates, or offer them strong inducements, to proceed after selection to Universities chosen by themselves, under the same conditions as those suggested by the Viceroy. I would, however, send them thither for two years at least, and not for one. For the present, at all events, I would keep the examinations of the selected candidates in the hands of the Civil Service Commissioners, under arrangement with the Secretary of State; but I would somewhat modify the subjects of examination, and I would fix the times of examination at such periods of the year as would not interfere with residence at the chief Universities. My proposals do not widely differ from those of the Dean of Christ Church and of the Committee of Council at Oxford.

I proceed to give my reasons for dissenting from the proposals of Lord Northbrook, and for advancing my own.

I must confess I should regard with some dismay a system of keeping many hundreds, and perhaps thousands, of young Englishmen, the ablest of whom are intended for the sternest practical duties and the most active life, working up to 22 at subjects which do not directly contribute to success or efficiency in the career which they are attempting to enter, or indeed in any career except a few of an exceptional order. Such a system, as it seems to me, could only be justified by some such unquestioning belief in the value of the studies prescribed for the Competitive Examination as existed during the Middle Ages in the value of the Trivium and Quadrivium. Lord Macaulay and his colleagues assuredly held no such opinion of these studies, still they expressly defended their scheme, not on the ground that the subjects contemplated for the Competitive Examination were absolutely the best, but on the ground that they were, as a matter of fact, studied by the best, the intellectually ablest, young Englishmen. If these subjects were alleged to be chosen not for their historical place in English education, but for their absolute intrinsic merits the choice would be open to much criticism. Though it be a vulgar and ignorant prejudice that Greek and Latin are useless, it is not the less certain that much of their hold on our Universities, Colleges, and Schools is a "survival" from the fifteenth century. Nobody now-a-days, I presume, if he were arranging the course of study in the Universities of Cambridge or Dublin for the first time, would give quite the same importance as at present to pure Mathematics, or would allow mathematical studies to be so much divorced from study of the operations of nature. Moral and Mental Philosophy are expressly made subjects of examination because they are said to take, at the Scottish Universities, the place of Greek, Latin, and Mathematics at the English; yet they are full of disputed and unsolved problems, and, as commonly treated, abound with reasoning which is far from rigorous. For myself, too, I must confess to the most profound distrust of an examination in Natural Science, which tests knowledge solely by the reproduction of statements found in books. The truth is, that any system of keeping young men working at "general," as distinguished from "special," studies up to 22 is only justifiable when the "general" studies are really "special," as is the case with the comparatively few who will carry them further by discovery, or in the case of the not inconsiderable class at Oxford and Cambridge who will make professional use of them by teaching them to others. It seems to me that this is clearly recognised by the Universities themselves, since the manifest tendency there is to specialise study. At Oxford, a man who has passed the examination called "Moderations," which he may do no long time after entrance, may practically take leave of pure Greek and Latin scholarship, and devote himself to Philosophy, Mathematics, Natural Science, History, or Jurisprudence. At Cambridge, the questions now put to candidates for honours plainly favour special knowledge, and a number of new "Triposes," implying examination in special subjects, have sprung up by the side of the older schools.

It has probably been thought that the addition of Jurisprudence and Political Economy to the subjects of the Competitive Examination would give it a more practical character, and thus to some extent meet these objections. I am afraid

I cannot admit this. There are several statements made about Jurisprudence in these papers which I should call extraordinary, if I did not know that they are sometimes heard even from lawyers. It seems to be supposed that there exists a great abstract science, called Jurisprudence, which will enable those instructed in it to solve actual legal problems without the trouble of referring to positive enactments or laws. Assuredly there is no such science. What is true, is that the rules and principles of every legal system may be stated in a simpler and more general form than that which they take when dispersed over judgments and text-books, and probably every really eminent lawyer effects some such generalization and simplification for himself. If law, put in this form, be called Jurisprudence, undoubtedly it helps to solve legal questions, and there would be great advantage in being familiar with it at starting. But then it happens that the Indian Codes (apart from the Codes of Procedure) correspond to Jurisprudence in this sense about as closely as any body of rules could do. They are law, stated as generally and simply as is consistent with practical usefulness. Nobody however proposes that the Codes should enter into the Competitive Examination, and indeed in some passages of these papers they are contrasted with Jurisprudence. But, whatever this last word as used in these papers may mean (and it may bear several meanings and may indicate several interesting branches of study), it will not support the argument of the writers unless it be taken as equivalent to codified law.

I do not deny that Political Economy, as set forth in the ordinary manuals, has sufficient precision to be a subject for examination. But this precision is obtained in great measure by a series of assumptions which are not by any means absolutely true of India. Political Economy, as ordinarily understood, takes for granted that private or individual property exists as an institution, that its forms are perfectly distinct, and that its actual distribution has been determined by causes of so old a date that no inquiry into their propriety ought to be permitted. But, over much of India, individual property is still imperfectly disentangled from common property, its forms are often extremely indistinct, even to the most careful observer, and its distribution over whole provinces is due to measures taken not 100 years ago, in some provinces not 20 years ago. In fact, Political Economy, if studied by itself, is a source rather of confusion of mind than of clearness of thought in Indian officials, and it is one great merit of the special studies insisted upon by the Civil Service Commissioners, that they include not only Political Economy, but the history of tenure as established by the comparative method and a part of what the writer of an interesting paper in the collection calls "Archi-Sociology." (See Mr. Ibbetson's paper of August 4th, 1875.)

The plan of Lord Northbrook and of the Master of Balliol is avowedly intended to facilitate the entrance of University men into the Indian Civil Service, and perhaps an enemy might describe it as a proposal to sacrifice all other considerations to the interests of the Universities. I believe that if it succeeded, it would at most come to the Universities sending us their second-best men, keeping their best for themselves. But I strongly suspect that it would not succeed, and that the number of University men entering the Service would be smaller than ever. It must be remembered that by advancing the maximum age for competition, you enormously intensify its keenness. The man who competes in this examination at 22 would have a terrible stake on his own running. Nothing could be more pitiable than his position if he failed, for he would be unfit and too old for nearly any other occupation or profession. I think that the competitors under such circumstances would throw aside every weight, and would not allow themselves to be distracted by the requirements of a University course, which are not at all necessarily coincident with the training most likely to secure success in competition. No doubt they might be forced in to the Universities, but, apart from compulsion, I think it probable that they would keep aloof from them even more commonly than at present.

Let me add, that we ought not to leave the defeated competitors in these examinations altogether out of account. Their number increases every year, and already the hopelessness of their position is severely felt by a host of families. But every year by which the maximum age of competition is advanced necessarily adds to the number of the unsuccessful, and the postponement of the

minimum limit of age from 17 to 19 would make matters worse, since the competitors lose the opportunity of essaying their powers at an early age, and of declining the contest in future if they find themselves unequal to its strain.

On the proposal to send the successful non-University candidates to the Universities for a single year, it seems to me sufficient to observe that the Universities would probably decline to receive them for so short a period. No doubt the course of two years would be regarded at Oxford and Cambridge as somewhat unduly short. If it were necessary to argue the point, I believe I could show that no studies worth mentioning could be prosecuted in a twelvemonth, nor could proficiency in them be satisfactorily tested.

The plan I venture to submit rests on a different view of the Competitive Examination from that which has apparently been adopted by Lord Northbrook and Mr. Jowett. I imagine that they compare selection for the Indian Civil Service to a College Fellowship obtained soon after a University degree. It seems to be supposed that a certain number of University men, after graduating, will present themselves at our Competitive Examination in lieu of competing for a Fellowship, or after competing and failing. I think there is a general feeling that the lateness of the period at which Fellowships are obtained is a very serious drawback on their value, even to those who enter less active professions than the Indian Civil Service; but, apart from that, if academical analogies are to be followed, I submit that the truest analogy is not between selection for the service and success in a Fellowship examination, but between selection for the service and success in an examination for an open scholarship or exhibition. It is by means of scholarships that the Universities retained their hold on the youthful ability of the country even in the darkest times, and they are prizes appropriate to a period of life when it is even more important to have proof of industrious habits, of clearness of head, and of quickness of apprehension, than of the possession of special or even of useful knowledge.

The papers received from India leave no doubt on my mind that the candidates for the Service, once selected, should be placed under new conditions during the remainder of their stay in this country. A lively picture of the life which they are now compelled to lead may be found in Mr. Risley's letter of 10th August 1875, addressed to the Government of Bengal, paras. 14 and 15; and such statements of fact are worth a bushel of opinions. The idea of collecting the selected candidates in a single College, like Coopers Hill, does not, it will be seen, command any great amount of favour, much less favour, indeed than might have been expected from the affectionate recollections of Haileybury which have not quite died out in India. Probably it will be admitted that, with the older Universities willing and even eager to receive our young civilians, only the very strongest reasons would justify us in repeating on a larger scale the costly experiment of Coopers Hill, and no such reasons seem to me to have been adduced. The objections, again, to confining the candidates to a single College at Oxford or Cambridge are very formidable. Such a College would rapidly acquire a special tone of its own, and thus some of the best indirect effects which are promised from residence at the Universities would be sacrificed. Those who know Oxford and Cambridge best have no fear that the candidates, if dispersed over several Colleges, will see too little of one another; their studies and objects will be so distinct from those of other undergraduates that they will probably flock together too much rather than too little.

I suggest, then, that we should adopt the proposal which was put to the Civil Service Commissioners, and which, of all those hinted at in the letter from this Office, was received by them with least disfavour. It would, in that case, be announced that, after a certain date, the allowance made by the Secretary of State to the selected candidates would cease, but that every candidate entering a University which satisfied certain conditions would be regarded as the holder of a scholarship of 150*l.* a year so long as he resided there. Lord Northbrook suggests that the University chosen should always include Colleges, but on the whole, I prefer the more general words employed in the letter to the Civil Service Commissioners,—“Some University at which moral responsibility for the conduct of the students is undertaken, and rules of discipline enforced.” I suggest this change in the training not only as being in itself good, but as involving

the least disturbance of existing arrangements, and as satisfying the greatest possible number of claims to share in the supervision of our selected candidates.

If the selected candidates are only to be sent to an University for a single year,—a proposal, as I said before, which I think the chief Universities would decline,—the nature of their studies during that year, and the tests applied to their proficiency, do not seem to me of any great importance. But if their residence is prolonged during two years or more, I think it essential that they should be subjected to much the same searching periodical examinations as at present. The old complaints of Oxford and Cambridge, to which the majority of our candidates may be expected to go, that they are places of luxury and prodigality, have recently been heard in Parliament, and they may be read in these papers. Whatever ground there may be, or may have been, for such complaints, assuredly they would never be justly made of the working or reading class of undergraduates. At the Universities, as elsewhere, idleness, not industry, has always been the mother of mischief. It seems to me essential we should have security that the selected candidates work fairly hard during their years of probation. Now I must frankly state that I doubt our having this security even from the chief English Universities (for the present, at all events) if we trust them to apply their own tests to the progress of our candidates. They have a deserved reputation for the stringency and impartiality of their examinations in the older branches of study which are controlled by a considerable mass of public opinion and by old traditional standards. There would not be the same ground for confidence in the tests applied to the studies of a new class, somewhat outside the rest of the University, who would very generally be examined, like the young men at Haileybury, by the very same persons who had taught them in lecture rooms. On the other hand, if I may judge from my own experience, the periodical examinations of the Civil Service Commissioners are as searching as any in the country.

Moreover, if each University were permitted to examine the selected candidates attached to it, not only would there be danger of considerable variability in the tests employed, but there would be great waste of machinery, which cannot be very cheap if it is to be very efficient. Not only Oxford and Cambridge, but the University of Dublin and the Scottish Universities, must have each a staff of special examiners, and the Secretary of State, through the Civil Service Commissioners, must keep up a staff of his own, for the sake of the candidates who cannot be induced to select any University, possibly because they prefer to remain under parental control.

The periodical examinations are now held in October and November and in April and May, of all months the most inconvenient for a resident at Oxford or Cambridge. There would be no difficulty whatever about holding them in July and at the end of December or beginning of January, in which case they would not interfere in any way with University residence. Further, I think that the obligation of attending courts of justice, drawing with it the opportunities of occasional release from University discipline, might be considerably relaxed. A certain amount of attendance is likely to be extremely useful, but the amount actually required seems to me altogether excessive. I imagine that the rules on the subject were drawn up before the codification of Indian law had gone as far as it has done, and in particular before the Indian Law of Evidence had been codified. The most useful exercise which can now be imposed on a young civilian is not to pick up a little law from a trial or an argument, but to acquire as much as possible of the generalised law of the codes by an effort of memory, which is less distasteful in earlier than in later life.

There are some further but minor changes in the periodical examinations which seem to be desirable, but it would be premature to discuss them before the nature of the training to be given to the selected candidates has been settled.

November 12th, 1875.

H. S. MAINE.

Minute by Lord Salisbury.

These papers show a very general agreement upon a matter which has been much disputed here—the merits of the present mode of selection. Many wish to modify in various ways the subjects of examination; scarcely any wish that the system of competition should be laid aside. Even if it had proved a failure the difficulty of finding a substitute would, I think, have been insuperable. It is satisfactory, therefore, to find that, in the opinion of nearly all, it has worked tolerably well, and, in the opinion of some great authorities, has proved a marked success.

There is also a general, though not a universal, agreement in the expediency of modifying the present system of preparation, after the selection by competition has been made. At present a residence in London, apart from each other, is almost forced upon the candidates during the time of preparatory study. It is almost felt very generally in the Indian Service that this period might be more profitably passed. There is a large majority in favour of some plan under which the candidates should be associated together in their studies; and there is a majority, not so large in numbers, but strong in authority, in favour of leading them to find this association by requiring, or at least strongly encouraging, a residence at one of the Universities. Lord Northbrook gives in detail an analysis of opinions expressed on this point. It is remarkable that the preponderance in favour of this change is much more conspicuous among the older than the younger Civil Servants. In proportion as a man's experience of Indian life and the width of view conferred by a high position, enable him to measure the real dangers and drawbacks of the career, he is led to seek for a remedy for them in previous University training.

But as to the mode in which this training shall be applied there is some divergence of opinion. One party seek to apply it both before and after the competitive examination; the other party are satisfied if they can in general secure it for the period of preparation which follows the competition. The limits of age selected will decide which of the two views is to prevail. Dr. Jowett, followed by Lord Northbrook, would fix the maximum age of competition at 22. He hopes that the study for the competition would take place at the University, and that the candidate, having secured his selection, would return to the University to study Indian law and languages, under University Professors, for one or two years more. The Universities of Oxford and Cambridge, on the other hand, followed by Dean Liddell, Sir Henry Maine, and Sir William Muir, would fix the maximum age of competition at 19. The University career of the successful candidate would then commence after the competition was over. By a proper arrangement of examinations he would be compelled to give a sufficient portion of his time to special Indian subjects. Both plans contemplate that the candidates should leave for India at much the same age as now. Both plans would retain, with no great change, the special studies at present required, except that, according to both plans, less stress would be laid than at present upon the attendance of the selected candidates in the Law Courts. A feeling is expressed by many high authorities, that too much importance has been hitherto assigned to this requirement; and it is obvious that the large changes which have taken place in Indian procedure have materially lessened whatever value it formerly possessed. The crucial difference between the two competing plans consists, therefore, in the issue, whether the maximum age shall be fixed at 19 or at 22, at the beginning or towards the close of the University career.

My own opinion at present leans rather to the plan advocated by the University of Oxford and Sir Henry Maine than to that of Dr. Jowett and Lord Northbrook. I incline to this opinion, because I believe that the object which both plans have in common, the provision of a University education, would be secured more certainly, and more consistently with the interests of the Indian Service, by the former than by the latter arrangement.

It must, in the first instance, be noticed that we have means of encouraging a residence at the University after selection, by making the allowance given to the selected candidates dependent upon this condition. But we have no means (short of compulsion, which is impracticable), by which we can secure the residence at a

University of candidates previous to their selection. It follows, therefore, that Dr. Jowett's plan relies for its success wholly upon the attractions which the University can offer to an intending candidate. In assuming that the candidates will naturally come to the University, he assumes that, in preparing young men for the competition the University can compete with the special tutors (the "crammers"). I see no ground whatever for such a belief. The "crammers" have succeeded in distancing all competitors simply by the excellence of their work. They concentrate high ability upon the attainment of a single result: and this is the secret of excellence in other crafts besides that of tuition. The crammer has only one object in view—the University has many. The crammer arranges everything—time, mode of life, choice of subject, selection of teachers, selection of pupils who are to be taught, with the one aim of taking high places in the competition. The University must accept a large portion of the teachers as they may be chosen by the various colleges or other electors from an area of selection which is limited by a variety of circumstances, must receive all comers as pupils, must allow the time of the teacher and the opportunities of the students to be arranged so as to suit intellects and characters of very various types, and is compelled to take equal pains with the promising and the hopeless. Nor can the University concentrate its attention, as the crammers can, upon the requirements of the Indian examination alone. In a race so keen a slight difference in weight will determine success and failure. If the principle of the division of labour has any truth in it, it is impossible, in the nature of things, that the University can win as many honours in the Civil Service competition as the crammers. But the candidates will seek the successful teacher, whatever his other deficiencies, and will eschew the unsuccessful teacher whatever his other merits. I see therefore no serious ground for believing that, by pushing back the age of competition to 22, the University would succeed in securing the preference which is being every year more and more bestowed upon the crammers.

This strikes me as the principal objection to Dr. Jowett's scheme. There are some others of importance. Sir H. Maine has noticed the danger to which it would expose us of getting, for candidates, only those who found themselves hopeless of University success. I do not rate this danger very high, because I believe it would cure itself. If we only obtained such University men as these for candidates, we should have no University men at all for civilians. Another danger referred to by Sir Henry Maine deserves to be well weighed. A candidate who fails at 19 can turn with ease to other pursuits. He may enter the University and pursue the career for which a University degree is of importance. He can enter into the Army or diplomatic service; and, if he desires to attempt another competition for any other branch of the Civil Service of the Crown, he has sufficient time for preparation. But at 22, these other employments are, in a great measure, closed to him. The consequence is that every candidate who enters at 22 is staking far more on his success than one who enters at 19. If the latter fails, it is but an effort thrown away; if the former fails, the choice of a career is seriously restricted and, with it, his chance of self-support. These considerations cannot but operate as a discouragement to candidates. By making it a condition of the competition that they shall incur this risk, we deter competitors of the very class out of which we are anxious to draw them,—those who would be eligible for other professions. But if we lower the maximum age to 19, we enable them to enter without any apprehension for the consequence of failure.

I shall not attempt to form a definitive opinion, until the matter has been fully investigated in this Office. But, for the reasons I have given, my leaning is in favour of the limit of age advocated by the University of Oxford. This plan seems to me to secure at least as fully all the advantages of a University education as the other, while avoiding its special difficulties. It would, of course, be necessary to take full precaution, by the arrangement of the subsequent examinations that the special studies of the selected candidates were not neglected.

As the matter is one falling within the special competence of no one Committee I think it will be better to circulate these papers, and to discuss the matter in Council, as soon as Members of Council have had an opportunity of reading them.

SALISBURY.

London, 24th February 1876.

Public,

No. 19.

To His Excellency the Right Honourable the Governor General of India in Council.

MY LORD,

Paragraph 1. I have received your Despatch of the 30th September 1875, No. 57, with reference to the selection and training of candidates for the Indian Civil Service. I have carefully considered the valuable reports which you have transmitted to me, together with your own comments and those of your colleagues in Council thereupon.

2. With respect to the principle of competition itself, the evidence you have collected sufficiently shows that it cannot be disturbed without injury to the public service. The expressions of opinion which I have received from competent judges in England lead me to the same conclusion. Of its success as a mode of selecting persons fit to serve in the Indian Civil Service there seems to be no reasonable doubt. The ability which it collects is not the same in kind as that which distinguished the Service appointed under the previous system, and there may be truth in the allegation for which some of your officers contend, that under it instances of the most conspicuous ability are more rare. But this difference, so far as it exists, may be reasonably attributed to a different cause. Great powers are developed by great occasions; and these have been very rarer occurrence since the present limits of the Indian Empire have been reached. On the other hand, it is generally admitted that, if exceptional powers are rare than in older times, exceptions of an opposite kind have almost disappeared.

3. Some writers speak in their reports to the physical inferiority of the candidates selected under the new system. On this point a conflict of testimony exists. While the evidence of actual observers, supported by the comparative sick leave statistics appear to incline to the less favourable view, there are distinguished medical witnesses in England upon the other side. The question appears to require further examination. It is possible that sufficient weight in the competition has not been given to physical qualifications; but this charge, if true, would not be an objection to the principle of competition, but rather to the mode in which it is applied. On the whole, Your Excellency's personal testimony, based on a wide experience of the public service, and the prevalent opinion among the officers whom you have consulted, sufficiently establish that selection by competition has been successful in furnishing an efficient Indian Service, and that whatever defects may be noted are not such as to justify any fundamental change of system.

4. While it is generally agreed that the selection by competition should be upheld, there is a large preponderance of opinion in favour of material changes in the treatment of candidates after the selection has been made. The competition is almost, if not entirely, limited to subjects which are generally taught in English public schools. The wise aim of those who founded the system was to obtain as large a field of choice as possible, and at the same time to secure that the candidates, up to the time of their being chosen, should have received the common education of English gentlemen. This was not in itself enough. Special acquirements in language, law, and some other subjects were necessary before a Civil Servant could enter upon an appointment in India; but it was decided, when Haileybury was abolished, that these should be obtained after and not before the competition. During the first ten years of the new system, the selected candidates were sent to study law and languages at the Presidency towns. This plan was abandoned in 1864 for very conclusive reasons, and arrangements were made for enabling the selected candidates to complete their special studies in

England. The highest age at which a man could compete was fixed at 21, his Indian career was to commence at 23, and the intervening two years or more were to be spent in the special studies, in which his advancing proficiency was to be tested by four half-yearly examinations.

5. This is the system which prevails at present, and there is, as Your Excellency shows, a preponderating opinion both in weight and authority against its continuance. The arrangement is such as almost to preclude a candidate from receiving a University education. The age at which he must compete is so fixed that he cannot, according to ordinary arrangements, receive his University education either before or after the competition. The consequence is that, as a rule, the selected candidates spend their two years of preparation studying by themselves in lodgings in London. This is the feature of the existing system which has been generally condemned in India. The nature and extent of that prevalence of opinion is best described in the figures in which you have analysed the reports.

6. The opinions of officers who entered the Service from Haileybury and by competition are as follows:—

	Haileybury Men.	Competition Men.	Total.
For the present system ...	2	18	20
For association after competition...	24	51	75
Out of whom—			
(a) For the Universities ...	22	39	61
(b) For a special college ...	2	12	14

7. It is obvious that, if the theory upon which Lord Macaulay and others founded the competition is right, the exclusion of University education cannot be defended. If the object be to obtain Civil servants who have received the ordinary education of English gentlemen, it is not reasonable to omit the part of that education which is most peculiarly English, and which exerts the most powerful influence in the formation of character. But the absence of it in this case has evils of a special kind. The peculiarity of a civilian's career, during all its earlier years, is its isolation. As far as European society is concerned, there is scarcely any seclusion more complete than that of an up-country station to which a young civilian is usually appointed; and it is a seclusion which often lasts till he has reached to middle age. It is to him, therefore, more important than to the members of other professions that his education should not be solitary, but that, in the company of others of his own class, he should receive the invaluable training which consists in the knowledge of the thoughts and characters of other men. If he does not obtain it at that time, he has not the chance which is open to others of repairing the omission later. The older civilians received this training in common at Haileybury, and their unanimity in extolling it deserves to be carefully noted. Individuals may err in estimating the circumstances which have furthered or have hindered their success in life; but such an error can hardly be attributed to a whole class of able and experienced men.

8. The eulogies which the older civilians bestow upon the Haileybury education depends, no doubt, in some degree upon a feeling which the Universities may not be able so completely to satisfy. The close friendships formed there, which softened the rivalries of after life, and secured devoted instead of perfunctory co-operation in those who were, far apart, working together for the same cause, were an important advantage of that education. The Universities being many, and each containing many Colleges, will not necessarily bring the future civilians into

the same close daily contact. It is probable, however, that the candidates will be naturally thrown together without any formal arrangement for that purpose. A certain competition in Indian teaching will be set up in the Universities, special excellence will be attained in particular Colleges, and to them it will probably become the habit for Indian candidates to resort. The opportunity of forming close acquaintance with future colleagues, if not so constant as it was at Haileybury, will be far greater than that which the present system affords.

9. On these grounds, and in view of the strong preponderance of Indian opinions, Her Majesty's Government confidently agree with Your Excellency in the opinion that the candidates should be encouraged to receive a University education.

10. The detailed arrangements by which this result is to be effected have been the subject of some controversy. The Dean of Christ Church, carrying with him the opinion of the University of Oxford, and apparently that of Cambridge, is of opinion that the University education should be given after the competitive examination, and not before; and as it is admitted on all hands that a young civilian must not leave for India later than he does now, it will be necessary for this purpose to reduce the maximum age of competition to 19. The Master of Balliol, on the other hand, would wish the University education to precede the competition, and, therefore, would raise the limit of age to 22. Your Excellency is in favour of Dr. Jowett's scheme; while Indian opinion generally is divided upon the point. Your own view is followed by the Lieutenant-Governor of the Punjab. On the other hand, the Governors of Madras and Bombay and the Lieutenant-Governor of Bengal prefer the plan which has found favour with the two Universities. In Your Excellency's Council, Mr. Eden is in favour of raising the maximum limit of age, Sir W. Muir, Sir A. Arbuthnot, and Sir A. Clarke desire to lower it. Among those of the Service generally who have touched upon the subject the proportion is somewhat reversed,—33 being in favour of raising the age, 27 in favour of lowering it.

11. It is obvious that, on a question on which opinions are so divided, there is much to be said on both sides. After careful examination of the various opinions and arguments that have been recorded, Her Majesty's Government have come to the conclusion that the view recommended by the Universities is to be preferred.

12. The most cogent argument for taking this course is, that a University education cannot be ensured for the candidates by any other. Much has been said against the system of special training under which most of the selected candidates have been prepared. In itself, it is undoubtedly an incomplete and partial form of education; but such as it is, it is an inseparable accompaniment of selection by competition, especially when the competition is severe. The candidates can spare neither time nor energy for any other subjects of instruction than those which will tell upon the examination. Every hour spent upon irrelevant learning is an advantage gratuitously presented to a rival. Teachers, therefore, whose mode of instruction is exclusively designed to obtain success in the examination, and who recognize no other object of endeavour, must necessarily be preferred to those who have a larger aim. The University course, which must provide for other pupils besides the candidates in the Indian competition, can never be so perfect an instrument for gaining marks at that examination as the instruction of the special teachers. Candidates, therefore, before selection will not willingly resort to it. No such difficulty hinders a residence at the University after selection. The further examinations through which the candidates have to pass will not be competitive; the special subjects are such as can be studied there with peculiar advantage; and a powerful encouragement can be offered to a University residence, by restricting to those selected candidates who frequent the University the subsistence allowance given by the Government. It would obviously be impossible to offer any similar inducement to the whole mass of candidates previous to the competition.

13. A lower limit of age is recommended by another consideration of importance. Out of the number who present themselves for competition, it is certain that four-fifths must fail, because the candidates are usually more than five times

as many as the vacancies; and no prudent parent, in selecting a profession for his son will leave this certainty out of consideration. Some professions are absolutely closed, others are almost impossible, to a man who thinks for the first time of entering them at the age of 22. A man, therefore, who competes for the Indian Civil Service at that age, undoubtedly strives for a valuable prize, but does it at a formidable risk. He stakes, in a measure, his chance of self-support upon the result of a competition in which it is certain that four-fifths must fail. It is more than probable that such a risk must weigh strongly with parents, and diminish the field of competition, especially among the professional class. But no such apprehension will be possible if the limit of age is fixed at 19.

14. The minimum of age will remain at 17, as before.

15. The first competition at which the maximum limit of 19 will be enforced will be held in July 1878. This delay in bringing the new arrangement into operation is necessary in order that the requisite preparation may be made, and that those whose age will then exceed the required limit may present themselves at the previous competition.

16. The selected candidates will be required, as heretofore, to become probationers for at least two years, and to pass periodical examinations in special subjects of study to be prescribed to them. Attendance at Law Courts will still be required, and probationers will be examined in respect to that attendance; but I propose, in conformity with an opinion expressed by Your Excellency, and by many of those whose reports are before me, to introduce modifications into the arrangements which are now in force.

17. The probationers, having passed the necessary examinations, will be required to report themselves to their Government in India, not later than the close of the 4th December after their selection. This arrangement will make the age of 22 and a half the latest at which a young civilian can commence his Indian service. In most cases he is likely to commence it younger. An allowance of 150% will be given during each of the two years of their probation to all candidates selected in July 1878, or later, who pass their probation at some University (to be approved beforehand by the Secretary of State), at which moral responsibility for the conduct of the students is undertaken and rules of discipline are enforced.

18. These are the principal changes in the existing system which it appears to Her Majesty's Government expedient to sanction. Some alterations of subordinate importance in the studies pursued by the probationers may be desirable, but upon these it is not necessary that I should trouble you at present.

19. I desire that Your Excellency in Council will furnish the Governments of Madras and Bombay with a copy of this Despatch.

I have the honour to be,

MY LORD,

Your Lordship's most obedient, humble Servant,

(Signed) SALISBURY.

Minute by the Honourable Sir C. U. Aitchison, Lieutenant-Governor of the Punjab on the appointment of natives of India to offices ordinarily held by Members of the Civil Service, dated Simla, the 7th July 1884.

I have to consider the confidential letter of the Government of India, No. 19, dated the 30th April last, asking my opinion on certain points connected with the working of the Statutory Rules, and I have also received from Delhi, Umballa, Amritsar and Rawal Pindi memorials to the Secretary of State, adopted, at public meetings, praying in identical terms that the maximum limit of age for the open competition may be raised from 19 to 21 years.

2. These matters are intimately connected with each other. The letter and the memorials alike refer to the conditions which shall regulate the admission of natives of India to offices in India for which they are qualified. It was intended in 1854 that their qualifications should be tested by the open competition. That way for them to be admitted to the Civil Service has been practically blocked by the lowering of the limit of age. Meanwhile a new method of admission has been established by the Statutory Rules, and it is on the working of this new method that I am asked to advise. Obviously both methods, new and old, must be considered together.

3. On these and other grounds I do not think the questions put in the letter of the Government of India can be satisfactorily answered on the narrow basis to which, in the terms of that letter, the discussion is confined. The Government of India, without proposing to make any alteration in the Statutory Rules for the admission of natives of India to offices ordinarily reserved for the Covenanted Civil Service, invite an opinion generally upon the best mode of improving the working of the rules, and especially upon four suggestions made with the view of securing an ampler guarantee for educational fitness in the nominees, and perhaps providing for them some special training before final appointment.

4. Of the four suggestions the first is, in my opinion, the only one in favour of which, if the rules be retained as they are, there is anything to be said. It is practically the system of combined nomination and competition which I have recently adopted in the Punjab for direct appointment to the office of Extra Assistant Commissioner, and which, so far as it has yet been tried, has worked well. It has two advantages: (1) it tends to minimize the element of pure and simple patronage and the allotment of public appointments by personal favour; and (2) it secures at least a minimum of educational attainment on the part of the candidates. Under present circumstances it would be indispensable that a certain minimum standard of educational attainments should be prescribed, and that the examination should partake of the nature of both a pass and a competitive examination; that is to say, even the best of the candidates *inter se*, as tested by the examination, would not get an appointment unless his papers came up to the standard prescribed. If this system were adopted, and it is in my opinion much to be preferred to the present plan of nominating three candidates a year from whom the Government of India chooses one without further test, the appointments of Statutory Civilians in the Punjab would for the present be few.

5. The second suggestion that the Local Government and the Universities should nominate, either concurrently or alternately, a certain number of eligible candidates to compete for each appointment, is quite impracticable. It has already been tried in the Punjab in the case of Extra Assistant Commissioners. I offered concurrent nominations to the Senate of the Punjab University. But that body, after discussion seemed to consider it impossible for them to accept the responsibility, and they ended by passing a resolution that every graduate qualified under the Government rules should, by the mere fact of graduation, and, in the case of Bachelors of Arts, passing the final Examination in Law, be a University nominee a resolution which, of course, reduced the University nominations to a farce.

6. The two other suggestions in the letter of the Government of India are more particularly open to an objection which is common in some degree to all of them. The competitive system depends for the recruitment of the service upon the spontaneous supply of educated men produced by the good general education of the day in any part of the British Empire. Both of the remaining suggestions abandon the principles (1) that admission to the service by examination shall be open to all subjects of the Crown, and (2) that the examination shall be so conducted as to select the voluntary candidates who shall have best profited by the general education of the time. The idea on which the suggestions rest is to establish, side by side with the open system, a system of limited competition amongst a class restricted either by nomination or by Provincial residence, or both. It is then practically admitted that the men so obtained will be unfit for their positions; and it is proposed to make them fit, either for the service or for competition amongst themselves, by artificial arrangements, by sending them to England at the public expense, and supporting them with scholarships at English Universities. The Uncovenanted and

Judicial Services are to be the refuge of the failures, who cannot, after all this costly education out of public funds, be squeezed into the places reserved for the statutory civilians of the year. The Government can recruit on a reasonable principle from the whole Empire. It abandons this advantage to become the dispenser of eleemosynary patronage in the way of scholarships to those who succeed, and in the way of public appointments to those who fail at examinations for which it has interfered to train both successful and unsuccessful pupils.

7. When there is already an unlimited supply of men possessing all the requisite qualifications, and when there are no restrictions upon the freedom of acquiring the requisite qualifications, the employment of State funds to artificially furnish any one with the requisite qualifications, is to my mind, unjustifiable; and it is doubly unjustifiable to furnish them in the way of monopoly to a restricted class. It would, moreover, have a bad effect on the class itself, by discouraging self-effort and teaching them to lean on Government rather than exert themselves; and it would, in my opinion, be opposed to the spirit if not the letter of the law which pre-supposes proved merit and ability before nomination and as the ground and justification of the nomination, and does not, in my judgment, permit the selection of men confessedly unfit and the training of them on the chance of their turning out well.

8. In this respect, indeed, I think the whole body of the existing rules, as published in the Notification of 22nd August 1879, offends against the spirit, if not the letter, of the law. These rules afford no guarantee whatsoever that the nominees are men of proved merit and ability, such as the Statute requires. They seem to me also to offend in another and more important respect, inasmuch as they not only admit nominees to offices, places and employments formerly reserved exclusively by law for the Covenanted Civil Service, which is all that the Statute contemplated, but they practically admit them to the Civil Service itself, and subsequent orders actually grade them in the list of the Civil Service, with all the ordinary claims to advancement in ordinary routine. In their express provisions I believe the present rules violate the law, and in their general scope go beyond the law. I am not surprised at the outcry which has been raised against them, and the sooner they are thoroughly revised the better, in my opinion, for the interests of the country. It is not pleasant to contemplate the dilemma in which Government will most assuredly be placed a few years hence, when, in ordinary course, it has to face the question of the promotion of the Statutory Civilians to the higher and responsible offices in the Administration, and when it will be called upon, as I am confident it will be in many cases, either to promote unfit men or to assign reasons for not satisfying expectations created by the rules and encouraged for years.

9. Such being my opinion of the rules in themselves, it seems hardly necessary that I should say anything on the suggestion, at the close of the Government letter, to reserve a certain proportion, say one-sixth or one-tenth, of the Statutory appointments in each year for those who have done good work in the Uncovenanted Service. I am opposed to the reservation of any proportion of appointments, whether of Civil Service appointments for Statutory Civilians, or of Statutory appointments for members of the Uncovenanted Service, or any other class. Both arrangements alike seem to me opposed to the spirit of the law. What I understand the law to authorize, or to have intended to authorize, is the appointment to particular offices—not to a service or to a class of appointments, or to a proportion of all appointments—of individual Natives who have proved their merit and ability. Good work in the Uncovenanted Service is certainly a better way of proving merit and ability than any provided by the rules, and I should rejoice to see exceptionally good men of the Uncovenanted Service promoted to particular covenanted offices for which they had shown exceptional qualification. For this I have earnestly contended in connection with the Punjab Re-organization Scheme, and in this respect the draft rules circulated with the Government of India letter No. 64—3616, dated 3rd December 1873, though in many respects susceptible of improvement, were in my opinion far preferable to those adopted in 1879.

10. What we have really to do is to see that Natives are not excluded from offices for which they are specially fitted, merely by reason of their not belonging to the Covenanted Civil Service. In doing so, what we have to guard against is opening a side door for the admission of any person whose merit and ability have not been thoroughly proved to offices for which very high qualifications are required, and for which the law has provided very stringent tests—tests which it is open to any subject of Her Majesty, whether a native of India or not, to satisfy if he can. It is quite certain that those who in 1854 threw the whole Civil Service open to competition among Her Majesty's subjects without distinction of race or creed or colour would have firmly set their face against the present system of nomination. They considered that admission to the service by the door that is open to all is alike the best for the country and the most honourable to the candidate, whether European or Native. "It seems to me," said Macaulay in his speech on the India Bill,* "that this plan provides the best means that can be imagined for effecting an object upon which much has been said, and which I admit to be desirable—the gradual admission of Natives to share in

the higher offices of Government. Legally, they are now admissible; practically none have been admitted. * * * * * Under the proposed system, it would depend on the Natives themselves, and upon them alone, at what time they should enter into the Civil Service. As soon as any young Native of distinguished parts should, by the cultivation of English literature, have enabled himself to be victorious over European candidates, he would in the most honourable manner, by conquest, as a matter of right and not as a mere eleemosynary donation, obtain access to the service. It would then be utterly impossible for his European fellows to look down upon him; he would enter the service in the best and most honourable way; and I believe that in this mode, and in this mode alone, can the object which so many friends of the Native population have in view be attained in a manner at all satisfactory." These views appear to me most wise and statesmanlike, and I am glad to observe among the higher educated Natives the feeling arising that the statutory system is a reflection on themselves and their fellow-countrymen, and a disposition on their part to refuse as a gift or charity what, if the system of 1854 were reverted to, they would be able to acquire for themselves as a right.

11. I for one have never ceased to regret the reduction of the age for competition for the Civil Service. The more we have departed from the principles laid down in Macaulay's Report of 1854, the more we have created difficulties for ourselves. The object aimed at by the Parliament of the day was to secure for the Indian Civil Service men who had received "the best, the most liberal, the most finished education," and then to train them specially in those branches of knowledge which it is essential an Indian civilian should possess. "Such an education," the Report of 1854* went on to say, "has been proved by experience to be the best preparation for every calling which requires the exercise of the higher powers of the mind: nor will it be easy to show that such preparation is less desirable in the case of a civil servant of the East India Company than in the case of a professional man who remains in England. Indeed, in the case of the civil servant of the Company a good general education is even more desirable. * * * * * The reduction of the age was not a mere alteration of detail; it was an essential change of principle. Instead of giving to India men who have received a finished education, it gives half-educated schoolboys specially trained for an Indian career, while it has practically closed the door to the admission of natives of India by competition and opened the side door of charity, and nomination, and patronage with the attendant embarrassments.

12. I cannot enter here upon all the reasons for reverting to the former system, but I will notice the chief arguments adduced for the present maximum limit of 19 years. These are stated in paragraphs 12 and 13 of the Secretary of State's despatch No. 19, dated 24th February 1876 (page 523 of the Blue Book of 1876). The age it appears, has been lowered that the men may be sent to a University, and because (so it is said) a University education cannot be ensured for the candidates by any other course. Whether or not it is desirable that all the candidates should receive a University education is a point on which opinions may well differ; but in the argument as stated there is a confusion of ideas. University education is one thing; University residence another. The benefit of University education is its breadth. The boys of 17 or 18 or 19 now recruited do not get the benefit of a University education because they reside at Oxford or Cambridge for two years while prosecuting their special studies. There is not magic enough even in these venerable abodes of Western learning to evolve culture out of Indian Law Books and the Urdu alphabet. If the young man has not been generally educated before he passes the open competition, he never will be. Obviously the general education which it is the function of the University to bestow should come first. The limit of age has been lowered in order that the general and special education may be mixed up together. The University education which is sought is not only not attained, but made impossible; for all are too young to have gone through it. All that is attained is University residence for youths who have been compelled to break off their general education just at the time when its effect on the mind is of most consequence.

13. The second argument is that four-fifths of the competitors will fail; that many professions are almost or quite closed to men of 22; and that the risk thus run of failure for all professions will deter parents from selecting the Civil Service for their sons, the field of competition being thus diminished. In the interests of India, I think this argument is quite indefensible. Manifestly it is our duty to the people of India to get the best men we can. It seems to me chimerical to suppose that the dread of failure will limit the number of really eligible candidates. That cause will operate in an inverse ratio to the capacity of the men. In recruiting the Indian Civil Service, we have no right to deliberately adopt a system which may not bring the best recruits to India, simply because the best system might throw sons on the hands of parents at an awkward age, and leave young men who had failed in the competition at a loss for an opening in life. The interests of Indian administration should not in any degree be sacrificed to the interests of unsuccessful youths

* Hansard, June 24th 1883, pages 757—8.

Native. "It seems to me," said Macaulay in

his speech on the India Bill,* "that this plan provides the best means that can be imagined for effecting an object upon which much has been said, and which I admit to be desirable—the gradual admission of Natives to share in

* Report dated November 1854 from the Committee requested to consider the subject of the examination of candidates for the Civil Service of the East India Company. (Blue Book of 1876, Appendix A.)

and their parents. The interest which we have to guard are, in my opinion, sacrificed so long as the limit of age is 19. For obvious reasons the lower the limit, the narrower is the field of selection. If the maximum limit is fixed at 23, as it was at first,* the men who will enter the service will be men who have completed their general education; and amongst them I should expect to find many of those University men who stand next after the winners of the open fellowships.

• Limits of age.

1. Halleybury	...	...	17 to 21
2. 1854 to 1859	...	...	18 to 23
3. 1859 to 1866	...	...	18 to 22
4. 1866 to 1876	...	...	17 to 21
5. 1876 to date	...	...	17 to 19

14. For these and various other reasons (many of them connected with the changes which have taken place in the educational arrangements of the United Kingdom since 1854) I sincerely believe the departure from Macaulay's system to have been a serious mistake, full of practical evil consequences, and very unjust to the people of India. I entirely sympathise with the present agitation among the Natives to raise the age. I think they are right in rejecting the statutory system and resenting it as an unjust imputation upon their capacity and intellectual ability, and in demanding that the conditions of competition shall be so framed as to make it possible for them to enter the competition on a fair footing as regards their European fellow-subjects, and to win by their own exertions an honourable position in the Civil Service. I therefore cordially support the prayer of the petitions submitted, though I would rather have the maximum limit of age fixed at 23 than at 21; for I believe that the nearer we can return to the position of 1854 the better will it be for the country, the more just to the people, and the less need will there be to have recourse to the Statutory arrangements, which, if defensible at all, are only defensible as a very temporary means of admitting natives of India to appointments now practically closed to them by the present rules for the open competition.

REGULATIONS FOR THE OPEN COMPETITION OF AUGUST 1912.

An open Competitive Examination for admission to the Civil Service of India will be held in London, under the subjoined Regulations, commencing on the 1st August, 1912.

The number of persons to be selected at this examination will be announced hereafter.

No person will be admitted to compete from whom the Secretary, Civil Service Commission, has not received on or before the 1st June 1912, an application on the prescribed form, a copy of which is sent herewith. No question as to the delay or loss in the post of any such Application Form can be entertained. Candidates, who delay their applications until the last days, will do so at their own risk.

Acknowledgments of such Application Forms are sent, and any Candidate who has filled up and returned the printed Application Form but has not received an acknowledgment of it within four complete days should at once write to the Secretary, Civil Service Commission, Burlington Gardens, London, W. Failure to comply with this provision will deprive the Candidate of any claim to consideration.

The Order for admission to the Examination will be posted on the 20th July, 1912, to the address given on the Form of Application. It will contain instructions as to the time and place at which Candidates will be required to attend and as to the manner in which the fee (£6) is to be paid.

Civil Service Commission,

October, 1911.

REGULATIONS.

. The following Regulations, made by the Secretary of State for India in Council, are liable to alteration from year to year.

1. An examination for admission to the Civil Service of India, open to all qualified persons, will be held in London in August of each year for such number of appointments to that Service as the Secretary of State may on each occasion determine. The date of the Examination and the number of appointments to be made for each Province will be announced beforehand by the Civil Service Commissioners.

2. No person will be deemed qualified who shall not satisfy the Civil Service Commissioners:—

(i) That he is a natural born subject of His Majesty.

(ii) That he had attained the age of twenty-two, and had not attained the age of twenty-four on the first day of August of the year in which the Examination is held.

[N.B.—In the case of Natives of India it will be necessary for a Candidate to obtain a certificate of age and nationality issued under Notification of the Government of India, No. 2252, dated 21st August, 1888, as amended by Notification No. 404, dated 19th May, 1898, and signed, should he be a resident in British India, by the Secretary to Government of the Province, or the Commissioner of the Division within which his family resides, or should he reside in a Native State, by the highest Political Officer accredited to the State in which his family resides.]

(iii) That he has no disease, constitutional affection, or bodily infirmity, unfitting him, or likely to unfit him, for the Civil Service of India.*

(iv) That he is of good moral character.

3. Should the evidence upon the above points be *prima facie* satisfactory to the Civil Service Commissioners, the Candidate, on payment of the prescribed fee, will be admitted to the Examination. The Commissioners may, however, in their discretion, at any time prior to the grant of the Certificate of Qualification hereinafter referred to, institute such further inquiries as they may deem necessary; and if the result of such inquiries in the case of any Candidate should be unsatisfactory to them in any of the above respects he will be ineligible for admission to the Civil Service of India, and, if already selected, will be removed from the position of a Probationer.

* The Civil Service Commissioners will regard no person as constitutionally fitted for appointment to the Civil Service of India who has not been satisfactorily vaccinated within the last seven years.

4. The Open Competitive Examination will take place only in the following 38 subjects (a) :—

	Marks.
1. English Composition	500
2. Sanskrit Language and Literature	800
3. Arabic Language and Literature	800
Greek, not less than two sub-divisions, of which one must be Translation :—	
4. Translation	400
5. Prose Composition	200
6. Verse Composition	200
7. Literature, etc.	300
Latin, not less than two sub-divisions, of which one must be Translation :—	
8. Translation	400
9. Prose Composition	200
10. Verse Composition	200
11. Literature, etc.	300
12. English Language and Literature	600
13. Italian, Translation, Composition and Conversation	400
14. Italian, History of the Language and Literature	200
15. French, Translation, Composition and Conversation	400
16. French, History of the Language and Literature	200
17. German, Translation, Composition and Conversation	400
18. German, History of the Language and Literature	200
The History of these Languages and their Literatures can only be taken by candidates who also offer themselves for the rest of the examination in those languages.	
19. Lower Mathematics	1,200
20. Higher Mathematics	1,200
Natural Science, i.e., any number not exceeding four of the following, or three if both Lower and Higher Mathematics be also taken :—	
21. Chemistry	600
22. Physics	600
23. Geology	600
24. Botany	600
25. Zoology	600
26. Animal Physiology	600
27. Geography	600
28. Greek History (Ancient, including Constitution)	500
29. Roman History (Ancient, including Constitution)	500
English History, either or both sections may be taken :—	
30. Section I, to A.D. 1485	400
31. Section II, A.D. 1485 to 1848	400
32. General Modern History	500
33. Logic and Psychology	600
34. Moral and Metaphysical Philosophy	600
35. Political Economy and Economic History	600
36. Political Science	500
37. Roman Law	500
38. English Law	500

From the marks assigned to Candidates in each subject such deduction will be made as the Civil Service Commissioners may deem necessary in order to secure that no credit be allowed for merely superficial knowledge.

Consistently with the limitations specified above Candidates are at liberty to name any of the foregoing subjects, provided that the maximum number of marks that can be obtained from the subjects chosen is limited to 6,000. If this maximum is exceeded by a Candidate's selection he will be required to indicate one of his subjects, the marks for which should, in his case, be reduced so as to bring his maximum marks within the prescribed limit. The marks so reduced will be subject to a correspondingly reduced deduction.

Moreover, if a Candidate's handwriting is not easily legible a further deduction will, on that account, be made from the total marks otherwise accruing to him.*

5. A list of the competitors shall be made out in order of their proficiency disclosed by the aggregate marks finally awarded to each competitor, and in that order so many competitors, up to the determined number of appointments, as are found by the

(a) A Syllabus, defining the character of the Examination in the various subjects, may be obtained on application to the Secretary, Civil Service Commission, London, W.

* It is notified for general information that the number of marks deducted for bad handwriting may be considerable.

Civil Service Commissioners to be qualified by examination, shall be designated to be Selected Candidates for the Civil Service of India, provided that they appear to be duly qualified in other respects. Should any Selected Candidate become disqualified, the Secretary of State for India will determine whether the vacancy thus created shall be filled or not. In the former case the Candidate next in order of merit, and in other respects duly qualified, shall be deemed to be a Selected Candidate.

6. Selected Candidates, before proceeding to India, will be on probation for one year, at the end of which time they will be examined, with a view of testing their progress in the following subjects (b) :—

	Marks.
Compulsory —	
1. Indian Penal Code	400
2. Code of Criminal Procedure	200
3. The Indian Evidence Act	200
4. Indian History	400
* 5. The principal Vernacular Language of the Province to which the Candidate is assigned	400
Optional. [Not more than one of the following subjects.]	
1. Hindu and Mohamadan Law	450
† 2. Sanskrit	400
† 3. Arabic	400
4. Persian	400
5. Hindustani (for Candidates assigned to the Province of Burma only)	400

* The principal vernacular language prescribed for each Province to which candidates are assigned is as follows :—

For the United Provinces of Agra and Oudh, the Punjab, or the Central Provinces—Hindustani.

For Bengal or Assam—Bengali (unless it is the candidate's mother tongue.)

For Bihar and Orissa—Hindustani.

For Burma—Burmese.

For Bombay—Marathi (unless it is the candidate's mother tongue.)

For Madras—Tamil or Telugu (at the option of the candidate.)

In Hindustani the candidate will be required to be acquainted with both the Persian and the Nagari character.

A candidate assigned to Bengal or Assam, whose mother tongue is Bengali, must offer for examination Hindustani; a candidate assigned to Bombay, whose mother tongue is Marathi, must offer for examination Hindustani; and a candidate assigned to Madras, whose mother tongue is either of the languages shown against his Province, must offer the other for examination.

† These subjects may not be offered by any Candidate who has offered them at the Open Competition. In this Examination, as in the Open Competition, the merit of the Candidates examined will be estimated by marks (which will be subject to deductions in the same way as the marks assigned at the Open Competition), and the number set opposite to each subject denotes the greatest number of marks that can be obtained in respect of it. The Examination will be conducted on paper and *vis à voce*, as may be deemed necessary. This Examination will be held at the close of the year of probation, and will be called the "Final Examination."

If any Candidate is prevented by sickness or any other adequate cause from attending such examination, the Commissioners may, with the concurrence of the Secretary of State for India in Council, allow him to appear at the Final Examination to be held in the following year, or at a special examination.

7. The selected Candidates will also be tested during their probation as to their proficiency in Riding.

The examinations in riding will be held as follows :—

- (1) Shortly after the result of the Open Competitive Examination has been declared, or at such time or times as the Commissioners may appoint during the course of the probationary year.
- (2) Again, at the time of the Final Examination. Candidates who may then fully satisfy the Commissioners of their ability to ride well and to perform journeys on horseback will be awarded from 100 to 200 marks, according to the degree of proficiency displayed, to be added to their marks in the Final Examination. Candidates who fail to obtain 100 marks, but are reported by the Civil Service Commissioners to have reached a minimum standard of proficiency in riding, and are certified by the said Commissioners to be entitled to be appointed to the Civil Service of India, will, on their arrival in India, be subjected to such further tests in riding as may be prescribed by their Government, and shall receive no increase to their initial salary until they have passed such tests to the satisfaction of that Government.

(b) Instructions, showing the extent of the examination, will be issued to Selected Candidates, as soon as possible after the result of the Open Competition is declared.

A candidate who fails at the end of the year of probation to satisfy the Civil Service Commissioners that he has reached the minimum standard of proficiency in riding, will be liable to have his name removed from the list of Selected Candidates.

8. The Selected Candidates who, on examination, shall be found to have a competent knowledge of the subjects specified in Regulation 6, and who shall have satisfied the Civil Service Commissioners of their eligibility in respect of nationality, age, health, character, conduct during the period of probation, and ability to ride, shall be certified by the said Commissioners to be entitled to be appointed to the Civil Service of India provided they shall comply with the regulations in force, at the time, for that Service.

9. Persons desirous to be admitted as Candidates must apply on Forms, which may be obtained from "The Secretary to the Civil Service Commissioners, London," at any time after the 1st December, in the year previous to that in which the Examination is to be held. No person will be admitted to the Examination from whom the Secretary to the Civil Service Commissioners has not received on or before the 1st June (or, if that date should fall on a Sunday or public holiday, then, on or before the first day thereafter on which their office is open), in the year in which the Examination is to be held, an application, in the handwriting of the candidate, on the prescribed form.

The Civil Service Commissioners are authorized by the Secretary of State for India in Council to make the following announcements :—

(i) *Selected Candidates will be allotted to the various provinces upon a consideration of all the circumstances, including their own wishes; but the requirements of the Public Service will rank before every other consideration.*

(ii) *An allowance amounting to £150 will be given to any Candidate who passes his probation at one of the Universities or Colleges which have been approved by the Secretary of State, viz., the Universities of Oxford, Cambridge, Dublin, Glasgow, Edinburgh, St. Andrews, Aberdeen and London (University College or King's College); Victoria University, Manchester.*

This allowance will be paid to the selected Candidate in four instalments on the following dates respectively:—December 24th, after his selection, March 25th, June 24th, and the date of his signing his covenant on being finally appointed to the Service.

With the final instalment an allowance on account of passage to India will be paid to each newly appointed civilian to the amount of £37 10s. 0d. for passage to Calcutta, Madras or Bombay, and £43, for passage to Rangoon, the Officer then making his own arrangements for his passage.

The payment of each of the first three instalments will be conditional on the receipt by the Secretary of State, through the Civil Service Commissioners, of a Certificate that the Candidate has fulfilled up to date the requirements of the Authorities, and shown satisfactory conduct at the Authorized University or College; the fourth and final instalment will be paid as soon as the selected Candidate has signed his covenant, and for its payment no certificate from College Authorities will be required.

The whole probation must ordinarily be passed at the same Institution. Migration will not be permitted except for special reasons approved by the Secretary of State.

(iii) *Each Candidate will be required before receiving the first instalment of his allowance to execute an agreement binding himself and one surety, jointly and severally, to refund all monies he may have received from the Secretary of State for India in the event of—*

(1) *his failure to pass the Final Examination within the time prescribed by the Regulations, and to satisfy the Civil Service Commissioners of his fitness for admission to the Civil Service of India, or*

(2) *his subsequent failure to execute the usual covenant, and to proceed to India, as and when he shall be directed by the Secretary of State for India.*

(iv) *All Candidates obtaining Certificates will be also required to enter into covenants, by which, amongst other things, they will bind themselves to make such payments as under the rules and regulations for the time being in force, they may be required to make towards their own pensions or for the pensions of their families. The stamps payable on these covenants amount to £1.*

(v) *The seniority in the Civil Service of India of the Candidates obtaining Certificates will be determined according to the order in which they stand on the list resulting from the combined marks of the Open Competitive and Final Examinations.*

(vi) *Candidates obtaining Certificates will be required to report their arrival in India within such period after the grant of their Certificates of Qualifications as the Secretary of State may in each case direct.*

(vii) *Candidates who fail to satisfy the Civil Service Commissioners at the final Examination held in any year will be definitely rejected, and will not be allowed to*

present themselves for re-examination, unless it shall appear to the Secretary of State in Council, after reference to the Civil Service Commissioners, that such failure is due to circumstances wholly exceptional and beyond the control of the Candidate.

A Manual of Rules and Regulations applicable to members of the covenanted Civil Service of India has been compiled by permission of the Government of India, and may now be procured from the undermentioned Agents for the sale of Indian Official publications. Price 2s. 6d. LONDON.—E. Arnold, 41 and 43, Maddox Street, Bond Street, W.; A. Constable & Co., 10, Grange Street, Leicester Square, W.C.; P. S. King & Son, 2 W.; and 4, Great Smith Street, Westminster, S.W.; Kegan Paul, Trench, Trübner & Co., 43, Gerrard Street, Soho, W.; B. Quaritch, 11, Grafton Street, New Bond Street, W.; Henry S. King & Co., 65, Cornhill, E.C.; Grindlay & Co., 54, Parliament Street, S.W.; T. Fisher Unwin, 1, Adelphi Terrace, W.C.; W. Thacker & Co., 2, Creed Lane, Ludgate Hill, E.C.; Luzac & Co., 46, Great Russell Street, W.C. OXFORD.—B. H. Blackwell, 50 and 51, Broad Street. CAMBRIDGE.—Deighton, Bell & Co., Trinity Street. GERMANY.—Friedländer & Sohn, 11, Carlstrasse, Berlin, N.W., 6; Otto Harrassowitz, Leipzig; Karl W. Hiersemann, 29, Königstrasse, Leipzig; Rudolph Haupt, Leipzig. FRANCE.—Ernest Leroux, Rue Bonaparte, Paris. HOLLAND.—Martinus Nijhoff, The Hague.

The Commissioners have been requested by the Secretary of State for India to draw the attention of Selected Candidates to the prefatory note attached to this manual, as it is considered important that it should be clearly understood that this compilation is not to be regarded in any other light than that of a collection, made for facility of reference, of certain information and rules, that it is by no means exhaustive, and that it is liable to such modifications as may from time to time be sanctioned by competent authority.

Syllabus of any Open Competitive Examination for the Civil Service of India, Clerkships (Class I) in the Home Civil Service, and Eastern Cadetships in the Colonial Service that may be held in the year 1912, and of any other competition that may be held in combination therewith.

In view of the importance of legible handwriting in the public service, Candidates are warned that the provision as to deductions for bad handwriting in these competitions will be strictly enforced.

Candidates are warned that full marks cannot be obtained on any paper unless the whole of it is answered, or, in cases where the number of questions to be answered is specified, unless the full number specified is answered.

English Composition.—An Essay to be written on one of several specified subjects.

Sanskrit Language and Literature.—Translation from Sanskrit (Vedic and Classical) into English, and from English into Classical Sanskrit; History of Sanskrit Literature (Vedic and Classical), including a knowledge of such Indian History as bears upon the subject; critical questions on the Sanskrit Language (Vedic and Classical).

Candidates are expected to make a special study of the Seventh Mandala of the Rigveda, but other Vedic hymns may also be set in the Examination.

Arabic Language and Literature.—Translation from Arabic into English, and from English into Arabic; original composition in Arabic; History of Arabic Literature, including a knowledge of such Arabian History as bears upon the subject; Arabic Grammar; Arabic Prosody.

Greek Literature.—Critical questions on the Greek Language (including questions on Philology) and Literature.

Latin Literature.—Critical questions on the Latin Language (including questions on Philology) and Literature.

English Language and Literature.—The Examination will be in two parts. In the one Candidates will be expected to show a general acquaintance with the course of English Literature, as represented in the chief writers in verse and prose, between the reign of Edward III and the death of Queen Victoria.

A minute and detailed knowledge will not be looked for in this part of the Examination. But its aim will be to test how far the Candidates have studied at first hand the chief productions of the greatest English writers, and are acquainted with the leading characteristics of their thought and style, and with the place which each of them occupies in the history of English Literature.

The other part of the Examination will relate to one of the following periods, which will follow each other year by year in rotation.

Period I: 1360 to 1600, Chaucer to Spenser.

Period II: 1600 to 1660, The later Elizabethans.

Period III: 1660 to 1744, The age of Dryden and Pope.

Period IV: 1744 to 1800, From the death of Pope to Cowper.

Period V: 1800 to 1832, Nineteenth Century writers to the death of Scott.

Period VI: 1832 to 1892, From the death of Scott to the death of Tennyson.

The Examination in this part will require from the Candidates a more minute acquaintance with the history of the English Language and Literature, as illustrated in the chief works produced in each period, and will be based to a considerable extent, but by no means exclusively, on certain books specified each year by the Commissioners. The names and other indications placed beside the dates are intended to suggest the general character of the literary development of the period, and, consequently, the natural limits of the Examination. All the works of Shakespeare and Milton, for example, will be regarded as falling within the period 1600 to 1660; all the works of Wordsworth and Coleridge within the period 1800 to 1832; all the works of Carlyle, Landor and Macaulay within the period 1832 to 1892.

For the year 1912, Period I (1360-1600) is prescribed, and the following are the specified books:—

Chaucer:—Knight's Tale; Minor Poems (pages 79 to 126 of Skeat's one volume edition of Chaucer's works).

Pierce the Plowman's Crede.

Tottel's Miscellany.

Spenser:—Shepherd's Calendar, Mother Hubbard's Tale; Colin Clout's Come Home Again; Fowre Hymns.

Lyly:—Endymion; Alexander and Campaspe.

Greene:—Friar Bacon and Friar Bungay.

Kyd:—The Spanish Tragedy.

Marlowe:—Dr. Faustus; Hero and Leander.

Sidney:—Astrophel and Stella; Apologie for Poetry.

More:—Utopia; Life of Richard III.

Ascham:—The Scholemaster.

Hooker:—Ecclesiastical Polity, Book I.

Italian, History of the Language and Literature.—Passages for translation may be set and questions asked, demanding a knowledge of the language in its early stages; but it will not be obligatory upon candidates to master in detail the old forms in use before the time of Dante. Candidates will not be required to write their answers in Italian.

French, History of the Language and Literature.—Passages for translation may be set and questions asked, demanding a knowledge of the language in its early stages; but it will not be obligatory upon candidates to master in detail the old forms in use before 1500. Candidates will not be required to write their answers in French.

German, History of the Language and Literature.—Passages for translation may be set, and questions asked, demanding a knowledge of the language in its early stages; but it will not be obligatory upon candidates to master in detail the old forms in use before 1500. Candidates will not be required to write their answers in German.

Lower Mathematics.—Plane Geometry including conic sections; Solid Geometry including the method of orthogonal projection; Algebra and Plane Trigonometry; Elementary Plane Co-ordinate Geometry; Elementary Mechanics of solids and fluids; Geometrical Optics; Elements of Differential and Integral Calculus with simple illustrations from other branches of the subject. The questions may involve the use of drawing instruments. The use of the slide rule is allowed.

Higher Mathematics.—Higher Algebra (including Theory of Equations), Plane and Spherical Trigonometry, Differential Calculus, Integral Calculus, Differential Equations, Analytical Geometry (Plane and Solid). Statics including Attractions, Dynamics of a Particle, Rigid Dynamics, Hydrodynamics, the Mathematical Theory of Electricity and Magnetism. The questions may involve the use of drawing instruments. The use of the slide rule is allowed.

Chemistry, Physics, Geology, Botany, Zoology, Animal Physiology.—Candidates are warned that the practical Examinations carry a large proportion of the marks.

Geography.—The history of geographical ideas and methods.

The construction and use of the more familiar map-projections. A general knowledge of the methods of exploratory surveying.

The characteristics and cartographical analysis of the physical regions of the world. The configuration of the continents and of the bed of the ocean. The characteristics and distribution of typical land-forms. The circulation of air and water. The climatic characteristics of different parts of the earth. The distribution of plant and animal associations.

The classification and distribution of the races of mankind. Past and present lines of communication. The influence of geographical environment (physical features and other natural conditions) upon the habits, arts, industries, social organisation, and, generally, the political and economical development of the more important existing peoples.

Greek History.—Questions (a) on the General and (b) on the Constitutional History of Greece to the death of Alexander. Candidates will be expected to show a knowledge of the original authorities. They must also be prepared to answer questions on historical geography, and to draw sketch maps.

Roman History.—Questions (a) on the General and (b) on the Constitutional History of Rome to the death of Trajan. Candidates will be expected to show a knowledge of the original authorities. They must also be prepared to answer questions on historical geography, and to draw sketch maps.

English History.—The subject will include (a) the Political History of Great Britain, Ireland and the Colonies, (b) the Constitutional History of the United Kingdom. Candidates should be acquainted with the following authorities:—

Period I, to 1485: Stubbs, Select Charters [Clarendon Press].

Period II, 1485 to 1848: Prothero, Statutes and Constitutional Documents [Clarendon Press]; Gardiner, Documents of the Puritan Revolution [Clarendon Press].

In each period the number of marks assigned to the question or questions dealing with the text of the prescribed books will be about one-sixth of that assigned to the whole period. Candidates must be prepared to answer questions on historical geography, and to draw sketch maps.

General Modern History.—Candidates may, at their choice, be examined in any one of the following periods. Periods III, IV and V will include Indian History. Candidates are warned that high marks will not be awarded in this subject unless the text of the prescribed books has been carefully studied by them. Candidates must be prepared to answer questions on historical geography, and to draw sketch maps.

I. From the accession of Charlemagne to the Third Crusade. [A.D. 800 to A.D. 1193.]

II. From the Third Crusade to the Diet of Worms. [A.D. 1193 to A.D. 1521.]

III. From the Diet of Worms to the death of Louis XIV. [A.D. 1521 to A.D. 1715.]

IV. From the accession of Louis XV to the French Revolution of 1848. [A.D. 1715 to A.D. 1848.]

V. From the Peace of Paris to the Treaty of Berlin. [A.D. 1763 to A.D. 1878.]

Candidates should be acquainted with the following authorities:—

Period I. 800—1193.

Einhard, Vita Caroli Magni, from 800 A.D. Editions:—(1) Pertz, (2) Scriptores Rerum Germanicarum.

Lambert of Hersfeld, Annales. Editions:—(1) Pertz, (2) Scriptores Rerum Germanicarum.

Suger, Vita Ludovici VI. Editions:—(1) Migne, (2) Société de l'Histoire de France, 1868.

Otto of Freising, De gestis Friderici I. Edition:—Pertz. The continuators are included.

Period II. 1193—1521.

Joinville, St. Louis. Editions:—(1) Petitot, (2) Michaud et Poujoulat, (3) Buchon, (4) Société de l'Histoire de France, 1868.

Philippe de Comines, Mémoires. Editions:—(1) Petitot, (2) Michaud et Poujoulat, (3) Buchon, (4) de Mandrot [Picard, Paris, 1901—3].

Machiavelli, The Prince. English translation by Thomson, published by the Clarendon Press.

Period III. 1521—1715.

Sully, Mémoires, up to the Treaty of Vervins. Editions:—(1) Petitot, (2) Michaud et Poujoulat.

Torcy, Mémoires. Editions:—(1) Petitot, (2) Michaud et Poujoulat.

Period IV. 1715—1848.

Frederick II, Histoire de mon Temps, and La Guerre de Sept Ans. Editions:—(1) Boutaric, (2) Œuvres de Frédéric II, published by Decker, Berlin, 1846.

Malmesbury (First Earl of), Diaries and Correspondence; London, Bentley, 1844: Vol. II, Mission to the Hague, pages 66—443; Vol. III, Mission to Lisle, pages 369—599.

Metternich. Aus Metternich's Nachgelassenen Papieren; Autorisirte Original-Ausgabe; Vienna, 1880. Or in English translation:—Memoirs of Prince Metternich; Richard Bentley and Son, London, 1880—1882. To be studied up to the year 1815.

Period V. 1763—1878.

Malmesbury, as for Period IV.

Metternich, as for Period IV.

Bianchi; La Politique du Comte Camille de Cavour, 1852—1861 (Turin, 1885).

Bismarck. Gedanken und Erinnerungen von Bismarck (Edited by H. Kohl, Stuttgart, 1898). Or in English translation:—Bismarck, the Man and the Statesman; Reflections and Reminiscences, etc.; translated under supervision of A. J. Butler; Smith and Elder, London, 1898. To be studied up to the year 1878.

Logic and Psychology.—The history of the subject will be included.

Moral and Metaphysical Philosophy.—The history of the subject will be included.

Political Economy and Economic History.—Candidates will be expected to possess a knowledge of economic theory; of the existing economic conditions; of statistical methods; and of the history of industry, land tenure, and economic legislation in the United Kingdom.

Political Science.—The Examination will not be confined to Analytical Jurisprudence, Early Institutions, and Theory of Legislation, but may embrace Comparative Politics, the History of Political Theories, etc. Candidates will be expected to show a knowledge of original authorities.

English Law.—Law of Contract; Law of Evidence; Law of the Constitutions; Criminal Law; Law of Torts.

The following applies only to candidates for Clerkships on the Establishment of the Foreign Office, for Attachéships in the Diplomatic Service, and for Student Interpreterships in China, Japan and Siam.

Spanish, History of the Language and Literature.—Passages for translation may be set, and questions asked, demanding a knowledge of the language in its early stages; but it will not be obligatory upon candidates to master in detail the old forms in use before 1500. Candidates will not be required to write their answers in Spanish.

CIVIL SERVICE COMMISSION,

July, 1911.

FORM OF APPLICATION.

The Form of Application sent herewith does *not* apply to either the Home or the Colonial Service.

Intending Candidates for either or both of those services should write about Easter next to the Secretary, Civil Service Commission, London, W., for the prescribed forms of application.

CIVIL SERVICE COMMISSION,

October 1911.

CIVIL SERVICE OF INDIA.

OPEN COMPETITION OF 1912.

FORM TO BE FILLED UP BY CANDIDATES FOR EXAMINATION.

****The order for admission to the Examination will not be issued unless this Form, filled up by the Candidate himself, is received by the Secretary of the Civil Service Commission on or before the 1st June, 1912.**

SIR,

I beg to inform you that I wish to be admitted to the Open Competitive Examination for the Civil Service of India, which is appointed to commence in London on the 1st of August, 1912.

Candidates not born within the British Dominions should state this fact in a separate letter.

I am a natural born subject of His Majesty.

I hereby declare that I was born on the _____ day of _____, 18____, and that therefore I shall have attained the age of 22 years and shall not have attained the age of 23 years on the 1st of August, 1912; I also declare that I have no disease, constitutional affection, or bodily infirmity unfitting me, or likely to unfit me, for the Civil Service of India; and that I am of good moral character, and otherwise eligible under the Regulations; and I undertake that if I am successful, I will conform, during my period of probation, to such rules respecting the conduct of Public Servants as have been laid down, or may hereafter be laid down, by the Secretary of State for India in Council.

Candidates who are not Native of India should strike out this paragraph.

I send herewith a Certificate of age and nationality issued in accordance with the rule respecting Natives of India printed in paragraph III on the next page.

* If you have never been examined, insert here the word "never."
† If you have been examined, give the date, etc., of the last occasion.

I beg to inform you that I was* _____ examined before the Civil Service Commissioners in the month of _____ in the year 1____, as a Candidate for the situation of _____.

I am, SIR,

Your obedient Servant,

Name in full _____

‡ If a London address, state the postal district; if a country address, state the post town.

Address to which it is desired that the Order for

Examination should be sent† _____

Date _____

The Secretary,
Civil Service Commission.

Certificates of age (except as mentioned above), health, and character should not be supplied until after the result of the Examination is known.

N.B.—Attention is drawn to the annexed Form, which must be filled up by every Candidate.

If an Open Competitive Examination for Clerkships (Class I) in the Home Civil Service should be appointed to be held in August 1912, I request that a prescribed Form of Application* may be forwarded to me when ready for issue.

Signature _____

* This Form will be ready about Easter, 1912.

This Application Form relates only to the competition for the Civil Service of India, and does not entitle a Candidate to compete also for the Home or Colonial Service. Intending Candidates for either or both of these services must obtain the proper form or forms of application and forward them so as to reach the Secretary, Civil Service Commission, on or before June 1st. See next page.

If an Open Competitive Examination for Eastern Cadetships should be appointed to be held in August, 1912, I request that a prescribed Form of Application* may be forwarded to me when ready for issue.

Signature _____

* This Form will be ready about Easter, 1912.

EVIDENCE OF AGE TO BE REQUIRED FROM CANDIDATES FOR THE CIVIL SERVICE OF INDIA.

I. Every Candidate born in the United Kingdom should be prepared to produce, when required, a Certificate from the Registrar-General of Births, Marriages, and Deaths, or from one of his provincial Officers. This Certificate may be obtained from the Registrar-General in London, Dublin, or Edinburgh, or from the Superintendent Registrar of the District in which the birth took place.

II. A Candidate born of European parents in India should be prepared to produce, when required, a Certificate of Baptism from the district in which he was baptised. If this does not also mention the date of birth it should be accompanied by a statutory declaration by one of the Candidate's parents, stating the date and place of birth. When such certificates are not in the possession of the Candidates an Extract from the Registers kept at the India Office will probably be obtainable.

III. A Candidate who is a Native of India must, on or before the 1st June 1912 produce a certificate of age and nationality issued under Notification of the Government of India, No. 2252, dated 21st August, 1888, as amended by Notification No. 404, dated 19th May, 1898, and signed, should he be a resident in British India, by the Secretary to Government of the Province, or the Commissioner of the Division within which his family resides: or, should he reside in a Native State by the highest Political Officer accredited to the State in which his family resides. No other Certificates will be accepted for this Competition.

To be filled up by the Candidate himself, and returned with the Form of Application.

CIVIL SERVICE OF INDIA. OPEN COMPETITION OF 1912.

SELECTION FORM.

* Place your Initials against the Subjects which you select; if your selections exceed 6,000 marks indicate the Subject which is to be reduced; and sign your name in the place indicated on the next page.

INITIALS.		MAXIMUM MARKS.
	1. English Composition	500
	2. Sanskrit, Language and Literature	800
	3. Arabic, Language and Literature	800
	Greek, not less than two sub-divisions, of which one must be Translation:—	
	4. Translation	400
	5. Prose Composition	200
	6. Verse Composition	200
	7. Literature, etc.	300
	Latin, not less than two sub-divisions, of which one must be Translation:—	
	8. Translation	400
	9. Prose Composition	200
	10. Verse Composition	200
	11. Literature, etc.	300
	12. English, Language and Literature	600
	13. Italian, Translation, Composition and Conversation	400
	14. Italian, History of the Language and Literature	200
	15. French, Translation, Composition and Conversation	400
	16. French, History of the Language and Literature	200
	17. German, Translation, Composition and Conversation	400
	18. German, History of the Language and Literature	200
	The History of these Languages and their Literatures can only be taken by Candidates who also offer themselves for the rest of the examination in those languages.	
	19. Lower Mathematics	1,200
	20. Higher Mathematics	1,200
	Natural Science, i.e., any number not exceeding four of the following, or three if both Lower and Higher Mathematics be also taken:—	
	21. †Chemistry	600
	22. Physics	600
	23. Geology	600
	24. †Botany	600
	25. Zoology	600
	26. Animal Physiology	600
	27. Geography	600
	28. Greek History (Ancient, including Constitution)	500
	29. Roman History (Ancient, including Constitution)	500

INITIALS.	English History, either or both sections may be taken:—				MAXIMUM MARKS.
	30. Section I, to A. D. 1485 ...	...	...	...	400
	31. Section II, A. D. 1485 to 1848 ...	...	...	...	400
	32. General Modern History ...	...	...	...	500
	33. Logic and Psychology ...	...	...	...	600
	34. Moral and Metaphysical Philosophy ...	...	...	...	600
	35. Political Economy and Economic History ...	...	...	...	600
	36. Political Science ...	...	...	...	500
	37. Roman Law ...	...	...	...	500
	38. English Law ...	...	...	...	500

Signature _____

Date _____

To the Secretary,

Civil Service Commission,

London, W.

† For the Practical Examination in Chemistry, Candidates may bring any standard books on Analysis; and, for the Practical Examination in Botany, any standard Flora. All books brought must be submitted to the Presiding Examiner for his approval; no written notes of any kind will be allowed.

N.B.—Attention is drawn to the annexed Form, which must be filled up by every Candidate.

NOTE.

If Open Competitive Examinations for the following Services, viz:—

Eastern Cadetships in the Colonial Service;

Clerkships (Class I) in the Home Civil Service;

should be held in 1912 concurrently with the Open Competitive Examination for the Civil Service of India, candidates duly eligible in respect of age will be admitted to compete for any two or all three of these Services, subject to the following conditions:

(1) They must send to the Secretary, Civil Service Commission, within the time appointed, an application on the form prescribed for each of the respective services.*

(2) Every successful candidate who may have been admitted to compete for either the India or the Colonial Service (or both), as well as for the Home Service, will be called upon to declare, immediately after the announcement of the result of the competitions, whether he prefers his name to remain on the list of candidates for the India or Colonial Service or on the list of candidates for Clerkships in the Home Civil Service.

The name of any candidate who fails to declare his choice when called upon to do so will be removed from the list of candidates for Clerkships in the Home Civil Service.

(3) Every successful candidate who may have been admitted to compete for both the India and Colonial Services will be called upon to declare, immediately after the announcement of the result of the competitions, whether he prefers his name to remain on the list of candidates for the Civil Service of India or on the list of candidates for Eastern Cadetships in the Colonial Service.

The name of any candidate who fails to declare his choice when called upon to do so will be removed from the list of candidates for Eastern Cadetships.

(4) All declarations of choice are irrevocable.

(5) Candidates for all three or any two of the above-mentioned services will be required to pay a consolidated fee of £6.

Civil Service Commission,

October, 1911.

*Candidates who may desire to enter the competitions for the Home and Colonial Services should apply about Easter next to the Secretary, Civil Service Commission, London, W., for the prescribed forms of application. The forms must reach the Secretary on or before the 1st June.

London, 22nd June 1893.

Public,

No. 61.

To His Excellency The Most Honourable The Governor General of
India in Council.

MY LORD MARQUIS,

I transmit herewith to your Excellency copy of a Resolution passed by the House of Commons as to the holding of simultaneous examinations in England and India, for the Indian Civil Services; and I request that your Government will give a prompt and careful examination to the subject, and that you will inform me in what mode, in your opinion, and under what conditions and limitations this Resolution could be carried into effect.

2. I need scarcely add that in asking to be furnished with the opinion of your Government, it is not my desire to fetter in any way their discretion as to the observations they may think fit to make on the Resolution.

3. I will only point out that it is indispensable that an adequate number of the members of the Civil Service shall always be Europeans, and that no scheme would be admissible which does not fulfil that essential condition.

I have the honour to be,

MY LORD MARQUIS,

Your Lordship's most obedient, humble Servant,

KIMBERLEY.

ENCLOSURE.

Resolution of the House of Commons, 2nd June 1893.

Resolved—That all open competitive examination heretofore held in England alone for appointments to the Civil Services of India shall henceforth be held simultaneously both in India and England, such examination in both countries being identical in their nature, and all who compete being finally classified in one list according to merit.

No. 62 OF 1893.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

PUBLIC.

TO THE RIGHT HONOURABLE

THE EARL OF KIMBERLEY, K.G.,

Her Majesty's Secretary of State for India.

Simla, the 1st November 1893.

MY LORD,

WE have the honour to reply to Your Lordship's Public Despatch No. 61, dated the 22nd June 1893, on the subject of a Resolution passed by the House of Commons as to the holding of simultaneous examinations in India and in England for the Indian Civil Service. Your Lordship has requested us to enquire carefully into the subject, and to report in what mode and under what conditions and limitations the Resolution could be carried into effect.

2. We desire to say at the outset that we are in entire agreement with the principle involved in the Resolution, so far as it implies that natives of India should be employed as extensively as possible in our Civil Services consistently with efficient administration and the strength and stability of British rule. We have every sympathy with the reasonable desires and legitimate aspirations of natives for employment in the higher branches of our Public Service; and it is hardly necessary to remind Your Lordship that for more than twenty years the Government of India have been anxiously considering, not without substantial results, how the sphere of their employment can be enlarged, and under what conditions and to what extent the more responsible offices of the Administration can be reserved for or opened to them.

3. Although we had only recently completed our reorganization of those departments of the Public Service to which the Indian Civil Service belongs, after a careful consideration, in communication with your predecessor and with Local Governments and Administrations, of the Report of the Public Service Commission appointed by Lord Dufferin's Government in 1886-87, we proceeded at once, on receipt of your Despatch, to consider the subject afresh from all its bearings. We consulted Local Governments and Administrations as to the practicability and expediency of giving effect in its entirety to the Resolution of the House of Commons; and we instructed them, in the event of their finding that it was altogether impossible to adopt this course, to consider whether effect could be given to the Resolution in a modified form and subject to any conditions and restrictions. While in no way limiting their discretion as to any schemes which they might think fit to suggest, we placed before them certain alternative methods to which we were of opinion that consideration might be given.

4. We now forward for your information copies of our letter of reference (enclosure No. 1 with enclosure No. 2) and of the replies received from Local Governments and Administrations (enclosures Nos. 3 to 10).

The first of these recapitulates, in a summary form which we hope will be found convenient, the previous history of the measures taken to give effect to the policy embodied in the Statute of 1870 (33 Vict., Cap. 3, section 6), of

affording additional facilities for the employment of natives of India, of proved merit and ability, in the Civil Service of Her Majesty in this country; it recounts the recommendations of the Public Service Commission of 1886-87, the measures actually carried out on a consideration of the report of the Commission, and the discussions which have taken place on the special subject now referred to us—that of establishing simultaneous examinations in England and India for admission to the Indian Civil Service; and it concludes with such suggestions as seemed useful for the consideration of the Local Governments and Administrations in dealing with the application of the principle of competition to the recruitment of the Public Service in India.

We think that on a perusal of the replies enclosed it will be admitted that the Local Governments and Administrations consulted have responded to the call thus made upon them with a full sense of the momentous importance of the issues involved, and with an earnest desire adequately to discharge the weighty responsibility laid upon them by Your Lordship's action upon the Resolution of the House of Commons. To use the words employed in your Despatch No. 1, dated the 8th January 1885—"there is no question more intimately connected with the good government of India, and indeed with the stability of the Indian Empire, than the question of the best mode of recruiting the Civil Service." The papers thus contributed to the discussion will, we doubt not, be read with the deepest interest as expressing the deliberate opinion of eminent men possessing great and varied experience of all parts of India, and of almost all spheres of official activity, and will receive at the hands of Her Majesty's Government the consideration to which they are entitled by the ability and position of the writers. We would specially call attention to the replies from the Government of the North-Western Provinces and Oudh and that of the Punjab. Sir Charles Crosthwaite, as Your Lordship is aware, has spent more than thirty-five years of his life in the service of Her Majesty in this country. After a long and ripe experience of the North-Western Provinces, to which he has now returned as Lieutenant-Governor, he was chosen to be a Commissioner, afterwards Judicial Commissioner, and then (after a year's experience as Officiating Chief Commissioner of British Burma) Chief Commissioner in the Central Provinces. Having ruled those provinces for two years, he was in March 1887 entrusted with the still more arduous and responsible task of organizing the government and conducting the administration of Upper and Lower Burma—a task which for three years he discharged with conspicuous ability and success. Called thence to the Executive Council of the Governor General, he has now attained the highest office open to his Service, and speaks with the accumulated authority of his experience as District Magistrate, as Revenue Officer, as Civil and Criminal Judge of the highest Provincial Court, and as Governor of three Provinces. Sir Dennis Fitzpatrick's experience has been no less varied and extensive. In the course of nearly thirty-five years he has been District Officer in the Punjab, Secretary to the Government of India in two departments, Judge of the Punjab Chief Court, Chief Commissioner of the Central Provinces, Resident in Mysore, Chief Commissioner of Assam, and Resident at Hyderabad and Chief Commissioner of Berar; and now as Lieutenant-Governor he administers the great and important frontier province in which he began his career.

5. In view of the high importance of the issues involved in the present correspondence, and of the many misconceptions which we have observed to prevail among those who have taken part in the discussion, we have thought it useful, in order to avoid excessive prolixity in this despatch, to add to the enclosures a memorandum (enclosure No. 11) in which are explained in detail certain points which it is essential to bear in mind in order to arrive at a correct conclusion on the questions raised. These points are:—(1) the nature and constitution of the Covenanted (or Indian) Civil Service—the posts which it is recruited to fill, the duties it performs, and the place it holds in the Public Service of the Empire; (2) the constitution and duties of the Provincial and Subordinate Civil Services, by which the detailed work of administration is mainly carried on under the guidance of superior authority, which are almost entirely Native Services, and which greatly outnumber the Indian Civil Service; (3) the Parliamentary legislation affecting the Indian Civil Service; (4) the history of the measures

taken in recent years for extending the employment of natives of India in covenanted offices; (5) the measures taken to secure the employment of Indians in the Provincial and Subordinate Services; (6) the history of the competitive system as applied to the recruitment in England of the Covenanted Civil Service; and (7) the history of the competitive system as applied to the recruitment in India of the Provincial Civil Service. We beg that the memorandum may be read as part of this despatch, and referred to whenever detailed information is required on any subject treated in it. So far as it is historical, it has been compiled after careful reference to previous records and correspondence; so far as it contains inferences and opinions, it expresses the unanimous conclusions at which we have arrived on the points discussed.

6. The Civil Service of India contains in its *cadre*—that is, it is recruited to fill—898 posts in the Public Service. Of these, 74, as explained in paragraph 2 of the memorandum, are in special or technical departments, not concerned with the general, judicial and executive administration of the country. In most of these departments—the chief exception being the Political or Foreign Department which deals with Native States and frontier tribes—the number of covenanted Civilian posts is small. There thus remain 824 posts, called covenanted posts, of which a full detail will be found in paragraphs 3 to 8 of the memorandum. These posts are not, however, all held by covenanted Civilians. Ninety-three have been entered in lists, published in April 1892 and January 1893, for transfer to natives of India belonging to the Provincial Service; and in the Frontier Provinces of the Punjab, Burma, and Assam a proportion of one-fourth of the posts is reserved for military officers, whose special experience and training are considered necessary for the preservation of the peace in those tracts. Deducting the 93 posts assigned to the Provincial Service, the *cadre* of posts at present reserved for covenanted and military officers is 731. These are the officers on whose administrative capacity and fitness for rule depends the quiet and orderly government of 217½ millions of people, inhabiting 943,000 square miles of territory. This bare statement of figures should, we think, be sufficient to convince any impartial mind of the supreme importance of obtaining the best material, in the best way, for the arduous duties which these officers have to perform. They represent the British Government in India; in the eyes of the people they are the British Government; it is to their personal influence, their impartiality, justice and efficiency, their physical and moral fitness, that the due administration of the Empire is entrusted; upon them, and not immediately upon military force, our strength rests; any weakening of their influence or deterioration in their efficiency would imply a relaxation of the restraints of government, and a reversion *pro tanto* to the conditions from which the country emerged only when it came into British possession.

With these preliminary remarks, we now pass to the consideration of the bearing of the Resolution of the House of Commons on the constitution of the Indian Civil Service.

7. We have first to call attention to the practical difficulties which would have to be overcome in introducing any scheme of simultaneous examinations for the Indian Civil Service in England and India. Your Lordship will perceive that this point has been touched on by the Governments of Madras, Bombay, Bengal, and the North-Western Provinces and Oudh, and by the Chief Commissioner of Assam. Most of the authorities mentioned dwell upon the importance of the *vis-à-vis* portion of the examination as a test of real knowledge, and on the impossibility of applying it uniformly, or at all, if the examination is not held at one central place. The Bombay Government and the Chief Commissioner of Assam question the possibility of maintaining the secrecy of the examination papers if sent out to this country; and it must be admitted that experience in University examinations in India tends to justify this apprehension. These objections, which Sir Antony MacDonnell characterizes as not "in themselves of a permanent or decisive nature," and which are, perhaps, not of first-rate importance, are nevertheless, in our opinion, entitled to considerable weight.

8. Secondly, in referring the matter for our consideration, Your Lordship has pointed out "that it is indispensable that an adequate number of the members

of the Civil Service shall always be Europeans, and that no scheme would be admissible which does not fulfil that essential condition." This condition, which is so obviously required by the necessities of our position in India that it is needless for us to discuss it further, is not indeed, so far as we have seen, disputed by those writers and speakers in this country and elsewhere who have advocated the principle of the Resolution of the House of Commons. But it appears to us that this condition, if conceded, is in itself destructive of the Resolution, which requires that "all who compete be finally classified in one list according to merit." Classification in one list obviously implies the admission of the competitors in order of merit, and without reference to their origin

* 21 & 22 Vict., Cap. 106, Section 32.

and antecedents. The Statute* under which the examinations are held, moreover, prescribes that "the candidates who may be certified by the said Commissioners * * * to be entitled under such regulations shall be recommended for appointment according to the order of their proficiency as shown by such examinations." The condition that "an adequate number of the members of the Civil Service shall always be Europeans," however, implies that a *minimum* proportion of that class, and a *maximum* proportion of natives of India, shall be fixed for admission to the Service. This point is strongly pressed by the Government of Madras, a majority of whom (Mr. Garstin dissenting) are the only authorities consulted who have expressed an opinion in favour of the principle of the Resolution. Their observations will be found in paragraph 10 of their letter: His Excellency the Governor in Council admits that "though a certain proportion has been named as the extent to which natives might without danger be advantageously employed, he is at a loss to suggest how such a system could be worked out." The same view is taken by the Governments of Bombay (paragraph 12), Bengal (paragraph 3), the North-Western Provinces and Oudh (paragraph 5), and the Punjab (paragraph 44), and by the Chief Commissioner of Burma (paragraph 1). This objection appears to us unanswerable, if a minimum of Europeans is to be maintained, the competitors being, at the same time, classified in one list. We might find ourselves obliged either to give the preference to a certain number of European candidates, not because they had shown most ability in their examinations, but on account of their origin, or to admit Indian competitors in unlimited numbers, and regardless of the determined minimum of Europeans. We see no escape from this dilemma, and are therefore compelled to the conclusion that to give effect to the Resolution in its entirety is wholly incompatible with the "essential condition" on which Your Lordship (and every other authority who, with adequate knowledge and responsibility, has discussed the subject) has so strongly insisted.

9. In the papers enclosed will be found the decisive opinion of the most capable administrators in India that no material weakening of the European element in the Indian Civil Service is at present compatible with the safety of British rule in this country. The Government of the North-Western Provinces and Oudh writes (paragraph 6)—

"The proportion of Natives to Europeans in the Civil Service of India cannot be increased without risk to the safety of our dominion and the efficiency of the administration."

And again (paragraph 4)—

"It is a great mistake to suppose that British India has arrived at a stage where nothing but smooth progress need be anticipated, or to think that the principles of law and order have penetrated the minds of the people so deeply that the English element in the Civil Government may be safely diminished. We know little of what is below the surface; but we know enough, even without the teaching of recent events here, in Bombay, and in Rangoon, to be sure that this is not a true estimate of the situation. It is instructive to observe that during the late riots in Bombay native papers like the *Hindu Patriot*, while demanding in one column a larger share of administrative appointments for their fellow-countrymen, were calling out in another column of the same issue against the Government not having more European police-officers in Bombay. What is desired is that British power should hold the country, while they administer it."

Mr. Fitzpatrick has exhaustively discussed the question in paragraphs 1e. After insisting on the paramount obligation to maintain

British rule, "inasmuch as it is the condition precedent to the performance of all the other duties we owe to India," he goes on to observe—

"British rule brought this country out of a state of chaos, the horrors of which it would be difficult for a stay-at-home resident of Europe in the nineteenth century adequately to realise, and if the grasp of the British power were relaxed even for a brief period over any part of the country, chaos with all its horrors would come again."

"Englishmen, even Englishmen who spend their lives in India, are not given to reflecting much on this; and I doubt whether many Natives of the country now-a-days think of it, though it was a good deal present to the minds of the people of the Punjab when I first came to India."

"The fact is that we have now had 35 years of internal peace unbroken except by petty local disturbances, and we have begun to flatter ourselves into the belief that our position in this country is absolutely unassailable; but, as a matter of fact, it is not so. It is, and always will be, liable to disastrous shocks from which it might take a long time to recover; and though this is not a pleasant subject of reflection to us with our national vanity and our tendency to optimism, the more completely we realize it the better."

He then enumerates the various causes which might result in disturbance, more or less general, of the public peace:—the exacerbation of hostile feeling between rival sects of the same religious denomination; the recent riots—due mainly or in part to the question of the slaughter of kine, and wholly to historic religious animosity, between Hindus and Muhammadans—in the Benares Division, in certain parts of Behar, in Rangoon, and Bombay, and the dangerous extent to which the resulting excitement has been aggravated by the Press, both Hindu and Musalman, and by other organised means of agitation; and the calumnies industriously spread by scurrilous newspapers "that we are responsible for these cow-killing riots, that it is our policy at this moment to stimulate dissensions between Hindus and Musalmans in order to prevent the Musalmans joining the Congress, and that in accordance with that policy we, being ourselves eaters of beef, are encouraging the Musalmans to kill cows in order to irritate the Hindus."

He draws attention to the manner in which these mischievous falsehoods are now "disseminated all over the country by the native newspapers," and asks—"Who can say that in a time of excitement like the present they will not gain credence among the ignorant masses, set the Hindus and Sikhs against us, and involve us in most serious troubles?"

He points out in paragraph 19 how there are always to be found in many parts of India predatory classes ready to break out wherever our administration may be temporarily relaxed or our control disorganized; and that, apart from the contingency of a war across the frontier, all the troops now in India would be altogether inadequate to deal with disturbances so widely spread as those which might spring from an affair like the cow-killing quarrel:—

"The European troops in particular, on which we should have mainly to rely in such an emergency, would be far short of what would be needed, and would have to be largely reinforced from England."

* * * * *

"I have up to this spoken of certain serious dangers which threaten us and make our hold on the country less secure than people of an optimistic turn are apt to imagine it to be and I have dwelt at length on the cow-killing quarrel, because it is the matter that is at this moment actually troubling us; but there is no saying from what quarter or from what cause the most serious danger may arise. The Age of Consent Act, if it had not been pushed through before the mass of the people got hold of it, might have led to widespread disturbances, and the lesson of the greased cartridges scare of 1857 is that danger to us may suddenly spring up in some way that the most fertile imagination could not have suggested."

He then states the ordinary problems with which the Indian administrator has to deal in the every-day government of his district, and explains what high qualities these demand; and comes to the conclusion that it is impossible to say that for the purpose of such administration Indians are equal to Europeans. After examining the causes to which their inferior efficiency is due, he shows (paragraphs 37—40) that it is a mistake to suppose that the substitution of the former for the latter would be popular with the mass of the population; the popularity of the measure would be limited to "the advanced Indians, who still form, as Lord Dufferin said, but an infinitesimal fraction of the population."

We beg to call special attention to these weighty opinions, with which we entirely agree. It will be seen that the Government of Madras—the only advocate of the principle of the Resolution—admit that—

“In special emergencies, local disturbances or the like, they [natives entering the Civil Service] might possibly sometimes be found wanting.”

They think, however, that “in the present circumstances of India the mischief thus arising would really be serious, and could be quickly repaired.” From this view we have only to express our emphatic dissent. It may possibly represent the state of things in the tranquil province of Madras, but the conditions of other parts of India are far different.

10. Next, we desire to offer a few remarks on the opinions which have been stated, in the House of Commons and elsewhere, as to the effect of what are termed the “pledges” contained in section 87 of the Statute 3 & 4 Will. IV, Cap. 85, and in the declaration embodied in Her Majesty’s Proclamation of November 1st, 1853. This matter is discussed in paragraph 16 of the enclosed memorandum; and some further observations upon it will be found in the opening paragraphs of Sir Dennis Fitzpatrick’s note (enclosure No. 7). The first of these passages merely announced the removal of a disability; and the contention that it contained any pledge of the extensive admission of natives to the East India Company’s Civil Service is inconsistent with the machinery which the same Statute provided, in the provisions relating to the College at Haileybury, for entrance to that Service; no native of India ever was, or could have been expected to be, nominated to Haileybury by the Directors of the East India Company. The second was expressly limited by the important words (which state Your Lordship’s “essential condition” in another form)—“so far as may be.” In so far as the declaration contains a pledge, effect was given to it by Parliament, with a full knowledge of all the circumstances and after twelve years’ experience of the competitive system established by the Act of 1858, in the Statute of 1870, which was deliberately framed, in view of the disadvantages imposed upon Indians in competing at the London examination, to provide “additional facilities for the employment of natives of India of proved merit and ability in the Civil Service of Her Majesty in India.” This Statute is in fact, as Your Lordship pointed out in your Despatch of the 8th January 1885 (see paragraph 24 of the memorandum), “the remedy provided by Parliament itself for any inconvenience or injustice which the natives of India might be shown by experience to suffer” in consequence of the examination being held in London only. A full statement of the measures taken to give effect to the Act of 1870 is contained in Part IV of our memorandum, from which it will be seen that its policy has been loyally accepted by successive Governments, that the fullest consideration has been bestowed upon the best means of carrying its provisions into operation, and that the condition of things embodied in the orders of the 21st April 1892 and 7th January 1893 (Appendices III and IV of the memorandum), which have received the approval of Her Majesty’s Government, is generally considered by all the Governments and Administrations in India, with the exception of two members of the Government of Madras, as the best mode in which its intentions can be satisfied.

We need not reproduce here the weighty words of the Duke of Argyll in his Despatch No. 3, dated the 8th April 1869, when he announced the policy of the measure which became the Statute of 1870; they are quoted in full in paragraph 3 of our circular of the 5th August last. We have only to say that we subscribe to every word of what he then wrote, and consider that his anticipations have been most fully verified by the experience of the twenty-three years which have since elapsed.

11. Accepting the essential condition stated by Your Lordship, the next question to be considered is the *minimum* extent to which the employment of Europeans (including in that term natives who have successfully competed in London) in the Indian Civil Service is indispensable. The orders at present in force fix that proportion at five-sixths of the *cadre* offices. And in the opinions enclosed Your Lordship will find that this proportion is approved as suitable to present conditions by the Governments of Bombay (paragraph 11), Bengal (paragraphs 3 and 7), the North-Western Provinces and Oudh (paragraph 4), and the

Punjab (paragraph 41), and by the Chief Commissioners of the Central Provinces (paragraph 2), Burma (paragraph 2) and Assam (paragraph 3). In the last two provinces, however, the backward condition of the people as regards education prohibits the employment of natives in covenanted posts. In Burma natives of other parts of India, Mr. Fryer states, “are regarded with dislike and, he is afraid he must add, contempt by Burmans.”.....“It is highly undesirable that natives of India should under any circumstances be deputed to serve in the higher executive appointments in Burma, and as yet no Burmans have succeeded in passing the competitive examination for the Indian Civil Service; and though there may be one or two exceptions, Burmans have not as a rule as yet acquired the educational qualifications necessary to enable them to pass these examinations.” In Assam the difficulty arises mainly from the large proportion of European settlers and from the proximity of barbarous or semi-barbarous tribes; the natives of the province have not so far acquired the education or developed the strength of character which would enable them successfully to administer districts so situated!

The only dissentient is the Government of Madras, which, as at present constituted, considers that it would be sufficient if two-thirds of the administrative posts in that Presidency were held by Europeans. This opinion is, however, opposed to that which the same Government expressed* in 1890, when we

* *Vide* paragraph 4 of the Madras Government’s letter No. 401, dated the 4th June 1890, — enclosure No. 9 of our Despatch No. 39 (Public), dated the 7th June 1892.

consulted them as to the number of posts to be assigned to the Provincial Service which was constituted by the Resolution of the 21st April 1892; and we are not at

present prepared to accept it even for the Presidency of Madras. No Native Civilian in Madras has until the last two months (when a temporary appointment was made) been tried in the executive charge of a district; only one has held permanently the post of District and Sessions Judge; and we consider that until further experience has been gained, by the employment of natives of the Presidency in the 15 covenanted posts which have under existing orders been thrown open to them, of their aptitude for such office, it would be unwise to make any change in the present arrangements.

Our answer to this question is, therefore, that it is indispensable that five-sixths of the cadre posts of the Indian Civil Service should for the present be held by Europeans or Indians who succeed in passing the competitive examination in London. We are indeed of opinion that the proportion of Natives of India who succeed in entering the service by competition at the London examination requires to be closely watched; and we agree with Sir Charles Crosthwaite (end of paragraph 4) that it may become necessary hereafter to restrict the total proportion of Indians in the service, as Lord Ripon’s Government proposed, to 18 per cent. or some similar figure.

12. We now turn to the question whether it is desirable that the proportion of the Covenanted posts—whatever it be—for which natives can be appointed in India, should be thrown open to competition, and if so, subject to what limitations. It will be seen that this question has been very fully discussed in the replies enclosed. The Madras Government alone is favourable to such a competition; and even that Government considers “that it would be sound policy to meet the objections stated, and to obviate the risk of the successful candidates being all of one race, by ruling that the Natives of each Province should be confined to their own Provinces” (paragraph 6). This condition is also insisted on as necessary by the Governments of Bengal (paragraph 6) and the Punjab (paragraph 45). Sir Dennis Fitzpatrick’s observations on the subject sum up all that can be said in regard to it, and have our full concurrence. We hold with him that the Natives of one part of the country would, from their dispositions, ways and habits, not be well fitted to discharge the duties of a Civil Officer in another part, and that we should certainly avoid putting the subordinate officers of one Province under the control of a superior officer drawn from another. In the event of the adoption of a system of unrestricted competition for the whole of India, there can be no doubt whatever that the successful candidates would, at least for some time to come, be found almost entirely amongst the Bengali competitors; and we share the apprehension which is, we

believe, universally felt, as to the results which would follow from the intrusion of a numerous body of officials drawn from this source into the higher appointments of other Provinces. The remaining replies, objecting as they do altogether to selection by competition in India for Covenanted posts, do not particularly refer to the matter; but it may be assumed that if any such scheme of competition were adopted, the writers would be in favour of restricting the examination to persons domiciled in the Province.

13. But any system of purely literary competition would, in our opinion, be open to the most serious objection. The literary test, and particularly that form of examination which is conducted upon paper, ignores and excludes altogether the consideration of many qualities which it is not only desirable, but essential that the men appointed to the Indian Civil Service should possess. The moral, social, and hereditary attributes of a candidate are, at least, of equal importance in the aggregate to the intellectual; and even the intellectual capacity is but partially tested in a paper examination in which memory may count for more than intelligence and reasoning power. This criticism, it may be said, applies equally to such examinations, wherever they may be held, whether in India, or in England. The present system, however, under which no Indian candidates are likely to enter the service by competition except after a considerable period of residence and study in England, was obviously designed with the object of limiting this mode of admission to Indian candidates whose exceptional courage and energy had led them to proceed to England and to compete in that country, and who, to some extent at all events, had been brought within the influence of that wider form of education to which English schools and universities owe so large a measure of their success. Your Lordship will observe that, in the opinion of all, except the Government of Madras, the proposal under discussion would have the most unfortunate results. The Government of Bombay write (paragraph 18)—

"Its effect would be to limit the field of recruitment to untried men, at the same time that it would give a distinct advantage to competitors of a class well known in India, who combine the greatest aptitude for study with a marked lack of the qualities most needed in positions of responsibility."

Sir Antony MacDonnell considers (paragraph 6) that—

"It would be a public calamity if the improved tone of the Administration were to be destroyed, as it would be if any of the modes for admission into the Service, stated in the 21st paragraph of the letter under acknowledgment, were adopted."

Sir Charles Crosthwaite, after fully discussing the matter in his 5th paragraph, sums up his conclusions thus:—

"It is possible to fill the posts in the Civil Service of India reserved for Natives of India by competitive examinations in India. But that system is inferior to the present method of recruitment, inasmuch as it will injure the present Provincial and Subordinate Services without giving us better men; and it is unjust, administratively bad, and politically dangerous, because it will exclude Muhammadans from the Service."

Sir Dennis Fitzpatrick examines the questions exhaustively in paragraphs 43 to 46 of his note, and finally decides, for reasons fully stated in his 47th paragraph, against any form of competition. The extract from Sir James Lyall's report of June 1888, which he encloses, gives the opinion in the same sense of a late Lieutenant-Governor "whose intimate knowledge of the Punjab and its people may, Sir Dennis Fitzpatrick thinks, be said to surpass that of any person now living."

Mr. Woodburn writes (paragraph 6)—

"No Native who has any stake in the country beyond a college diploma wants competition for the superior service."

Mr. Fryer is of a similar opinion (paragraph 4)—

"I am quite sure that if the millions of India who take no part in political agitation could be consulted, they would by a vast majority elect to be ruled by men who have risen in the service by merit rather than by men of whom they know nothing and who know nothing of them, and whose only claim to be enlisted among the rulers of the land is that they have succeeded in passing a literary test."

We are entirely in accord with these authorities. The advantages of competition are confined to the selection of raw material for the posts to be supplied: it checkmates nepotism, and provides a general average of acquirement in the candidates so chosen. But until an officer so selected has been tried in practical work, his fitness is not fully ascertained; and in such work we have the means of putting him through a further examination, on the result of which his advancement to high office must, in every sound system of Government, depend. Competition, therefore, is, for the reasons pointed out by Sir Charles Crosthwaite (paragraph 5), and Sir Dennis Fitzpatrick (paragraph 47), only suitable for entering into the lowest grades of the service. Further promotion, to such posts as the Covenanted offices, would rightly fall only to those who had fully proved their fitness for it. In these offices we cannot afford the risk of failures. In recruiting Europeans we are, from the nature of things, compelled to select our officers at an early age and to trust to the practical training which they will receive to fit them for the higher offices of the State; but in regard to natives of the country we are under no such necessity, and it is obvious that there is no danger of nepotism.

14. We must not leave this part of the subject without pointing out that admission to the Civil Service by open competition in India might not improbably produce injurious results upon the quality of the European as well as the Indian members of that service. It is conceivable that, under a system of simultaneous examinations such as that proposed, cheap educational establishments might spring up in this country capable of producing a considerable number of successful candidates in a literary competition, from among the sons of English parents living in India and unable to afford the expense of educating their children at home. Such a result would, in our opinion, be a serious misfortune for the Civil Service. We have pointed out, in the memorandum enclosed with this Despatch, that the appropriateness of competitive examination, as a test for European candidates, has always been regarded as depending, in a great measure, upon the important fact that education in the United Kingdom at a large school or college embraces not merely a course of literary instruction, but also a training in life and conduct which forms the character. This condition would certainly not be fulfilled in the case of candidates of European descent, brought up and prepared for examination in this country. In this connection, we may refer to the effect which the proposal would have in discouraging the better class of Europeans from competing in England for a service likely to be very largely composed of Indians. This point has been stated more at length, but with great moderation, by Sir Dennis Fitzpatrick (paragraphs 10 and 11).

15. The question what the results would be of a system of unrestricted competition, even if confined to natives of the Province, for appointment to Covenanted posts, is one in regard to which there is hardly room for doubt. The matter has already been fully examined in the light of experience in Bengal, where the system prevailed, for entrance to the Provincial Service, for a series of years. Your Lordship will find in paragraph 46 of our memorandum a statement of the data thus afforded. In that Province, one of the most advanced in India from an educational point of view, Sir Stuart Bayley in 1889 held that—

"At the present time, and probably for many years to come, the immediate effect of recruiting the Subordinate Executive Service on an exclusively competitive basis will be to debar Muhammadans, natives of Behar, and natives of Orissa, from any reasonable chance of obtaining appointments. Not only would this be unfair in itself and contrary to established policy, but it would tend to encourage feelings of race jealousy and antagonism, which have already begun to show themselves, and which might at any time give rise to serious difficulties."

16. The most serious, perhaps, of all the objections to such a method for the recruitment of natives of India for Covenanted posts is that it would, if the determined minimum of Europeans is to be maintained, involve the withdrawal from the Provincial Service of the proportion of such posts which was deliberately and publicly made over to that service only eighteen months ago. This is the opinion of the Governments of Bombay (paragraphs 20 and 21), Bengal (paragraph 6), the North-Western Provinces and Oudh (paragraph 5), and the Punjab (paragraphs 47 and 48), and of the Chief Commissioners of the Central Provinces (paragraphs 6 to 8) and Burma (paragraph 4). In Assam the

question does not arise, as no Covenanted posts have been thrown open to the Provincial Service. Madras is the only Province from which objections are raised to the existing Provincial Service; and we cannot but think, in view of the remarkable improvement in that service which is ascribed elsewhere to the enlargement of its prospects by the scheme set forth in the Resolution of April 1892, that the scheme and its probable effects there have been somewhat misapprehended by His Excellency the Governor in Council.

We will not lengthen this Despatch by further quotation, but will content ourselves by expressing full agreement with the view stated by the Duke of Argyll in his Despatch of the 8th April 1869, which is also the view held by the Public Service Commission of 1886-87, by the Government of India when considering that Commission's report, and by the Secretary of State when passing orders on it:—

"I have come to the conclusion that our duty towards the natives of India in respect to the giving them a larger share of employment in the administration of their own country is a duty which must be mainly discharged in India on the principle of careful and cautious selection. A more free employment of them in the Uncovenanted [now Provincial] Service, and promotion according to tried ability from that service to the Covenanted [Indian Civil] Service, would seem to be the method of proceeding least beset with difficulties and least open to objection. *This would, indeed, be a competitive examination of the best kind.*"

17. Finally, we would observe that much misapprehension appears to prevail as to the extent to which natives of India are already employed in responsible executive and judicial office. The facts will be found in Part II of our memorandum; and from Part V it will be seen that the Provincial and Subordinate Services are essentially Native Services, with only a sprinkling of Europeans in the former, who have been recruited for special and exceptional reasons (paragraph 39 of memorandum).

Taking the years 1870, 1881 and 1893 as convenient points from which the progress of the scheme for the freer employment of natives can be reviewed—the first because it was the year of the Statute 33 Vict., Cap. 3, Section 6, and the second because it was the year when the recruitment of the Indian Civil Service was reduced by one-sixth, the following table shows the distribution of the three Services in each of those years:—

I. The Covenanted Service, consisting of—

	1870.	1881.	1893.
(1) Covenanted Civilians	...	...	...
(2) Military, Uncovenanted and Statutory Civilians	890	900	898
...	331	221	216
Total	1,221	1,121	1,114

II. The Provincial Service—

	1870.	1881.	1893.
(1) Executive branch	...	...	...
(2) Judicial branch	576	726	1,030
...	583	679	797
Total	1,159	1,405	1,827
...	962	1,368	1,908

III. The Subordinate Service

It is to be remembered that between 1881 and 1893 the annexation of Upper Burma entailed a considerable demand for Covenanted officers, and that the ordinary and inevitable increase in public business which has occurred in 23 years has called for reinforcements in almost every department of the administration; yet the whole strength of the Covenanted Service (including military and other officers holding Covenanted posts) is now seven less than in the former year, and 107 less than in 1870. In the Provincial Service there has been an increase since 1870 of 57.6 per cent, and in the Subordinate Service of 98.3 per cent. The number of Covenanted Civilians would, in spite of the annexation of Upper Burma, have shown a greater decrease but for a process which has been going on since 1870.

of substituting, in the interests of greater efficiency, Indian Civilians for Military and Uncovenanted officers in the Non-Regulation Provinces. The European Service is, in our opinion, now at its *minimum* strength, and no further reduction will be practicable for some years to come. In the event, however, of experience showing that in any Province or at any time the number of high Native officers may be safely increased, we are clearly of opinion that the best course is to proceed under the Statute of 1870 and on the lines of the change which has just been accomplished. The principles on which the Provincial Service has been constituted should continue to be maintained; but (as shown in paragraph 35 of our memorandum) there is no finality about the lists of "covenanted offices" which have been thrown open to members of that service. These lists have been prepared with reference to proximate possibilities; but they are capable of alteration and expansion from time to time as circumstances may require or permit.

18. It may be convenient that we should, at this point, briefly summarise the reasons for which we find ourselves unable to recommend to Your Lordship the adoption of the proposal embodied in the House of Commons' Resolution:—

- (1) No such concession is necessary for the fulfilment of the so-called pledges upon which the claim has been founded.
- (2) The practical difficulties of introducing a system of simultaneous examinations would be extremely serious.
- (3) It is conceded that, in order to ensure the efficient government of the country, a minimum of European officials is indispensable. Such a minimum could not be maintained in the event of simultaneous examination being resorted to in this country.
- (4) It would be entirely out of the question to reduce the existing minimum of Europeans at the present time.
- (5) Open competition is not the best way of selecting Natives for the higher ranks of the service. It may be necessary in Europe in order to check nepotism, but in this case nepotism is impossible. Probation by actual employment forms a competitive examination of the best kind. Competitive examination in India would certainly have the effect of admitting a large number of competitors deficient in the qualifications necessary for the higher ranks of the service, and whose antecedents and origin would not be such as to command the confidence or the good-will of the classes for whose welfare they would be responsible; on the other hand, it would exclude the most valuable and capable assistance which the British Government could obtain from natives of India, in the Sikhs, Muhammadans, and other races accustomed to rule and possessing exceptional strength of character, but deficient in literary education.
- (6) The proposed change would, unless the irreducible minimum of Europeans is to be diminished, involve the withdrawal of the appointments recently given, after the fullest consideration, to the Provincial Service, and would thus deprive that Service of the prizes promised to it, disappointing its hopes and lowering its efficiency by a sense of injustice.

19. In conclusion, we desire to express our great regret that a question of this kind, involving irritating controversy upon distinctions of racial characteristics and the foundations of the British Empire in India, should have been cast into the arena of public discussion. Such discussion, which overruling political considerations must necessarily render sterile, is above all others calculated to stir up disaffection and race animosity, and to disturb the harmonious relations which should, and under ordinary circumstances do, exist between the European officers of Government and the natives of India. We, in common with our predecessors, fully appreciate and sympathise with the legitimate desires of Indians for admission to a larger share in the higher branches of administration in this country—desires which we are anxious to satisfy to the amplest extent which from time to time may be compatible with the

security of the Empire and the efficiency of the administration. But in this matter no hasty or undeliberate action is possible. The scheme settled only last year, as the outcome of prolonged and exhaustive discussion, in our judgment provides the only reasonable and practicable method of giving effect to those desires. It is already in operation, and has raised hopes and expectations which will, we trust, have the most beneficial results in improving the tone and character of the Indian Services. The Resolution of the House of Commons, by relegating the great body of skilled indigenous agency to an inferior and discredited position, would disappoint those hopes and expectations. We can conceive nothing more likely to dishearten the Services, and to disorganize the administration of the country; and we earnestly trust that Your Lordship will give no encouragement to so ill-advised and dangerous a proposal.

We have the honour to be,

MY LORD,

Your Lordship's most obedient, humble Servants,

LANSDOWNE.

G. S. WHITE.

P. P. HUTCHINS.

D. BARBOUR.

A. E. MILLER.

H. BRACKENBURY.

C. B. PRITCHARD.

LIST OF ENCLOSURES.

1. Circular letter to Local Governments and Administrations, No. ²⁷₁₀₈₁₋₁₀₈₈, dated the 5th August 1893.
2. Enclosure to above, *vis.*, letter to the Government of Bengal, No. 1838, dated the 22nd August 1892.
3. Letter from the Government of Madras, No. 733, dated the 7th September 1893, and enclosure.
4. Letter from the Government of Bombay, No. 6454, dated the 7th September 1893.
5. Letter from the Government of Bengal, No. 3979-A., dated the 24th August 1893.
6. Letter from the Government of the North-Western Provinces and Oudh, No. 2607, dated the 5th September 1893.
7. Letter from the Government of the Punjab, No. 930-S., dated the 28th September 1893, and enclosures.
8. Letter from the Chief Commissioner of the Central Provinces, No. 6817, dated the 15th September 1893, and enclosure.
9. Letter from the Chief Commissioner of Burma, no. 780-1C-6, dated the 25th August 1893, and enclosure.
10. Letter from the Chief Commissioner of Assam, No. ^{1581-P.S.-G.}₈₄₉₃, dated the 25th August 1893.
11. Memorandum with appendices.

NOTE.

These enclosures have been reproduced in Parliamentary Papers No. C-7378, and have accordingly not been reprinted by the Government of India.

India Office,

London, 19th April 1894.

Public,

No. 37.

To His Excellency the Right Honourable the Governor General
of India in Council.

MY LORD,

I have considered in Council the letter from your Government, No. 62, Public, dated 1st November 1893, reporting, in accordance with my predecessor's instructions, as to the mode in which, and the conditions and limitations under which, it would be possible to give effect to the Resolution of the House of Commons, upon the holding of simultaneous examinations in England and in India for the Indian Civil Service. This question, which your Government had regarded as set at rest by the report made by the Public Service Commission in December 1887, and by the constitution of the new provincial services in pursuance of that Commission's recommendations, has now been very fully and carefully discussed afresh, both by the Local Governments and in your letter under reply.

2. In 1870, by the Statute 33 Vict., Cap. 3 section 6, it was provided that, subject to such rules as might be made with the sanction of the Secretary of State, Natives of India might be appointed to any of the offices reserved under the Act of 1861 for members of the Civil Service. The object of this provision was, at the time of its enactment, declared to be to facilitate the appointment of Natives of India of proved merit and ability to any high public employment for which they might be fitted by their qualifications. The Act in fact indicated and contained in itself the remedy which Parliament after full deliberation considered most appropriate for any disadvantages entailed on Natives of India by reason of the examinations for entrance into the Civil Service being held only in London. A prolonged inquiry ensued as to the best mode of applying the remedy thus devised, and it was not until 1879 that rules were promulgated, inaugurating what has been popularly known as the Statutory Service. The appointments made under those rules failed to give satisfaction, and in 1886 a Commission of 15 members was directed to investigate the whole subject. One of the principal issues referred to this Commission was whether there should be an examination in India similar to that held annually in London, and a large number of witnesses were examined regarding the advantages and disadvantages of introducing such a system. On a full consideration of all the evidence the Commission, which contained six Native members, came unanimously to the conclusion that "it is inexpedient to hold an examination in India for the Covenanted Civil Service simultaneously with the examination in London." Three of the Native members did not altogether accept the reasons which had led their colleagues to this conclusion, but they nevertheless concurred in the report, because they considered that the general scheme which had been recommended was "well calculated to secure the end which they had in view."

3. To the general scheme thus unanimously recommended substantial effect has now been given, although not in the precise shape formulated by the Commissioners. It has been deemed preferable to adhere to the procedure laid down in the Act of 1870, and to provide by means of rules that, at the discretion of the Local Government, any particular proportion or number of any of the offices reserved for the Civil Service may be entered in a list as open to the newly created Provincial Service. Accordingly such a list has been prepared for

each Province, and rules have been framed and issued under the sanction of the Secretary of State, by which the Local Governments are empowered to bestow any of the reserved posts so "listed" upon Natives of India, being members of the Provincial Service. And not only has this power been conferred; steps have been taken by which the Local Governments will be obliged to fill one-sixth of the reserved offices by members of the Provincial Service, when the claims of the Natives holding appointments under the Statutory Rules of 1879 have been satisfied. The number of officers annually recruited in England by examination has for several years been reduced by one-sixth, and will only suffice to fill five-sixths of the reserved appointments.

4. As is pointed out in the letter under reply, the present lists of appointments for which officers promoted from the newly organised Provincial Service are eligible have been prepared with reference only to proximate possibilities, and do not include more posts than those which the Local Governments expect to find provincial candidates qualified to occupy as soon as such posts become available. The Indian Civil Service contains 898 posts, of which 74 are in special or technical departments not concerned with the general administration of the country. In most of these departments—the chief exception being the Political Department, which deals with Native States and frontier tribes—the number of Covenanted Civilians is small, and of the remaining 824 posts all are not held by Covenanted Civilians. The lists already published of posts tenable by officers promoted from the Provincial Service contain 93, or over 15 per cent, of the 612 officers, for which alone provincial officers can at present be regarded as ordinarily qualified. In arriving at this number, the provinces of Burma and Assam are excluded from consideration, as also are the posts in the Punjab Commission reserved for military officers, and those high offices specified in paragraph 4 of your memorandum, but it is understood that, in the event of any provincial officer being found qualified for one of these higher offices, it is your intention to proceed under the special provisions of section 3 of the Statute of 1861. A full one-sixth of 612 posts would give only a slightly larger percentage (16.66) than that already conceded. In these calculations no account is taken of such Natives of India as may succeed at the open competition in England; and it should be remembered that in 1884 Lord Ripon's Government wrote that, as the proportion of Natives admitted under the Statutory Rules was one-sixth of the whole recruitment of the year, and as a certain number do from time to time obtain appointments through the open competition, "in fixing a percentage of the whole recruitment to be at once reserved for Natives we feel bound to recognise the effect of this double mode of admission, and, on a scrutiny of the results of past years, we think that this percentage may fairly be taken at 18 per cent."

5. The necessity for maintaining an adequate proportion of Europeans in the service is so generally admitted that it is unnecessary for me to dwell on the arguments on which that policy is founded. I will only refer to the fact that, as is pointed out by the Lieutenant-Governor of the Punjab, a European officer stands clear of all the sects and disputes, whether religious or not, which form a prominent feature in Indian life; and thus holds a position of complete and acknowledged impartiality as between different classes of Natives, to which few, if any, Natives of India can attain. Your Government and almost all the Local Governments are decidedly of opinion that the limit of one-sixth must be maintained for many years to come; the only exception is the Madras Government, who have expressed the view that that Presidency could be efficiently administered if two-thirds of the Civil servants attached to it were Europeans. You are also of opinion that "the proportion of Natives of India who succeed in entering the Service by competition at the London examination requires to be closely watched; and that it may become necessary hereafter to restrict the total proportion of Indians in the Service, as Lord Ripon's Government proposed, to 18 per cent or some similar figure." It is not, however, necessary at present to discuss this question. I entirely agree with your Government in regarding the maintenance of the Indian Civil Service in the highest efficiency attainable as a matter of supreme importance. This has been well shown

in the following passage, with which the introductory portion of the letter under reply concludes:—

"Deducting the 93 posts assigned to the Provincial Service, the cadre of posts at present reserved for covenanted and military officers is 731. These are the officers on whose administrative capacity and fitness for rule depends the quiet and orderly government of 217½ millions of people, inhabiting 943,000 square miles of territory. This bare statement of figures should, we think, be sufficient to convince any impartial mind of the supreme importance of obtaining the best material, in the best way, for the arduous duties which these officers have to perform. They represent the British Government in India; in the eyes of the people they are the British Government; it is to their personal influence, their impartiality, justice and efficiency, their physical and moral fitness, that the due administration of the Empire is entrusted; upon them, and not immediately upon military force, our strength rests; any weakening of their influence or deterioration in their efficiency would imply a relaxation of the restraints of government and a reversion *pro tanto* to the conditions from which the country emerged only when it came into British possession."

6. Another of the recommendations unanimously accepted by the Public Service Commission was that the limits of age prescribed for candidates at the London competition should be raised from 17 as a minimum to 19, and from 21 as a maximum to 23. This proposal was made in the interests of Native candidates, and in consideration of the evidence adduced that Natives of India were placed at a disadvantage, in competing with Europeans, by the lower limits. Full effect has been given to this recommendation.

7. On the whole I am convinced that the new rules framed under the Statute of 1870 retain all the important features of the scheme which, after full investigation, was accepted by the Public Service Commission as satisfying all the legitimate aspirations of the Natives of India. I have already intimated the opinion of Her Majesty's Government that an adequate proportion of the members of the Indian Civil Service must always be Europeans; and I agree in your Government's conclusion that any system of simultaneous examinations, identical in their nature, at which all who compete would be entitled to be classified in one list according to merit, would be incompatible with this condition which you, in common with Her Majesty's Government, regard as indispensable.

8. But it is not the European element alone which requires to be maintained. It is also indispensable, if the people are to be kept contented, and if large and important classes are not to be alienated from our rule, that a reasonable proportion of the higher offices should be filled by Muhammadans, Sikhs, and others, who have evinced a large capacity for the practical work of administration, but little or no aptitude for passing examinations with success. Sir D. Fitzpatrick remarks that "if absolutely open competition would result," as he evidently thinks it must, "in setting one of two great hostile parties above the other, we must either have some sort of limited competition, or give up competition altogether." And his apprehensions are fully borne out by experience in Bengal, where, as shown in paragraph 15 of the letter under reply, it was found that the system of recruiting for the subordinate executive service by competition had absolutely excluded Muhammadans and Natives of Behar and Orissa, and would speedily, if persisted in, have resulted in the entire service being given over to Bengali Hindus. From the enclosures contained in your letter under reply and from your letter of the 24th January 1894, it appears that the class of Natives of India who usually enter the Civil Service by competition are not considered suitable for service in Burma, the Punjab, the North-West Provinces, Oudh, or Sindh, and that the number of such Natives allotted to the province of Bengal, has already approached a point beyond which it is thought unwise to allow it to go. So long as these conditions remain, it must be apparent that serious difficulties might be caused by the influx into the service of a large number of Natives recruited by competitive examination whether in England or India.

9. One of the most valuable features of the existing system is that a superior Provincial Service has been constituted for each province, comprising both the appointments newly "listed" (or which may hereafter be listed) as open to

others than Indian civilians, and the higher posts in the judicial and executive departments of the old Uncovenanted Service. The object of this measure was to raise the status and tone of the old Uncovenanted Service by forming a superior service of considerable dignity, and by holding out to all members of that service who distinguish themselves by their ability and trustworthiness the prospect of promotion to posts ordinarily held by members of the Imperial Service. I attach very great importance to this consideration, and, even if these meritorious officers could equitably be deprived of the new prospects which have been unfolded before them, I should be most reluctant to sanction any step which would relegate them to their former position. The Provincial Service, as now constituted, includes, besides a large number of lucrative and responsible appointments of a miscellaneous character, 1,827 posts, which involve the exercise of high judicial, magisterial, or executive functions, and carry salaries ranging from 200 to 1,000 rupees per mensem. To these the 93 posts already "listed," rising in pay to 2,000 rupees a month, will be added at the earliest moment compatible with due regard to the vested interests or reasonable expectations of others. Moreover, the dignity of the new Provincial Services has been distinctly enhanced by their separation from the subordinate services, which include, over and above the entire ministerial staff of the different Government offices and a large variety of miscellaneous posts, upwards of 1,900 appointments, also involving judicial or executive powers, and carrying salaries of from 100 to 250 rupees per mensem. Both these divisions of the old Uncovenanted Service are manned almost entirely by Natives of India, and upon them devolves the bulk of the judicial and executive business of the country, the Imperial Service being restricted to the smallest number possible, and reserved for the superintendence of the administration, for the supervision of districts, and for such other work as must, as a rule, be discharged by European officers. It is evident that the prospect of rising by merit from the subordinate to the provincial division of the old Uncovenanted Service, and in the latter to the "listed" posts, must have the best effect on the tone of the entire staff, as well as on the quality of the recruits who join either of the two divisions. Sir Antony MacDonnell considers that this hope "has raised new aspirations and inspired new energy into the great body of Indian Native officials." "There has now," he says, "been infused throughout the provincial service, from the lowest grade to the highest, an improved tone and a higher sense of dignity and responsibility, which will continue to increase as the number of listed posts increases"; and in his opinion "it would be a public calamity if this improved tone in the administration were to be destroyed." Other Local Governments bear testimony to the same effect, and their reports leave no room for doubt that the Provincial Services, as now improved, hold out advantages sufficient to attract the best recruits that India can supply.

10. In paragraph 18 of your letter your Government thus summarise the reasons which have induced them to dissent from the proposal to establish a simultaneous examination in India:—

- "(1) No such concession is necessary for the fulfilment of the so-called pledges upon which the claim has been founded.
- "(2) The practical difficulties of introducing a system of simultaneous examinations would be extremely serious.
- "(3) It is conceded that, in order to ensure the efficient government of the country, a minimum of European officials is indispensable. Such a minimum could not be maintained in the event of simultaneous examination being resorted to in this country.
- "(4) It would be entirely out of the question to reduce the existing minimum of Europeans at the present time.
- "(5) Open competition is not the best way of selecting Natives of the higher ranks of the service. It may be necessary in Europe in order to check nepotism, but in this case nepotism is impossible. Probation by actual employment forms a competitive examination of the best kind. Competitive examination in India would certainly have the effect of admitting a large number of competitors deficient in the qualifications necessary for the higher ranks of the service;

and whose antecedents and origin would not be such as to command the confidence or the good-will of the classes for whose welfare they would be responsible; on the other hand, it would exclude the most valuable and capable assistance which the British Government could obtain from Natives of India, in the Sikhs, Muhammadans, and other races accustomed to rule and possessing exceptional strength of character, but deficient in literary education.

"(6) The proposed change would, unless the irreducible minimum of Europeans is to be diminished, involve the withdrawal of the appointments recently given, after the fullest consideration, to the Provincial Service, and would thus deprive that Service of the prizes promised to it, disappointing its hopes and lowering its efficiency by a sense of injustice."

11. Her Majesty's Government are most anxious that the Natives of the country should enjoy every facility, compatible with the maintenance of the efficiency of the administration and the safety of British rule, to enter the service of India, and they have reconsidered the whole subject with a sincere desire to give full weight to the arguments in favour of a system of simultaneous examinations; but they have arrived at the conclusion that there are insuperable objections to the establishment of that system, and that by far the best method of meeting the legitimate claims and aspirations of the Natives of the country is to bestow such of the higher posts as can be made available for them on those who distinguish themselves by their capacity and trustworthiness in the performance of subordinate duties.

12. Upon a careful review of the whole question, Her Majesty's Government agree with your Government that the system lately established is based on just and wise principles, and they are of opinion that, subject to such alterations in detail as experience may prove to be necessary, it should be maintained.

I have the honour to be,

My Lord,

Your Lordship's most obedient, humble Servant,

HENRY H. FOWLER.

No. 1027—1034.

* Government of Madras.
Government of Bombay.
Government of Bengal.
Government of the North-Western Provinces and Oudh.
Government of the Punjab.
Government of the Central Provinces.
Chief Commissioner of the Central Provinces.
Chief Commissioner of Burma.
Chief Commissioner of Assam.

† Madras—No. 733, dated 7th September 1893.
Bombay—No. 6454, dated 7th September 1893.
Bengal—No. 3979-A., dated 24th August 1893.
North-Western Provinces and Oudh—No. 2607, dated 5th September 1893.

Punjab—No. 930-S., dated 28th September 1893.
Central Provinces—No. 6817, dated 15th September 1893.
Burma, No. 780—P. S., dated 25th August 1893.
Assam, No. 1584-P. S., dated 25th August 1893.

COPY forwarded to the* with
reference to ^{the letter from that Government} _{his letter.}

By order,

L. M. THORNTON,

HOME DEPARTMENT,
(PUBLIC);

Simla, the 11th June 1894.

Offg. Depy. Secy. to the Govt. of India.
G. C. B. P., Simla.—No. 15 P. S. C.—12-9-12.—150.—C.B.C.

**Extract from a letter from the Civil Service Commissioners to the
Secretary of State, dated the 3rd August 1864.**

We have, in the first place, to express our entire concurrence in the view which appears to be taken by the Secretary of State in Council, *viz*:—that “it will be found necessary to extend the term at present spent by the selected candidates in preparing for their further examination in this country.” In the regulations as they were originally framed for the first open competition for the Civil Service of the East India Company, it was provided that the candidates who might be selected should undergo further examinations in the two years succeeding the date of their selection. Owing to the exigencies of the service, it was found impossible at that time to carry out these provisions, and the gentlemen who were selected in the years 1855, 1856 and 1857 proceeded at once to India without having been submitted to any further test. In 1858, when the conduct of these examinations was placed in the hands of the Civil Service Commissioners, circumstances had somewhat altered, and it was thought desirable to revive the plan which had been temporarily abandoned. But it has hitherto been only partially carried out; the time of special training in this country having been limited to one year.

No. 16.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

 EDUCATION.
 Examinations.

TO

THE RIGHT HONOURABLE JOHN MORLEY, O.M.,

*His Majesty's Secretary of State for India.**Simla, the 4th July 1907.*

SIR,

WE have the honour to address you on the question of the general legal training of junior members of the Indian Civil Service.

2. The importance of the subject was brought prominently to notice by a discussion at a meeting of the Council of the Governor General for making Laws and Regulations held on the 25th March 1903, when the Honourable Mr. Rampini drew attention to the fact that in Bengal there were no rules to ensure that a civilian should be thoroughly acquainted with Civil Law before being appointed as a District Judge. He pointed out that from the final examination for the Indian Civil Service in England the Code of Civil Procedure and the Indian Contract Act had been omitted; and that in this country departmental examinations conducted with the help of books afforded no guarantee that a candidate had made a careful study of the law which he would have to administer as a judge. In addition, he deplored the abolition of the former practice by which selected candidates during their period of probation in England were required to attend courts of justice for the purpose of making themselves conversant with English judicial procedure. Shortly afterwards the Government of the Punjab addressed the Government of India on the same subject. The chief judicial and revenue authorities in that province were of opinion that the initial training in England of the officers of the Indian Civil Service was defective, and they recommended that the course of study at home should be revised so as to ensure a fuller general knowledge of law, and that the study of the Indian codes should be reserved for departmental examinations in this country. It was recognized by Lord Curzon's Government that the discontinuance of attendance at courts during the probationary period and the subsequent removal of Civil Law from the schedule of subjects of the final examination for the Indian Civil Service afforded grounds for reconsidering the situation. Accordingly the opinion of local Governments was invited on the following points:—

- (1) Whether junior civilians are as well equipped for judicial work as formerly. In commenting on this aspect of the case Lord Curzon's Government observed that the period of training at home had been reduced from two years to one; that Civil Law Jurisprudence, Equity and Roman Law had been excluded from the final examination; that the Code of Civil Procedure, the Indian Contract Act, and Hindu and Muhammadan Law had been made optional subjects; and that the practice of reporting cases in English courts had been abolished. They further observed that

in their opinion it was impossible to add specific books to the course prescribed for the final examination, and that they were not prepared to accept the suggestion that all candidates at the open competition should be required to take up certain legal subjects.

- (2) Whether the course of training formerly required, but recently abandoned, should be revived. With regard to this point it was observed that, as the period of probation had been reduced to one year, it would probably not be feasible to restore the practice of reporting cases to the same extent as when the course lasted for two years. It was, however, suggested that it might be possible to require each probationer (i) to attend for three days at Assizes (Crown Court) or at the Central Criminal Court, and to furnish a brief note of all cases decided and a full note of one case; (ii) to attend for three days at a police court and to furnish a brief note upon the cases; and (iii) to attend at the High Court or at Assizes, and to furnish a fairly full report upon one mercantile case.
- (3) Whether due arrangements for the further instruction needed in legal matters could be made in India. In connection with this point the opinion was expressed that the existing system might be improved either by requiring officers who had selected the judicial branch to pass a separate examination in Civil Law, or by including in the departmental examination some branches of Civil Law.
- (4) Whether junior civilians should undergo six months' judicial training under selected District and Sessions Judges.
- (5) Whether officers of the judicial branch should be permitted once in their service to take study leave for six months in order to read in barristers' chambers in England.

3. It will be observed that both the letter of reference and the replies of the local Governments dealt with two distinct subjects, *viz.*, (a) the general legal training of all civilians and (b) the special legal training of those civilians who elect for the judicial line. In connection with the latter question we would observe that we have put before the Governments of Madras, Bombay, Bengal and Eastern Bengal and Assam in our Home Secretary's letter, dated the 5th October 1906, a definite scheme which, if accepted, will admit of extension to other provinces. We are considering their replies and we shall in due course submit for your consideration our final conclusions regarding this aspect of the case. The first question is also capable of sub-division into two branches, *viz.*—

- (1) the training of civilians in England, and
- (2) the training of civilians after arrival in India.

In the present despatch we propose to deal with the former only.

4. The necessity for some improvement is abundantly borne out by the replies of the local Governments and has been illustrated by the course of recent events in more than one province; but before formulating our proposals it seems expedient that we should demonstrate in some detail the gravity of the present situation. We would preface our remarks by pointing out that in every branch of the duties on which an Indian civilian is employed a knowledge of law is necessary. Law is the basis of our whole system of administration. Not only as a magistrate or as a judge, but also as a revenue officer, the civilian deals with a system of codified law, he must be acquainted with the procedure of civil justice, and must be prepared to meet the questions raised by enactments to facts, must be expert in the law of contracts, must be competent to conduct executive investigations in accordance with legal methods, and not infrequently he requires sufficient legal skill to draft rules that will have the force of law. Not only his conclusions, but the methods and procedure by which he arrives at them are open to the light of criticism and must be legally valid. Most

important of all, he must know the legal limitations of the extensive powers that are entrusted to him. From the very commencement of his career in India, the young civilian is in part a lawyer and in part a judge. If, however, we contrast the circumstances of the present day with those of a generation back, the considerations at once suggest themselves that the law which the modern civilian is called upon to administer is far more complicated, while the legal profession has vastly increased in numbers, and has attained to a far higher standard of training. At the same time the knowledge of law possessed by the natives of India generally, and their disposition to appeal to the courts wherever possible, has gone through a remarkable development. The question, therefore, naturally presents itself—what legal training has the civilian of the present day for the important duties which devolve upon him? The answer, we fear, is somewhat as follows. He has read in England the Indian Penal Code, the Code of Criminal Procedure, and the Evidence Act. That may be the sum total of his legal knowledge. He need have learned nothing of the underlying principles of law. He has not even seen the inside of a court. When he arrives in India he is subjected to a desultory and unscientific form of training which consists of learning by heart more codes, and of doing a little practical work. He then takes his seat on the bench, where he has to cope with lawyers highly trained in law and endowed by nature with subtlety and ingenuity to an uncommon degree. The natural result follows. Some time or other he has to deal with a case presenting more than usual difficulty, in which a subtle lawyer is engaged. Conscious of his ignorance, he becomes flurried and makes errors of all kinds. Then he is pilloried in the Press which, in this country, is controlled by the legal profession to an extent scarcely paralleled elsewhere, and thus English justice is brought into contempt. We do not think that this picture is overdrawn. It is most frequently in criminal matters that the native newspapers attack our administration of justice, and that errors and irregularities become the subject of public criticism. It is in such cases in all countries that miscarriage of justice attracts most attention, but in civil and revenue cases affecting private rights it can scarcely be doubted that similar errors occur, and the departmental proceedings which come before us frequently disclose a surprising ignorance of elementary legal principles on the part of the officers concerned.

It is unnecessary for us to elaborate the subject further. We have said enough to demonstrate the truth of our contention that there is urgent necessity for improvement and that unless some remedy can be found the influence and reputation of the service and of the Government itself are bound to suffer.

5. Before proceeding to suggest remedies it will be convenient to contrast the legal attainments of the civilian who now arrives in India at the age of 24, with those of his predecessor who arrived thirty years ago at the age of 23. Under the present system selected candidates for the Civil Service are on probation in England for one year at the end of which time they are examined in the following subjects:—

	Marks.
<i>Compulsory.</i>	
1. Indian Penal Code	400
2. Code of Criminal Procedure	200
3. The Indian Evidence Act	200
4. Indian History	400
5. The principal vernacular language of the province to which the candidate is assigned	400
<i>Optional (not more than one of the following subjects).</i>	
1. Hindu and Muhammadan Law	450
2. Sanskrit	400
3. Arabic	400
4. Persian	400
5. Chinese (for candidates assigned to the province of Burma only)	400

The civilian of thirty years ago underwent a two years' course or more of special study with written and oral examinations at the end of each six months.

His reading in law was—

(1) General Jurisprudence—

Blackstone's *Commentaries*.

Austin's *Jurisprudence*.

The *Institutes of Justinian*.

Maine's *Ancient Law*.

Mackenzie's *Studies in Roman Law*.

Bentham's *Theory of Legislation*.

(2) Law of Evidence—

The *Indian Evidence Act*.

Pitt Taylor's *Treatise on the Law of Evidence*.

(3) Law of India—

The *Code of Civil Procedure*.

The *Indian Penal Code*.

The *Code of Criminal Procedure*.

The *Indian Law of Contracts*.

The *Intestate and Testamentary Succession Act*.

Hindu Law.

Muhammadan Law.

Simultaneously the candidate attended courts and supplied the following detailed reports, with an analysis and notes in each case :—

1st Periodical Examination

... Seven reports of police court cases of a stipendiary magistrate, embracing cases in which the magistrate exercised final jurisdiction and cases which he committed for trial.

Four civil cases of a country court in which the parties were represented by counsel.

One separate report of the whole business, of whatever kind, transacted in a police court during one day.

2nd Periodical Examination

... Five reports of civil actions in the superior courts of London in which the defendant was represented by counsel.

Five reports of cases decided in the Central Criminal Court in which the prisoner was represented by counsel.

3rd Periodical Examination

... Three reports of civil cases of importance tried before special juries in the superior courts of London.

Three reports of criminal cases of importance tried before juries in the Central Criminal Court, and selected for some special quality such as the gravity of the offence, the nature of the evidence produced, the number of the prisoners, etc.

Final Examination

... One report of the investigation before a London Police Magistrate of a grave criminal charge ending in committal.

One report of the whole business, of whatever kind, transacted in a London police court in one day.

Two reports of important civil cases tried by a special jury in London.

One report of a case heard in the Judicial Committee of the Privy Council on appeal from India.

This statement will give some idea of the qualifications for legal and quasi-legal duties which the average civilian of thirty years ago possessed. We do not think it can be doubted that after a few months of experience in India he was better qualified for his duties than the civilian of the present day, who has learned by heart a few Indian Acts and undergone the inadequate training that is available at the head-quarters of an Indian district. The civilian of those days at the age of 23½ started his active career with a better legal equipment for the satisfactory performance of the work which he was at once called on to undertake, and had at the same time a more solid foundation for assimilating further legal knowledge, than the civilian of the present day at the age of 25. The learning by heart of dry Indian Codes which the civilian of the present day undergoes is eminently calculated to arouse in him a positive distaste for the study of law, which probably is retained throughout the whole of his service. The position, therefore, is that whereas the altered circumstances of India most strenuously demand that the young civilian should have higher legal qualifications than his predecessor of thirty years ago, he not only has in fact lower qualifications, but he is not even furnished with the groundwork on which a high standard of knowledge can be built up or with the desire to attain it. This state of affairs is most deplorable, and the evil is one that, in our opinion, cannot be exaggerated. If things are allowed to drift, the evil will become more accentuated year by year. Incompetent men cannot retain their position in the face of a well-founded criticism which is becoming more and more searching as time goes on. On public grounds it is imperative that drastic steps should be taken to remove this blot on our administration.

6. We have carefully considered the question whether the object which we have in view can be attained by the introduction of improvements in the rules laid down for the open and final examinations in England, combined with some modification of the system of departmental examinations in India, without embarking on any radical change of policy with regard to the two former. The principle upon which the open competitive examination is based is well known. Subject to certain exceptions designed for the benefit of natives of India, it admits only those subjects which form part of a liberal education. Whatever may have been the case fifty years ago, it can hardly be denied now that the scientific study of law has a legitimate place in the concluding stages of a good general education; or, to put it in another way, that legal studies as conducted at the Universities are not of so special and technical a character as to justify their being excluded from, or given only a subordinate value in, an examination which purports to test a man's general education. There is, therefore, nothing contrary to the principles of the open examination in the proposal made in paragraph 7 of the Calcutta High Court's letter of the 22nd February 1904, and supported in paragraph 4 of the Bengal Government's letter of the 24th May 1904, that the scale of marks awarded to English and Roman Law in the open competition should be raised. We are, however, unable to accept the specific suggestion that to each subject included under the head of English Law and Roman Law 600 marks should be awarded. We think that the Judges' proposal would result in raising the marks for law out of proportion to those assigned for other subjects, that it would attract only those who have attended a law course at the University, and that it would operate rather unfairly towards men who have graduated in other subjects. At the same time we consider that it is desirable that candidates should

commence the study of law as early as possible and that English Law and Roman Law are at present valued too low in relation to languages, science and mathematics. This tends to discourage candidates from offering legal subjects at the competitive examination, and we therefore suggest that the scale of marks for these subjects ought to be raised. It must be remembered, however, that a candidate's object in choosing subjects for the open competition is not to study what will be of use to him in India, but to study what will give him the best chance of success in the examination; unless, therefore, the examinations in these subjects are very simple they are not likely to attract candidates, and on the other hand, if they are very simple they will go but a short way towards educating them for duties in India. As regards the final examination it will be seen that there is one point on which opinion is practically unanimous, *viz.*, that the most valuable portion of the old system of training civilians in England was the attendance at Courts and reporting of cases. With this view we entirely agree. The argument may be summed up by saying that judicial work can best be learnt by actually seeing it done and that it is better done in English than in Indian Courts. The knowledge acquired by watching the methods of a good Court is picked up without any conscious effort, it is never forgotten, and it forms a sort of visual frame-work into which a man's further reading naturally fits. A soldier cannot be taught his drill by merely making him read a manual of the subject; it is just as absurd to expect that legal procedure can be learnt by a man who has never been inside a Court. In our opinion, however, it would be impossible to provide for this kind of training satisfactorily under the present system, which allows an interval of barely one year between the open and final examinations. The course prescribed for the latter examination is already ample, and without displacing some of the subjects in the existing curriculum no room could be found for attendance at Courts and reporting of cases.

Finally, we may consider whether the imperfections of the course of study in England can be remedied by departmental training in India. We are unable to see how the principles of law can be taught with any success at the head-quarters of an Indian district. The legal training of civilians in India has hitherto been confined to the bare learning of Acts with some desultory practice in trying cases. We have already said enough to show that this method, whether conducted in England or in India, is an altogether inadequate preparation for the duties of a civilian. Certain rules recently proposed by the Government of Bengal for the training of junior civilians in that province constitute the most elaborate attempt that has yet been devised for legal training in India. They provide for a period of two years' training with half-yearly examinations. But even in this lengthy course the study of law is confined to enactments and practice, and we should be surprised if any civilian who had been subjected to this course of study were again during the remainder of his life to open a law book without a feeling of repulsion.

7. It must be recognized that there is no short cut to the knowledge of law and we are, therefore, driven to the conclusion that the only real remedy is to revert to the period of two years' training in England. The reference made to the local Governments in November 1903 excluded this proposal. Nevertheless it has been advocated by the Government of Madras, and the Judges of the Calcutta High Court also consider that the period of probation in England is too short. We have little doubt that if the reference to local Governments had left the question open, there would have been a stronger consensus of opinion in favour of this course. It is generally admitted that civilians should arrive in India at no greater age than at present, *viz.*, 24. It would therefore be necessary, if civilians are to have two years' training in England instead of one, to reduce the age for the open competition by one year. We cannot see any strong objection to this proposal. The age* was raised from 17—19 to 21—23 on the ground that wide powers were necessarily entrusted to officers soon after their arrival in India, and that the increasing complexity of administration demanded greater maturity of judgment and more thorough education on the part of officers.

* *Vide* paragraph 26 of Viscount Cross' Public despatch no. 104, dated the 12th September 1889.

We observe that from 1906 the age for the open competition has been raised to 22—24, with the effect that candidates will hereafter arrive in India at the age of 25. We do not know the reasons for this change, but it appears to us to be open to objection, as even now there are complaints that men at the age of 24 are more reluctant to be taught the details of their work than men who came out younger. It appears to us that if the age for the open competition were reduced instead from 21—23 to 20—22 there would still be room left for a thorough education, and even for a University education, while after two years' suitable training in England civilians would arrive in India at the same age as now and with even more maturity of judgment. The only possible objection that suggests itself to us is that the reduction of the age might involve a danger of the Indian element among the successful candidates becoming too large. We are not disposed to attach much importance to this consideration. No such result ensued when the limits of age were considerably lower than those we have now in contemplation; and in any case we do not anticipate any difficulty in finding a remedy if it should eventually be required. We therefore adhere to the view that the age for the open competition should be 20—22.

8 The civilian of thirty years ago, in addition to the course of law which we have already described, underwent a searching examination in Indian languages, the History and Geography of India, and Political Economy. Candidates were expected at the final examination to show a thorough knowledge of the grammar of the chief vernacular language of the province to which they were assigned, some facility in translating from and into the language the examination not being confined to the prescribed text-books, familiarity with the written character, and some slight acquaintance with the colloquial. In addition to the compulsory language they were permitted to take up any one or more of the following, *viz.*, Sanskrit, Arabic and Persian and (with the permission of the Commissioners) a second vernacular language. While not disposed to under-rate for a moment the importance to a civilian of a thorough knowledge of the vernacular, we think that this syllabus could with advantage be curtailed. Colloquial tests, we consider, are out of place in England. The main object to be aimed at is a solid literary grounding. The course should, therefore, provide for a sound knowledge of grammar (which, if it is to be learnt at all, must be learnt in England) and for a sufficient study of text-books to enable candidates to master the language readily after some reading and practice in India. We are further of opinion that the number of optional languages should be limited to one, as we are convinced that it is a waste of time for a man to attempt to learn more than two languages during the period of probation. We would leave the study of History and Geography of India and Political Economy as it stood in 1876. We are not in a position to lay down a complete syllabus in law which would fill the time that was occupied in the study of this subject in 1874-76. It is sufficient to point out that the law course should follow the lines of the curriculum described in paragraph 5, and should include attendance at lectures in all branches of the subject, the reporting of cases and instruction on the reports, and perhaps also a period spent in a barrister's chambers. We attach great importance to a study of the principles of jurisprudence. In addition to the subjects enumerated above we think that it would be very useful for civilians to acquire some knowledge of accounts. There are few branches of work in this country for which it is not required, there are few appointments in which a civilian is not the custodian of public money, and there are few civilians, we regret to have to admit, who know anything whatever about the subject. This is not required exclusively, or even mainly, for treasury purposes. In fact few civilians remain long in charge of a treasury. Moreover, though we require them to pass an examination in treasury accounts in India, yet neither this nor even the temporary charge of a treasury really teaches our officers what they ought to know. Every officer in almost every branch of the service requires some knowledge of accounts for the proper conduct of his ordinary work. Almost every one has accounts to keep, estimates to prepare, accounts of municipalities, wards' estates, etc., to supervise. One result of the almost universal ignorance of this subject which now prevails is that all work of this kind is entrusted to subordinates, with no sort of effective supervision, and to this cause are due, in great measure, the cases of fraud and embezzlement which are so often brought to our notice. A knowledge of book-keeping and of

the method of auditing the accounts of an office would be useful to all civilians, and we therefore attach much importance to the inclusion of some study of accounts in the curriculum.

9. The conclusions at which we have arrived may now be summarised as follows—

- (1) That the age limits for the open competition should be reduced to 20—22, and that the scale of marks assigned in that examination to English and Roman Law should be raised.
- (2) That the period of probation in England should be increased to two years.
- (3) That the curriculum prescribed during that period should include—
 - (a) a law course, theoretical and practical, on the lines of thirty years ago, as explained in paragraph 5, but considerably stiffened,
 - (b) a course of study in the vernacular language—comprising one compulsory language and allowing only one optional—with the object of imparting a knowledge of grammar and text books sufficient to enable candidates to master the language readily after some study and practice in India ;
 - (c) an acquaintance with the Geography and History of India ;
 - (d) political economy on similar lines to the course of thirty years ago ;
 - (e) a knowledge of accounts ;
 - (f) proficiency in riding.

The proposals thus summarised are the outcome of much anxious thought and deliberation on our part. We submit them for your approval in the assured conviction that nothing short of the radical change of system which we contemplate will maintain the level of efficiency which the present condition of the country so imperatively demands.

We have the honour to be,

SIR,

Your most obedient, humble servants,

MINTO.

KITCHENER.

H. E. RICHARDS.

E. N. BAKER.

C. H. SCOTT.

H. ADAMSON.

J. F. FINLAY.

J. O. MILLER.

1. Home Department letter to local Governments and Administrations, nos. 655-661, dated the 4th November 1903, and seven enclosures, viz. :—
 - (i) letter from the Government of the Punjab, no. 226-S., dated the 1st June 1903 ;
 - (ii) letter from Mr. D. C. Johnstone, Divisional Judge, Sialkot, to the Chief Court, no. 918, dated the 9th December 1902 ;
 - (iii) letter from the Chief Court to the Government of the Punjab, no. 1645-G., dated the 7th May 1903 ;
 - (iv) letter from the Honourable Sir Lewis Tupper, Financial Commissioner, Punjab, to the Chief Court, no. 2276, dated the 16th April 1903 ;
 - (v) letter from the Chief Court to the Government of the Punjab, no. 662-G., dated the 14th February 1903 ;
 - (vi) letter from the Government of the Punjab to the Chief Court, no. 227-S., dated the 1st June 1903 ;
 - (vii) synopsis of the examinations in law and procedure prescribed for the junior members of the Indian Civil Service.
2. Home Department letter to the Government of the Punjab, no. 662, dated the 4th November 1903.
3. Letter from the Government of Madras, no. 974, dated the 22nd June 1904.
4. Letter from the Government of Bombay, no. 4824, dated the 17th September 1904, and three enclosures, viz. : Minutes by the Honourable Sir Lawrence Jenkins and Messrs. Justices Aston and Batty :
5. Letter from the Government of Bengal, no. 1274-A.D., dated the 24th May 1904, and four enclosures, viz. :—
 - (i) letter from the High Court, Calcutta, no. 541, dated the 22nd February 1904 ;
 - (ii) minute of the Honourable Mr. Justice Rampini, dated the 22nd February 1904 ;
 - (iii) letter from the Board of Revenue, L. P., no. 578-A., dated the 16th January 1904 ;
 - (iv) letter from the Central Examination Committee, Bengal, no. 17, dated the 20th January 1904.
6. Letter from the Government of the United Provinces, no. 334, dated the 5th May 1904.
7. Letter from the Government of the Punjab, no. 154-S., dated the 31st May 1904, and two enclosures, viz. :—
 - (i) letter from the Chief Court, no. 471-G., dated the 26th January 1904 ;
 - (ii) letter from the Financial Commissioner, no. 305, dated the 2nd April 1904.
8. Letter from the Government of Burma, no. 507-IC-2, dated the 23rd August 1904, and sixteen enclosures, viz. :—
 - (i) letter from the Government Advocate, no. 8-229, dated the 6th January 1904 ;
 - (ii) letter from the Judicial Commissioner, Upper Burma, no. 581-18-10, dated the 25th March 1904 ;
 - (iii) letter from the Commissioner, Minbu, no. 966—5-A-T., dated the 12th February 1904 ;
 - (iv) letter from the Deputy Commissioner, Minbu, no. 144-22-1, dated the 10th February 1904 ;
 - (v) letter from the Commissioner, Meiktila, no. 904-4—A-11, dated the 17th February 1904 ;
 - (vi) letter from the Assistant Commissioner, Thazi ;
 - (vii) letter from the Assistant Commissioner, Meiktila ;
 - (viii) letter from the Commissioner, Mandalay, no. 536-57-13, dated the 22nd February 1904 ;
 - (ix) letter from the Commissioner, Sagaing, no. 174-18-4, dated the 3rd March 1904.

- (x) letter from the Chief Court, Lower Burma, no. 19-11-10, dated the 3rd May 1904;
- (xi) letter from the Commissioner, Pegu, no. 773-10-64, dated the 18th February 1904;
- (xii) letter from the Commissioner, Tenasserim, no. 734-O-26, dated the 29th January 1904;
- (xiii) letter from the Additional Sessions Judge, Pegu, no. 65-13-13, dated the 14th January 1904;
- (xiv) letter from the Deputy Commissioner, Tharrawaddy, no. 493-8-6, dated the 29th January 1904;
- (xv) letter from the Additional Sessions Judge, Irrawaddy, no. 97-9-1, dated the 29th January 1904;
- (xvi) letter from the Deputy Commissioner, Pegu, no. 268, dated the 23rd January 1904.
9. Letter from the Honourable the Chief Commissioner of the Central Provinces, no. 1581, dated the 23rd February 1904.
10. Letter from the Honourable the Chief Commissioner of Assam, no. $\frac{261-P.S.}{3744}$ G., dated the 21st April 1904.
11. Letter from the Government of Bengal, no. 5559-A., dated the 22nd December 1904, and one enclosure, *vis.*—
Rules for training of Junior Civilians.
12. Home Department letter to the Governments of Madras, Bombay, Bengal and Eastern Bengal and Assam, nos. 1353-1356, dated the 5th October 1906.

NOTE.

The enclosures have not been reprinted here.

CHAPTER III.

TRAINING OF JUNIOR OFFICERS IN INDIA.

Oriental Languages.

PAGE.

1. Letter to the local Governments and Administrations, nos. 139-148, (Education—Examinations), dated the 23rd July 1912 and its enclosure, *vis.*—Draft Rules for the encouragement of the study of oriental languages by officers of certain Departments and services ... 193-217

Law.

2. Despatch to the Secretary of State, no. 9, dated 26th March 1908, with enclosures nos. 6 and 7, being the Minutes of Dissent of the Hon'ble Sir Harvey Adamson, Kt., C.S.I., and the Hon'ble Mr. J. O. Miller, C.S.I. ... 219-229
3. Despatch from the Secretary of State, no. 151, dated 28th October 1910 ... 231-232
4. Home Department Circular letter to local Governments, nos. 545-551, dated 30th March 1911 ... 233-236
5. Letter from the Government of Madras, no. 1200, dated 27th July 1912, and enclosures ... 237-249
6. Letter from the Government of Bombay, no. 3058, dated 18th April 1912, and enclosures ... 251-256
7. Letter from the Government of Bengal, no. 830-A.D., dated 13th May 1912, and enclosures ... 257-269
8. Letter from the Government of the United Provinces, no. 1062, dated 14th August 1911 ... 271-274
9. Letter from the Government of the Punjab, no. 1113, dated 18th October 1911, and enclosure ... 275-277
10. Letter from the Government of Eastern Bengal and Assam, no. 1297-A., dated 16th March 1912, and enclosures ... 279-280
11. Letter from the Chief Commissioner, Central Provinces, no. 884-I-9-24, dated 24th April 1912 ... 281-284

Nos. 139-148.

FROM

THE HON'BLE MR. L. C. PORTER, C.I.E., I.C.S.,
Secretary to the Government of India,

TO

THE CHIEF SECRETARY TO THE GOVERNMENT OF
MADRAS.
,, CHIEF SECRETARY TO THE GOVERNMENT OF
BOMBAY,
,, CHIEF SECRETARY TO THE GOVERNMENT OF
BENGAL.
,, SECRETARY TO THE GOVERNMENT OF THE
UNITED PROVINCES,
JUDICIAL (CIVIL) DEPARTMENT.
,, CHIEF SECRETARY TO THE GOVERNMENT OF THE
PUNJAB.
,, SECRETARY TO THE GOVERNMENT OF BURMA.
,, CHIEF SECRETARY TO THE GOVERNMENT OF
BIHAR AND ORISSA.
,, HON'BLE THE CHIEF COMMISSIONER OF THE
CENTRAL PROVINCES.
,, HON'BLE THE CHIEF COMMISSIONER OF ASSAM.
,, HON'BLE THE CHIEF COMMISSIONER AND AGENT
TO THE GOVERNOR-GENERAL,
NORTH-WEST FRONTIER PROVINCE.

Department of Education.
Examinations.

Simla, the 23rd July 1912.

SIR,

I AM directed to refer (to the correspondence ending with your letter

* Madras No. 304, dated the 13th April 1910.
Bombay No. 3280, dated the 31st March 1911.
United Provinces No. 600, dated the 8th May 1911.
Punjab No. 1293-S., dated the 19th July 1910.
Burma No. 804-T-8 E-5, dated the 11th June 1910.
Central Provinces No. 2493, dated the 15th October 1910.
N.-W. F. Province No. 326-G., dated the 14th February 1910.
† Bengal No. 4013-A., dated the 15th July 1909.
‡ Assam No. 3907-A., dated the 20th September 1910.
§ Bihar and Orissa No. 4013-A., dated the 15th July 1909.
Nos. 632 and 633, dated the 20th December 1907.
No. 390, dated the 12th July 1906.

No. *dated) [to your letter
No. † dated] [to the cor-
respondence ending with the letter from the
Government of Eastern Bengal and Assam, No. ,
dated ‡] and to forward for
the information of His Honour the Lieutenant-Governor and
your information

draft of the amended rules for the encouragement of the study of oriental languages which the Government of India, after full consideration of all the views put forward, propose to issue in supersession of the rules prescribed in the Home Department notifications noted in the margin. The changes and additions are printed in bold type and I am to offer the following remarks in regard to the more important modifications.

2. In the first place I am to mention that the rules pertaining to the examination of junior civilians and officers of the Indian Educational Service and to the Proficiency examination in Hindustani, which are now scattered over three different notifications, have, for the sake of convenience, been amalgamated and embodied in one form, and that the special rules applicable to the presidencies of Madras, Bombay and the province of Burma have also been included so as to make the rules complete in themselves as far as possible. The rules have been further recast to show what languages are recognised in each province, and what are the standards of examination and donations to be given to successful candidates, with the new proviso that candidates may present themselves for examination only in the languages recognised in their respective provinces. Hitherto this proviso has been applicable only to educational officers but the Government of India think it desirable that in future it should apply to all the officers mentioned in the proposed notification.

3. In the second place I am to observe that the Government of India have decided to accept, with certain modifications, the proposals which were originally suggested by the Government of Bengal and which have met with the general support of other local Governments.

- (i) *More liberal provision for study leave.*—Subject to the approval of the Secretary of State, to whom a reference is being made, it has been decided to amend the existing rules in the Civil Service Regulations so as to empower a local Government to grant three months' study leave before the High Proficiency and Degree of Honour examinations in all vernacular languages; and to allow a candidate for the Higher Standard or the High Proficiency in Sanskrit, Arabic or Persian, leave for a period not exceeding three months, if he undertakes to spend it under professional tuition at a place approved by the local Government; and for a similar period in the case of an examination for a Degree of Honour in these languages. If however a candidate leaves India for study, it is proposed to authorise the grant of leave for six months to Persia for Persian, to Arabia, Mesopotamia, Egypt or Syria for Arabic, and to any place approved by the local Government for Sanskrit.
- (ii) *Extension of the limit of service for the different examinations.*—The limit of service for passing the Higher Standard and High Proficiency examinations has been raised from 5 and 10 years to 10 and 15 years respectively, and the limit for passing the Proficiency test, which is referred to in clause (iv) below, has been fixed at 10 years. In the case of the Degree of Honour examination there will be no limit of time and an officer will be permitted to earn a reward by passing the examination at any time within the period of his service. In Madras and Bombay, however, where a large number of vernaculars exists, the local Governments will be authorised to extend the limit in exceptional cases in respect of the Proficiency and High Proficiency examinations in the vernaculars.
- (iii) *Raising of rewards.*—The rewards for passing the High Proficiency and Degree of Honour tests in vernacular languages have been raised from Rs. 1,000 and Rs. 2,000 to Rs. 1,500 and Rs. 3,000 respectively. As regards Persian it has been placed on the same level as Sanskrit and Arabic in the Higher Standard and Degree of Honour examinations (this being already the case in the High Proficiency test) and the rewards for the language have accordingly been raised from Rs. 500 and Rs. 4,000 to Rs. 800 and Rs. 5,000 respectively.
- (iv) *Proficiency examination.*—The institution of an examination by this standard has been approved for all important vernaculars in each province on the lines of the present Hindustani Proficiency test and the reward has been fixed at Rs. 750. I am to request that the languages selected for this examination may be intimated to the Government of India together with the text-books recommended.

For some provinces the languages have already been entered in the draft rule and I am to enquire whether they are correct. The place or places where the test can be taken will be subsequently decided.

The changes enumerated in clauses (ii) and (iii) have already come into force (*vide* this Department notification No. 124, dated the 23rd July 1912) [and I am to suggest that, with the permission of His Excellency the Governor in Council, these changes may be embodied in the rules for the examination in oriental languages of officers in the ^{Madras}_{Bombay} Presidency.]

4. I am now to refer to certain additional proposals provisionally included in the rules which in the course of discussion have been made to the Government of India, and on which I am to invite the opinions of local Governments and Administrations. It has been suggested to the Government of India that the position of officers of the Imperial branches of Educational, Police, Agricultural, Forest and Veterinary services should be improved in the matter of language examinations.

- (a) *Educational officers.*—Officers of the Indian Educational Service are at present not entitled to appear for the Higher Standard examination in the three classical languages, *viz.*, Persian, Arabic and Sanskrit and in Burma in Pali. The time-limit fixed for passing the High Proficiency and Degree of Honour examinations in all languages are 7 and 12 years respectively against 10 and 15 fixed for civilians. It is proposed that educational officers should be placed on the same footing as civilians as regards the language rules and subjected to the same time-limits and allowed the same rewards for passing the various examinations. The existing restrictions, however, that a professor of any language cannot obtain a reward in that language and that no officer will be permitted to receive rewards for passing by a given standard in more than two vernaculars and two classical languages should it be thought still be retained.
- (b) *Police officers.*—Gazetted police officers, not being statutory natives of India, are at present allowed to appear at examinations for rewards in the High Proficiency test in the vernacular languages current in the province to which they belong and rewards are not given for passing in the classical languages; nor is the Degree of Honour open to such officers. The Government of India see no reason to differentiate between officers of the Imperial Branch of the Indian Police Service, whether statutory natives or not, and officers of the Indian Civil Service in the study of oriental languages, and they propose therefore, if the local Governments and Administrations have no objection, to place them in all respects on the same footing.
- (c) *Agricultural, Forest and Veterinary officers.*—Under departmental rules officers of the Indian Agricultural Service, of the Imperial Forest Service and of the Indian Civil Veterinary Department are entitled, under certain conditions, to rewards for passing in vernacular languages by the Lower and Higher standards but no inducement is offered to them to take higher examinations in oriental languages. It is proposed, if the local Governments and Administrations have no objection, that these officers, for whom it is very important to be in close touch with the people, shall be made eligible for rewards for passing the Proficiency and High Proficiency examinations in any vernacular language of the province in which they are serving.

5. In addition to the changes accepted and proposed which have been enumerated above and which have received the unanimous approval of a representative committee of orientalists which assembled in Simla last year, the following further alterations have been provisionally introduced into the rules on the recommendation of the committee and I am to commend these also for the consideration of local Governments and Administrations.

It is proposed.—

- (i) That there shall be an interval of one year between the Higher Standard and High Proficiency and also between the Proficiency and High Proficiency tests, and an interval of two years between the High Proficiency and Degree of Honour tests in the same language. The only restriction at present in rule III is that an officer may not appear simultaneously in two standards, and the object of the further restrictions proposed is to ensure some continuity of study and to prevent officers from undertaking tests with the sole object of earning rewards.
- (ii) That an officer who passes the Degree of Honour in any language shall be allowed to appear again in the same test in that language after five years, and if he passes to earn half the reward. The object is again to encourage continuity of study and to induce an officer to retain his interest in a language.
- (iii) That a candidate for the Degree of Honour passing in the second division shall be allowed half the reward fixed for the first division. While ensuring a really high standard in the first division the proposed change should, it is thought, be permitted as a concession to officers who, in an examination which entails considerable work and expense, have acquitted themselves creditably though without reaching the highest standard.
- (iv) That the Degree of Honour test in the classical languages should be more than merely linguistic and should comprise papers in other subjects than language. It is proposed that three papers should now be set—one a language test to be marked as before, one on the History and Religion and one on the History of Literature—in Persian, Arabic, Sanskrit and Pali, and it is proposed that candidates should be required to obtain the requisite pass marks in each paper. This innovation while changing the character of the examination will, it is thought, render it attractive and useful to officers and at the same time prevent cramming. The curriculum has been revised to give effect to these measures.
- (v) The existing test in the Degree of Honour in Persian extends to the full range of the language, classical and modern. It is proposed, however, to place it on the same footing as the other classical languages and text-books have been prescribed accordingly. Some change has also been made in the books prescribed for the Degree of Honour test in Arabic and in the High Proficiency test in Persian and Arabic the number of prescribed text-books has been reduced. It is proposed that candidates for the High Proficiency and Degree of Honour examination in Persian should be required to have some knowledge of Arabic grammar and an elementary acquaintance with the language.

6. I am to request that the Government of India may be favoured with the views of the Governor in Council His Honour the Lieutenant-Governor on the draft rules at an early date. Three

your views
spare copies of the draft notification are enclosed one of which may be corrected if necessary and returned with your reply.

] To Madras,
Bombay and Burma.

[It is requested that in the list appended to the draft rules the text-books prescribed for the various examinations and the places where they may be obtained may be entered.]

I have the honour to be,

SIR,

Your most obedient servant,

L. C. PORTER,

Secretary to the Government of India.

G. C. B. P., Simla.—No. 20 P. S. C.—11-9-12.—150.—F. C. A.

[DRAFT.]

GOVERNMENT OF INDIA.

DEPARTMENT OF EDUCATION.

EXAMINATIONS.

Simla, the 1912.

NOTIFICATION.

The following amended rules* for the encouragement of the study of oriental languages which the Government of India have been pleased to make in supersession of all previous rules† are published for general information. These rules will come into force from the date of this notification.

I.—These rules are applicable, subject to the modifications stated below, to:—

- (i) Officers of the Indian Civil Service.
- (ii) Military officers in permanent civil employ.
- (iii) Officers of the Political Department, including military officers in permanent political employ.
- (iv) Officers of the Indian Educational Service.
- (v) Officers of the Imperial Branch of the Indian Police Service.
- (vi) Chaplains.
- (vii) Officers of the Indian Agricultural Service.
- (viii) Officers of the Indian Civil Veterinary Department.
- (ix) Officers of the Imperial Forest Service.

Officers of the Political Department, including military officers in permanent political employ, will be eligible, under the rules obtaining in the adjoining presidency or province, for rewards for passing examinations in the vernacular languages spoken in the agency or province in which they are serving.

The following restrictions will apply to officers of the Indian Educational Service, viz., that a professor of any language cannot obtain a reward in that language, and that no officer will be permitted to receive rewards for passing by a given standard in more than two vernacular and two classical languages.

Chaplains are only eligible for rewards for passing examinations in the vernacular languages of the province in which they are serving, and no rewards will be given to such officers for passing in Arabic, Sanskrit or Persian. The examination of chaplains by the Higher Standard is regulated by the military rules. The scale of rewards admissible to these officers for passing by the Higher Standard is laid down in paragraph 376 of the Army Regulations, India, Volume I, with the exception that no rewards will be given for Arabic, Sanskrit or Persian.

Officers of the Indian Agricultural Service, the Indian Civil Veterinary Department and the Imperial Forest Service are only eligible for rewards for passing the Proficiency and High Proficiency examinations in any vernacular language of the province in which they are serving.

II.—Candidates may present themselves for examination only in the languages recognised in the province in which they are serving. The languages recognised in each province, the standards of examination and the donations to be given to successful candidates in the several provinces will be as follows.

* These rules do not in any way affect the departmental examinations in law, language, etc., which officers have to pass under the orders of local Governments.
† Home Department notifications Nos. 632 and 633, dated the 20th December 1907, and No. 390, dated the 12th July 1908.

2

Standards.	Languages.	Donations.	REMARKS.	
	MADRAS.	Rs.		
Higher Standard	Persian	800	With certificate from the presiding examiner.	
	Arabic			
	Sanskrit			
Proficiency	Hindustani	750	With certificate from the presiding examiner.	
	Important vernaculars to be selected by the local Government.			
	Tamil	1,500	With certificate from the presiding examiner.	
	Telugu			
	Kanarese			
	Malayalam			
	Uriya			
High Proficiency	Hindustani	2,000	With certificate from the presiding examiner.	
	Persian			
	Arabic			
	Sanskrit			
	Tamil	3,000	With diploma from the Government of Madras.	
	Telugu			
	Kanarese			
Degree of Honour	Persian	5,000		
	Arabic			
	Sanskrit			
	BOMBAY.			
Higher Standard	Persian	800	With certificate from the presiding examiner.	
	Arabic			
	Sanskrit			
Proficiency	Important vernaculars to be selected by the local Government.	750	With certificate from the presiding examiner.	
	Marathi	1,500	With certificate from the presiding examiner.	
	Gujarati			
	Kanarese			
High Proficiency	Sindhi			
	Persian			
	Arabic	2,000		
	Sanskrit			
Officers serving in Coorg may present themselves for examination at the Presidency.				

3

Standards.	Languages.	Donations.	REMARKS.
		Rs.	
	BOMBAY—contd.		
Degree of Honour	Marathi	3,000	With diploma from the Government of Bombay.
	Gujarati		
	Kanarese		
	Persian	5,000	
	Arabic		
	Sanskrit		
	BENGAL.		
Higher Standard	Persian	800	With certificate from the presiding examiner.
	Arabic		
	Sanskrit		
Proficiency	Hindustani	750	With certificate from the presiding examiner.
	Hindi		
	Bengali		
High Proficiency	Hindi	1,500	With certificate from the presiding examiner.
	Bengali		
	Persian	2,000	
	Arabic		
	Sanskrit		
Degree of Honour	Hindi	3,000	With diploma from the Government of Bengal.
	Bengali		
	Persian	5,000	
	Arabic		
	Sanskrit		
	UNITED PROVINCES.		
Higher Standard	Persian	800	With certificate from the presiding examiner.
	Arabic		
	Sanskrit		
Proficiency	Hindustani	750	With certificate from the presiding examiner.
	Hindi		

Officers serving in Coorg may present themselves for examination in the languages recognised in the Madras Presidency.

Standards.	Languages.	Donations.	REMARKS.		
	UNITED PROVINCES— <i>contd.</i>	Rs.			
High Proficiency	Hindustani ...	1,500	With certificate from the presiding examiner.		
	Hindi ...				
	Persian ...	2,000			
	Arabic ...				
	Sanskrit ...				
Degree of Honour	Hindustani ...	3,000		With diploma from the Government of India.	
	Hindi ...				
	Persian ...	5,000			
	Arabic ...				
	Sanskrit ...				
	PUNJAB.				
Higher Standard	Persian ...	800	With certificate from the presiding examiner.		
	Arabic ...				
	Sanskrit ...				
Proficiency	Hindustani ...	750	With certificate from the presiding examiner.		
	Punjabi ...				
High Proficiency	Hindustani ...	1,500	With certificate from the presiding examiner.		
	Persian ...				
	Arabic ...	2,000			
	Sanskrit ...				
Degree of Honour	Hindustani ...	3,000		With diploma from the Government of India.	
	Persian ...				
	Arabic ...	5,000			
	Sanskrit ...				
	BURMA.				
Higher Standard	Persian ...	800			With certificate from the presiding examiner.
	Arabic ...				
	Sanskrit ...				
Proficiency	Pali ...	750	With certificate from the presiding examiner.		
	Hindustani ...				
	Burmese ...		With certificate from the presiding examiner.		

Standards.	Languages.	Donations.	REMARKS.
	BURMA— <i>contd.</i>	Rs.	
High Proficiency	Burmese ...	2,000	With certificate from the presiding examiner.
	Pali ...		
	Persian ...		
	Arabic ...		
	Sanskrit ...		
Degree of Honour	Burmese ...	4,000	With diploma from the Government of India.
	Pali ...	5,000	
	Persian ...		
	Arabic ...		
	Sanskrit ...		
	BIHAR AND ORISSA.		
Higher Standard	Persian ...	800	With certificate from the presiding examiner.
	Arabic ...		
	Sanskrit ...		
Proficiency	Hindustani ...	750	With certificate from the presiding examiner.
	Hindi ...		
	Uriya ...		
High Proficiency	Hindustani ...	1,500	With certificate from the presiding examiner.
	Hindi ...		
	Uriya ...	2,000	
	Persian ...		
	Arabic ...		
Degree of Honour	Sanskrit ...	3,000	With diploma from the Government of India.
	Hindustani ...		
	Hindi ...	5,000	
	Persian ...		
	Arabic ...		
	CENTRAL PROVINCES.		
Higher Standard	Persian ...	800	With certificate from the presiding examiner.
	Arabic ...		
	Sanskrit ...		

Standards.	Languages.	Donations.	REMARKS.
	CENTRAL PROVINCES— contd.	Rs.	
Proficiency	Hindustani ... Hindi ... Marathi* ...	750	With certificate from the presiding examiner.
High Proficiency	Hindi ... Marathi* ... Persian ... Arabic ... Sanskrit ...	1,500 2,000	With certificate from the presiding examiner.
Degree of Honour	Hindi ... Marathi* ... Persian ... Arabic ... Sanskrit ...	3,000 5,000	With diploma from the Government of India.
	ASSAM.		
Higher Standard	Persian ... Arabic ... Sanskrit ...	800	With certificate from the presiding examiner.
Proficiency	Hindustani ... Bengali ... Assamese ...	750	With certificate from the presiding examiner.
High Proficiency	Hindustani ... Bengali ... Assamese ... Persian ... Arabic ... Sanskrit ...	1,500 2,000	With certificate from the presiding examiner.
Degree of Honour	Hindustani ... Bengali ... Persian ... Arabic ... Sanskrit ...	3,000 5,000	With diploma from the Government of India.

* Examinations in Marathi will be held under the rules in force in the Bombay Presidency.

Standards.	Languages.	Donations.	REMARKS.
	NORTH-WEST FRONTIER PROVINCE.	Rs.	
Higher Standard	Persian ... Arabic ... Sanskrit ...	800	With certificate from the presiding examiner.
Proficiency	Hindustani ...	750	With certificate from the presiding examiner.
High Proficiency	Hindustani ... Persian ... Arabic ... Sanskrit ...	1,500 2,000	With certificate from the presiding examiner.
Degree of Honour	Hindustani ... Persian ... Arabic ... Sanskrit ...	3,000 5,000	With diploma from the Government of India.

III.—No officer will be permitted to present himself for examination by two standards of the same language simultaneously, and there shall be an interval of at least one year between the Higher Standard and High Proficiency tests, and also between the Proficiency and High Proficiency tests, and an interval of at least two years between the High Proficiency and Degree of Honour tests in the same language. A candidate may however have the option of competing for the higher examinations in any language without first undergoing any inferior test, and he may also present himself for examination in more than one language on the same day but in this case he will be required to perform the exercises within the time allotted for one.

An officer who has passed the Degree of Honour in any language may be allowed to appear again in the same test in that language after an interval of five years, and if he passes to earn half the prescribed reward.

IV.—No officer will ordinarily be permitted to appear more than twice as a candidate at the same examination; but if a special recommendation be made by the examiners a candidate will be allowed to appear a third time.

V.—No officer will be permitted to earn a reward for passing an examination by the Higher Standard or the Proficiency standard after the expiration of ten years or the High Proficiency standard after the expiration of fifteen years, counted from the date of his first arrival in India, provided that in the presidencies of Madras and Bombay, where there are several vernaculars, the Local Governments may, in exceptional cases, extend the time limit in the case of the Proficiency and High Proficiency examinations in the vernaculars. In the case of an examination for the Degree of Honour standard there shall be no limit of time and an officer will be permitted to earn a reward by passing this examination at any time within the period of his service.

VI.—Officers may be permitted to attend the examinations after the expiry of the periods specified in rule V but no reward will be granted to them if they pass; and their leave must be limited to such time as may be necessary to enable them to attend the examination, and no extra expense must under any circumstances be caused to the State. In such cases it will be within the competence of local Governments to refuse applications for permission to attend any particular examination, when compliance with such applications would involve inconvenience to the public service.

In the case of military officers in permanent civil or political employ the limit of time specified in rule V within which an officer can earn a reward for the Higher Standard, the Proficiency and the High Proficiency examinations, respectively, may, for special reasons, be extended by the Government of India on the recommendation of the local Government, Resident or Agent to the Governor General under whose orders the officer is serving.

In its application to police officers the period of time specified in rule V will be reckoned in the case of officers appointed after an examination held in this country from the date of appointment in India, the date of first arrival in India holding good for officers selected in England.

In the case of an officer of the Indian Educational Service or a Chaplain the period of time will be counted from the date of his first appointment to the Educational or Ecclesiastical Departments respectively.

VII.—Officers who are natives of India are not eligible for rewards in passing in the vernacular of the district in which they were born or educated. The local Government shall determine in each case what languages come within this definition.

VIII.—Examinations will be held quarterly on the first Monday in January, April, July and October of each year by the Board of Examiners at Calcutta.

In Madras the examinations will be held half-yearly in January and July by the Board of Examiners, except the examinations by the Proficiency standard which will be held quarterly on the first Monday in January, April, July and October.

In Bombay the Civil and Military Examination Committee will meet on the first Monday in every month to conduct examinations according to the Higher, Proficiency, High Proficiency and Degree of Honour standards. Examinations in Persian, Arabic and Sanskrit will, however, be held only quarterly on the first Monday in January, April, July and October. The Committee will also hold special meetings whenever directed to do so, either by His Excellency the Governor or the Lieutenant-General Commanding the Forces, Bombay, for the examination of any candidate or candidates who cannot attend during the regular monthly or quarterly sittings.

Examinations in Burmese and Pali will be held yearly in November at Rangoon by the Central Examination Committee.

When the first Monday in a quarter is a gazetted holiday the examination will be held on the following Monday or, if that is also a gazetted holiday, on the next working day thereafter.

NOTE.—The term gazetted holiday should be held to mean :—

- (1) Holidays prescribed or notified under section 25 of the Negotiable Instruments Act, 1881.
- (2) Holidays on which, by Government notification in the Gazette, any public office is ordered to be closed for the transaction of public business without reserve or qualification.

In addition to the quarterly examinations held at Calcutta, the Secretary to the Board of Examiners, Calcutta, will conduct examinations, for candidates other than officers serving in the presidencies of Madras and Bombay, in the Proficiency and High Proficiency standards in Hindustani and the Higher Persian twice annually at Lucknow and Lahore in March and

October. The exact dates of the examinations and the places at which they will be held will be notified to intending candidates on application to the Board of Examiners, Calcutta.

Officers desirous of attending examinations for which they are eligible must apply for leave to do so to the Commissioners of Divisions or Heads of the Departments in which they are serving at least three months before the date of examination. In the case of officers serving in Coorg, the application could be made to the Chief Commissioner. Officers attached immediately to the Government of India must apply to the Department of Education through the Department of the Government of India under which they are serving. The application should be forwarded in sufficient time to reach the Board of Examiners or the Examination Committee concerned a month before the date of examination and it must be accompanied by a certificate from the Accounts Officer under whose audit control the applicant is serving, of his eligibility under rule V to appear at the examination.

IX (A).—The following are the subjects of examination for the Higher Standard in Sanskrit and Persian :—

(a) Construing, with readiness and accuracy, from the undermentioned books :—

Sanskrit	... Riju Pātha.
Persian	... { 1. A selection from the "Tarikh-i-Sāsāniyān." 2. A selection from the "Safar Nāma-i-Shāh-i-Iran." 3. "Narrative of Mrs. Hortestet" translated by I'timād-us-Sultāna.

NOTE.—The three Persian selections are bound in one volume entitled the "Hadiqa-yi-Fasāhat."

(b) Translating accurately and with correctness of idiom and grammar not less than half an ordinary octavo page of plain English into the language in which the examination is held.

(c) Reading manuscripts fairly and translating them readily and correctly. These manuscripts may be selected from the proceedings of a case in court, from reports or petitions addressed to civil or military authorities, from letters passing in the ordinary course of business, or from private correspondence. They should not be written with the clearness of a printed book, nor yet in a very cramped or crabbed hand, but in such a manner as fairly and honestly to represent the written characters generally employed.

(d) *Virā voce* translation into the language of a paper of English sentences, and (in Persian only) conversing in the examiner's presence with a native of Persia, with fluency and with such correctness of pronunciation, grammar, and idiom as to be at once intelligible. In Sanskrit the colloquial test will be omitted.

(B).—The following are the subjects for the Higher Standard examination in Arabic :—

(a) Translation from English into Arabic (written);

NOTE.—This translation should be marked with the vowel points.

(b) *Virā voce* translation into Arabic of a letter on a simple subject;

(c) *Virā voce* examination in the prescribed text-book (Ar-Rauzatu-z-Zakiya);

(d) Reading and translating an Arabic manuscript of moderate difficulty selected as in rule IX [A] (c) above;

(e) Conversation of a simple character in Arabic with an Arab.

(C) The following are the subjects for the Higher Standard examination in Pāli :—

- (a) Construing, with readiness and accuracy, from the under-mentioned books—
 - (i) Anderson's Pāli Reader up to page 60.
 - (ii) The Dathavamsa (Pāli Text Society's edition).
- (b) Translating accurately and with correctness of idiom and grammar not less than half an ordinary octavo page of plain English into Pāli.
- (c) Viva voce translation into Pāli of a paper of English sentences.
- (d) Grammar and Philology : a paper of questions based upon the "Practical Grammar of Pāli" (by Duroiselle) omitting derivation and prosody and the Hand Book of Pāli (by Frankfurter) will be set in these subjects.

X—The following are the subjects for the Proficiency examination :—

- (a) Written translation from English into the vernacular.
- (b) Written translation into English of passages from the prescribed text-books.
- (c) An easy paper in grammar.
- (d) Reading and translating a vernacular manuscript of moderate difficulty.
- (e) Conversation, including a paper of short idiomatic sentences in English to be translated into the vernacular orally at sight.

XI.—The following are the subjects for the High Proficiency examination :—

- (a) Translating *vivā voce* with readiness and accuracy from the prescribed text-books and answering questions arising out of the passages in which the candidate is examined.

NOTE.—In Persian half the passages for translation will be selected from the prescribed text-books and half from other works.

- (b) Written translation into English of a previously unseen passage in narrative style selected from the current literature of the day.

NOTE.—This rule does not apply to Sanskrit and Pāli. The passages set for translation from Arabic and Persian into English will not necessarily be in narrative style.

- (c) Written translation, with accuracy of idiom and neatness of expression, into the language in which the examination is held, of an English paper in narrative style.

NOTE.—The translations into Arabic should be marked with the vowel points.

- (d) Written translation of a paper of idiomatic sentences in English into the language.

NOTE.—The translations into Arabic should be marked with the vowel points.

- (e) Conversation in the language (except in Sanskrit and Pāli). In this portion of the test the candidate will be expected to converse freely and fluently on general subjects.

NOTE.—In the case of Arabic and Persian the candidates must exhibit a competent knowledge of the modern spoken idiom. Candidates in Arabic will be required to converse with an Arab speaking pure Arabic. In the case of Persian the conversation may be with a native of Shiraz, Teheran or Gilan.

- (f) Reading and translating at sight manuscript in the language.

- (g) *Vivā voce* translation at sight into the language of a paper in English placed before the candidate. This translation as it is made will be written by a munshi as dictated by the candidate, who will be permitted to correct his translation when completed upon its being read out to him by the examiner. The time occupied in this exercise will be taken into account in awarding marks.

- (h) A paper of grammatical questions.

XII.—The following are the subjects for the Degree of Honour examination :—

- (a) A written examination in the prescribed books, the papers set in which will include questions in grammar (including philology) and prosody.

NOTE.—In Persian half the passages for translation will be selected from the prescribed text-books and half from other works.

- (b) Written translation into English of difficult unseen passages in prose.

NOTE.—The passages will, in all languages except Sanskrit and Pāli, be selected from the current literature of the day.

- (c) Written translation into English of difficult unseen passages in verse.

- (d) Translating into the language a difficult passage (or passages) in English with such accuracy, elegance, and idiomatic excellence as shall show eminent proficiency in the language.

NOTE.—The translations into Arabic should be marked with the vowel points.

- (e) Conversing with accuracy and fluency (except in Sanskrit and Pāli).

NOTE.—In the case of Arabic the candidate will be expected to converse with an Arab speaking pure Arabic. In the case of Persian the conversation may be with a native of Shiraz, Teheran or Gilan.

- (f) Reading and translating at sight a difficult manuscript in the language.

- (g) *Vivā voce* translation at sight into the language of a paper in English placed before the candidate. This translation as it is made will be written by a munshi as dictated by the candidate, who will be permitted to correct his translation when completed upon its being read out to him by the examiner. The time occupied in this exercise will be taken into account in awarding marks.

XIII.—The Degree of Honour examination will be of a searching nature, and the exercises, both oral and written, must be performed with such excellence as distinctly to establish a claim to eminent proficiency.

XIV.—In the case of Persian, Arabic, Sanskrit and Pāli the Degree of Honour examination will comprise papers on the following subjects :—

- (a) Language Test—(as in rule XII) ;
- (b) History and Religion ;
- (c) History of Literature ;

Candidates will be required to obtain the usual pass marks in each paper.

XV.—Successful candidates for the Degree of Honour will be arranged in two divisions according to the number of marks obtained. For the first division 80 per cent of the marks must be obtained in all subjects, and not less than 60 per cent in any one paper ; for the second division, 60 per cent must be obtained in all subjects, and not less than 45 per cent in any one paper. The full reward and diploma will be granted only to candidates

passing in the first division and their names only will be published in the *Gazettes of India, Madras, Bombay and Bengal* as the case may be. Candidates passing in the second division will be granted half the reward fixed for the first division.

XVI.—The following are the text-books prescribed for the High Proficiency examination.

Persian—

Prose—

1. Gulistān.
2. Siyahat-Nāma-i-Ibrāhīm Beg.
3. Hājī Bābā Ispahānī. (First half.)
4. Malcolm's History of Persia (Mirzā Hairat), Volume II.

Poetry—

Diwān-i-'Andalib.

Candidates are recommended to study Persian newspapers.

NOTE.—Questions will be asked on Arabic grammar, and easy sentences in that language will be set for translation. Candidates will also be liable to be asked any question that might be set at the Higher Standard examination in Arabic.

Arabic—

Majāni-ul-Adab, Volumes I and II.

(Published by the Catholic Fathers at Beyrout).

Sanskrit—

1. Hitopadesha.
2. First nine cantos of Raghuvansa (expurgated edition by Iswara Chandra Vidyasagar).

Tamil—

1. Padmavati Charitram, Books I and II, by A. Madhaviah, B.A., published by Srinivasa Varada Chari & Co., Madras.
2. Tamil Fifth Reader, by E. Marsden, B.A., published by Macmillan & Co. (Limited), London, Bombay and Calcutta.
3. Arden's Tamil Reader, Volume II, Parts I—IV, published and sold by the Society for Promoting Christian Knowledge, Madras.
4. Old Deccan Days, by Diwan Bahadur V. Krishnama Chariar, published by the Madras School Book and Literature Society, Madras.
5. Tamil Prathapa Mudaliar Charitram, by S. Vedanayagam Pillai, printed at Jeevacharunia Vilasam Press, by K. Chellappa Mudaliar, Madras.

Newspapers.

1. Swadesamitran, edited by G. Subramania Aiyar at Madras.
2. Hindu Nesan, edited or published by M. Veeraraghava Chariar at Madras.

Telugu—

1. Manorama, by Rajah M. Bhujanga Row Bahadur, printed at Manjuvani Press, Ellore.
2. Kesari Vilasam, by R. Venkatasubba Row Pantulu, B.A., B.L., printed and published by the author at the Janopakarani Press, Mount Road, Madras.
3. Satyasanejeevani, by Kandukuri Veerasalingam, printed at the Vivekavarthan Press, Rajahmundry.
4. Chenthamathi Charitram, by K. Veerasalingam, printed at the Chinthamani Press, 20, Vellala Street, Pursawakam, Madras.
5. Sathyavathi Charitram, by K. Veerasalingam, printed at the Chinthamani Press, 20, Vellala Street, Pursawakam, Madras.

Newspapers.

1. Ravi, published by Mr. R. E. Smith at Cocanada.
2. Satyavadini, published by R. Venkataramiah at Rajahmundry.
3. Krishna Patrika, published by K. Venkatappiah and D. Narayana Row at Masulipatam.

Malayalam—

1. Malayalam Sixth Reader, by E. Marsden, B.A., printed by Macmillan & Co., (Limited), London, Bombay and Calcutta, and sold by the Basel Mission Book and Tract Depository, Mangalore.
2. Kundalatha, by T. M. Appu Nedungadi, B.A., B.L., printed at the Vidyavinodini Press, Trichur.
3. Sarada, by Rao Bahadur O. Chandu Menon, printed at the Gattarburgh Press, Calicut.
4. Indulika, by Chandu Menon, printed at Spectator Press, Calicut.

Newspapers.

1. Kerala Patrika, edited by C. Kunhi Raman Menon, Calicut.
2. The Kerala Sanchari, edited by C. P. Govindan Nair, Calicut.

Canarese—

1. Indera Bahi, by Gulavadi Venkat Rao, printed by the Basel Mission Press, Mangalore.
2. Kathasangraha, compiled by Daniel Sanderson, Parts III and IV, and published by the Wesleyan Mission Press, Bangalore.
3. Rohini alias Sarasvat Mandal, by G. Annaji Rao, M.A., B.L., printed at the West Coast Press, Calicut.

Newspapers.

1. The Vrittanta Patrika, published by Wesleyan Missionaries in Mysore.
2. Nadigannadi.
3. Vrittanta Chintamani.

Marathi—

Prose—

1. Mahādji Shinde Yānche Charitra, by Mr. Nātu.
2. Gad āla pan singh gela, by Mr. H. N. Apte.

Poetry—

The following selections from the Navanit :—

1. Harischandrākhyān, by Mukteshwar.
2. Akroorāgaman. Abhimanyu Vadh and Shriyāl Charitra, by Shridhar, and
3. Gopichandākhyān, by Mahipati.

Gujarati—

Prose—

1. Karanghelo—by Nandshankar.
2. Bhatnun Bhopalun, & } by Navalram.
3. Akbar and Birbal ... }

Poetry—

1. Nalakhyān—by Premanand.
2. Padmavatini Varta—by Shamal as in Mahipatram Rupranis Kavya Doha (Government Edition).

Kanarese—**Prose—**

1. Katha Sangraha, Parts II and III. (Extracts from Shiv Purāna and Mahabharat).

Poetry—

1. To rave Ramayana, Sandhis XVI and XVII of Balkanda.

Sindhi—

1. Sindhi Version of Johnson's Rasselas, by Mr. Keshori.
2. Translation of Hunter's History of India.
3. Shah-jo-Rasālo.

Hindustani—

1. Ikhwānu's-Safā.
2. Darbar-i-Akbari by Shams-ul-Ulama Azad of Delhi, second Edition (pages 1 to 78).
3. Arāish-i-Mahfil.
4. Masnawiyāt- of Saudā.

Hindi—

1. Rāj Nīti.
2. Prem Sāgar.
3. Rāmāyana, Book II.

Bengali—

1. Sitāharan.
2. Sakuntalā.
3. Sitār Banabās.
4. Bijay Ballabba.

Assamese—

1. Rāmāyana—by Sankara Deb (207 pages, up to the end of the Aranya Kanda.)
2. Assam Buranji—by Srijut Kasinath Tamuli Phukan—1844 edition (the whole).
3. Assam Buranji—by Srijut Padmanath Barua—1902 (the whole).

Uriya—

1. Hitopadesha.
2. Batris Singhāsan.
3. Rāmāyana, Sundara Kānda.

Burmese—

1. Selections from the records of the Hlutdaw (compiled by Mr. Taw Sein Ko).
2. Chapters on Inheritance, Partition, Marriage and Divorce of the Attasankhepa Vannana Dhammathat (compiled by U. Gaung, C.S.I.).
3. Mahazanetkapyo.
4. Wethandaya.

Pali—

1. The Dhammapada.
2. The Sasanaṅgamsa (Pāli Text Society's edition).
3. Catukanipata (in Fausboll's Volume IV of the Jatakas, omitting the exegetical gloss which follows the stanzas).
4. Grammar and Philology. (A paper of questions based upon "The Hand Book of Pāli" (Frankfurter), Minayeff's "Pāli Grammar" and Senart's Kaccayana and the Practical Grammar of Pāli will be set in these subjects).

XVII.—The following are the text-books prescribed for the Degree of Honour examination :—

Persian.—

(a) *Language Test.*

Prose—

1. Akhlaq-i-Jalali.
2. Waqāyi-Ni'mat-Khān-'Ali.
3. The Akbar Nāma.

Poetry—

1. Hāfiz
2. Masnavi, Book I.
3. Hadiqa of Sanai.
4. Qā'āni (official Edition.)

N. B.—Persian Prosody and Rhetoric should be studied.

The following works are recommended :—

1. The *Hadiqat-ul-Balāghat*—
2. "Rhetorique et Prosodie" by Garcin de Tassy.

(b) *Muhammedan History and Religion.*

1. Ameer Ali: History of the Saracens.
2. Elphinstone: History of India, Muhammedan Period.

(c) *Persian Literature—*

Browne: History of Persian Literature.

NOTE.—Questions will be asked on Arabic Grammar and simple Arabic passages will be set for translation. Candidates will also be liable to be asked any question that might be set in the Higher Standard examination in Arabic.

Arabic—

(a) *Language Test—*

1. Ghannat-ul-Masālis wa'l-Masāni. Two Volumes. (Beyrout.)
2. Hamasah, 1st two books.
3. Sab'a Mu'allaqāt.

(b) *Muhammedan History and Religion.*

1. Muir: History of Muhammad.
2. Hughes': Notes on Muhammedanism.
3. Sale's Koran.

(c) *Arabic Literature—*

Nicholson's History of Arabic Literature (Heinemann).

Sanskrit—

(a) *Language Test—*

1. Hymns from the *Rigveda*, edited by Dr. Peterson (Bo. Sk. series No. 36).
2. The *Kirātārjunīya*. Cantos I to VI and XI to XVIII (inclusive).
3. Sakuntala Nataka.

(b) *Indian History and Religion*—

1. Hopkins : Religions of India.
2. Aiyangar : History of India, Part I, the Pre-Musalman Period.

(c) *Sanskrit Literature*—

Macdonell : History of Sanskrit Literature.

Pali—(a) *Language Test*—

1. Mahavamsa. Volume I of Geiger's edition.
2. Milindapanha.
3. Dhiganiyaya. (Pali Text Society's edition.) Volume I.
4. Mahaparinibbanasutta.

(b) *Buddhism*—

1. Rhys David's "Buddhism" (Mon-Christian Religions Series).
2. Rhys David's Hibbert Lectures.
3. Kern's Manual of Buddhism.

(c) *Pali Literature*—

Mrs. Mabel Bode : Pali Literature of Burma.

Tamil—

1. Tamil Sixth Reader, by Rao Bahadur C. W. Tamotharam Pillai, B.A., B.L. published by Macmillan & Co. (Limited), London, Bombay and Calcutta.
2. Prithula, by C. R. Sreenivasa Aiyangar, B.A., published by Satakopa Chari & Co. Esplanade Row, Madras.
3. Kamalatchi, by T. M. Ponnusawmy Pillai, printed by Thompson & Co. at the "Minerva" Press, Popham's Broadway, Madras.
4. Dasakumara Charitram, published by the Madras School Book and Vernacular Literature Society and sold at their depository, Madras.
5. Brief Biographies of twelve standard Tamil Poets (excluding pages 172 to 195) by Diwan Bahadur V. Krishnama Chariar, printed at the Changalvaraya Naiker's Orphanage Press, Madras.

Telugu—

1. Thrivikrama Vilasamu, by Tekumalla Rajagopala Rao of Bezvada, printed at the Vivekavarthani Press, Rajahmundry.
2. Rajasekhara, by Kandukuri Veerasalingam, printed at the Vivekavarthani Press, Rajahmundry.
3. The complete works of Rao Bahadur K. Veerasalingam Pantulu, Volume VIII—Essays and Biographies—printed by P. Ethirajulu Naidu at the Chintamani Press, 4, Adiappa Mudaly Street, Purnavakam, Madras.
4. The complete works of Rao Bahadur K. Veerasalingam Pantulu—Volume X—Andra Kavula Charitramu—History of the Telugu Poets—printed as above.

Canarese—

1. Harischandro pakkyanavu, by S. Siva Sankara Sastri, published in Madras.
2. Kadambari of Bana Bhatta, by G. V. Krishna Chariar, published by the G. T. A. Press, Mysore.
3. Vacharajana Katha, by Sri Krishnaraja of Mysore, published by the G. T. A. Press, Mysore.
4. The Karnatakakavi Charitra, by R. A. Narasimachari, M. A., and S. G. Narasimachari, printed at the Mysore Government Central Press, Bangalore.

Marathi—*Prose.*

1. Bharatamrit, Part I, Sabhaparva and Vanaparva—by Balwant Trimbak Dravid.
2. Shri Ramcharitra—by C. V. Vaidya.
3. Amchya Ayushyatil Kanhi Athavni—by Mrs. Ramabai Ranade.
4. Dharmapara Vyakhyave—by the late Mr. M. G. Ranade.
5. Shri Shankar Digjaya Natak—by Balvant Pandurang Kirloskar.
6. Uttarnaishadha Charit—by the late Mr. Waman Abaji Modak.

Poetry—

1. Dnyanadeva's Dnyaneshwari—(extracts from the 12th and 13th Adhyayas as given in the Navanit, edition of 1910).
2. Moropant's Kekavali, 121 Shlokas in all : Nimaya Sagar Press edition.
3. Vaman Pandit. Selections as given in the Navanit, edition of 1910, pages 96-143.
4. Ramdas—Dasbodh, 1st and 2nd Dashakar, Dhulia edition 3rd, Shri Atma-ram Press, Dhulia.
5. Raghunath Pandit, Nala-Damayanti Swayamvarakhyas as given in the Navanit, edition of 1910, pages 381-410.

Kanarese—*Prose—*

1. Mudra Manjusha.

Poetry—

1. Basava Parana, Sandhis I to IX.
2. Jaimini Bharat, Sandhis I to V.
3. Honnamma's Hadibadeya Dharma.

Gujarati—*Prose—*

1. Sarasvati Chandra, Parts I and II by Govardhandas M. Tripathi.
2. Shakuntala Natak, Zaverilal Vajnik's edition.

Poetry—

1. Dayaram, miscellaneous pieces, *garbis* and *pads*, Narmadashankar's edition.
2. Kavya Doban. (Mahipatram Rupranis edition, pages 151 to 490).

Hindustani—

1. Taubatu-n-Nasuh.
2. Nazm-i-Muntakhab.
3. Kuliyat of Sauda.
4. Urdu'-i-Mu'allā of Ghālib.

Hindi—

1. Satsaiya of Behāri Dās, with Commentary of Sri Lāllu Lāll.
2. Sabhā Bilās.
3. Rāmāyana of Tulsi Dās.

Bengali—

- Mahābhārata. Translation by Kāsi Dās, Books I-III.
- Kādambārī.
- Allāler Gharer Dulāl.
- Kapāla Kundalā.

Burmese—

- (1) Vijaya Jataka.
- (2) Paramigan, if in print; if not, Catu Dhamma Sara Koganpyo.
- (3) Bhuri datzat paung.
- (4) Vilurapyo.

Examination leave of absence.

The following extracts from the Civil Service Regulations are given for purposes of easy reference :—

279. In cases not specially provided for in this section permission to appear at an optional examination prescribed by Government in any of the oriental languages carries with it the grant of joining time (excluding the time allowed for preparation) to and from the place of examination, besides leave for the day or days of examination.

280 (a). A candidate for the High Proficiency and Degree of Honour examinations in all vernacular languages may, at the discretion of the local Government, be granted study leave up to three months before the examination.

(b) A candidate for a reward by the Higher Standard or High Proficiency in Sanskrit, Arabic or Persian, may be allowed leave for a period not exceeding three months if he undertakes to spend it in study under professional tuition at any place approved by the local Government.

(c) An officer who is a candidate for the Degree of Honour in Sanskrit Arabic or Persian may be allowed either leave for a period not exceeding three months under clause (b), or if he leaves India for study, leave for six months to Persia for Persian, or for six months to Arabia, Mesopotamia, Egypt, or Syria for Arabic, or for six months to any place approved by the local Government for Sanskrit. Officers of the Political Department of the Government of India may be granted this leave even when they are candidates only for the Higher Standard or High Proficiency test in Arabic or Persian.

NOTE.—Leave under clauses (a) (b) or (c) is not admissible more than once; nor can such leave be combined.

(d) Leave under this article may be combined with privilege leave, provided that privilege leave prefixed to leave under clause (c) must be spent in or in travelling to, one of the countries mentioned in the clause.

(e) An officer on leave under this article has a lien on his appointment, substantive or officiating, and is entitled to leave allowances, as if he were on privilege leave, for an aggregate maximum period of twelve months.

NOTE.—[An officer serving in a department in which regular vacations are allowed is entitled, during examination leave to a leave allowance equal to the salary which he would receive if he were on duty in the appointment on which he has a lien.]

NOTE.—[Leave granted under Article 280 covers the whole period of absence from regular duty including the day or days of examination and the time spent in proceeding to and from the place of examination. The leave cannot be taken in instalments.]

282. Except as provided in Article 280, no kind of leave except furlough on medical certificate, may be granted in continuation of examination leave.

List of authorised text-books.

The following list of text-books prescribed for the various examinations together with the places* where they may be obtained, is published for general information :—

Hindustani	...	Darbar-i-Akbari	...	...	Azad Book Depôt, Lahore.
		Kalam-i-Urdu	...	...	
		Ikhwān-u's-Safā	...	...	
		Ārā'ish-i-Mahfil	...	...	Board of Examiners, Calcutta, and Messrs. Thacker, Spink & Co.
		Masnawiyāt of Saudā	...	...	
		Kulliyāt of Saudā	...	...	
Hindi	...	Taubatu-n-Nasuh	...	...	
		Nazm-i-Muntakhab	...	...	
		Urdū-i-Mu'allā Ghālib	...	...	Board of Examiners, Calcutta.
		Satsaiyā of Behāri Dās with Commentary of Lālu Lāl, edited by Dr. Grierson.	...	...	
		Sabhā Bilās	...	...	Bazaars.
		Rāmāyana of Tulsi Dās (Ramjasau's edition).	...	...	Medical Hall Press, Benares.
Bengali	...	Rāj Nitī, edited by Lt.-Col. Toker and Dr. K. M. Banerjee.	...	...	Board of Examiners, Calcutta.
		Prem Sagār (Calcutta edition of 1842)	...	...	Bazaars.
		Sitāharan	...	...	
		Sakuntalā	...	...	
		Sitār Banabās	...	...	
		Bijay Ballabha	...	...	Bazaars.
Assamese	...	Kādambarī	...	...	
		Mahābhārata (Translation by Kāsi Dās). Allāler Gharer Dulāl, by Babu Piyari Chand Mittra.	...	...	
		Kapāla Kundalā, by Bankim Chunder Chatterjee.	...	...	
		Rāmāyana, by Sankara Deb	...	...	Srijut Sibnath Bhattacharya, Dibrugarh, or Lila Agency, Tezpur.
		Assam Buranji, by Srijut Padmanath Barua.	...	...	
		Assam Buranji, by Srijut Kasinath Tamuli Phukan.	...	...	Board of Examiners, Calcutta.
Uriya	...	Hitopadesha	...	...	Baptist Mission Press, Calcutta.
		Batris Singhāsān	...	...	Orissa Mission Press, Cuttack.
		Rāmāyana, Sundara Kānda	...	...	

* Where difficulty is experienced in obtaining books shown as obtainable in the bazaars students are advised to refer to the Board of Examiners, Calcutta, or Messrs. Thacker, Spink & Co., who can frequently supply them. Newspapers cannot be so obtained.

NOTE.—For the convenience of candidates, the Board of Examiners, Calcutta, annually publishes a collection of question papers, price Rs. 3-8-0 per copy, obtainable from the Librarian, Board of Examiner's office, Calcutta.

Arabic	Ar-Rauzatu-z-Zakiyah ...	Board of Examiners, Calcutta.
	Majāni-ul-Adab ...	?
	Ghannat-ul-Masalis wa'l-Masani ...	?
	Hamāsah ...	...
	Sab'a Mu'allaqāt ...	Board of Examiners, Calcutta.
	History of Muhammad—Muir ...	?
	Notes on Muhammedanism—Hughes ...	?
	Koran—Sale ...	?
	Nicholson's History of Arabic Literature (Heinemann). ...	?
	Riju Pātha (Calcutta edition) ...	...

Sanskrit

...	Hitopadesha ...	Bazaars.
...	Raghubhansa, expurgated edition (Vidyāsagar).	Messrs. Thacker, Spink & Co.
...	Hymns from the Rigveda—Dr. Peterson.	?
...	Kiratārjuniya (edited by Vidyāsagar)	...
...	Sakuntalā Nāṭaka ...	Sanskrit Press Depository, Calcutta.
...	Hopkin's Religions of India ...	?
...	History of British India—Aiyangar ...	?
...	History of Sanskrit Literature—Macdonell. ...	?

Persian

...	Selection from the Tārīkh-i-Sāsāniyan	...
...	Selection from the Safar-Nāma-i-Shāh-i-Irān.	Board of Examiners, Calcutta.
...	Narrative of Mrs. Hortestet (translated by I'timād-u-s-Sultana).	...
...	All these are bound in one volume and entitled the 'Hadiqa-yi-Fasahat.'	...
...	Gulistān ...	Board of Examiners, Calcutta.
...	Siyāhat Nāma-i-Ibrāhīm Beg ...	Hablu-l-Matin Press, Calcutta.
...	Hāji Baba Ispahāni ...	Asiatic Society of Bengal.
...	Malcolm's History of Persia (Mirza Hairat).	...
...	Diwān-i-'Andalib' ...	Haji Aga Shirazi, Booksellers, Bombay.
...	Akhlāq-i-Jalālī ...	...
...	Waqāyi-i-Ni'mat Khān-i-'Alī ...	Newal Kishore Press, Lucknow.
...	Akbar Nāma ...	...
...	Diwān-i-Hāfiz ...	...
...	Qasāid Qa'anī ...	Board of Examiners, Calcutta.
...	Masnavi.	...

Persian—contd. ...	Hadiqa of Sanai ...	?
	Hadaiqu-l-Balāghat ...	Hablu-l-Matin Calcutta. F
	Rhetorique et Prosodie ...	Maisonneuve et Cie, (Voltaire 15, Paris.
	History of the Saracens. Amir Ali ...	?
	History of India. Elphinstone ...	?
	History of Persian Literature. Browne.	?

No. 9 OF 1908.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

JUDICIAL.

To

THE RIGHT HONOURABLE JOHN MORLEY, O.M.,
His Majesty's Secretary of State for India.

Calcutta, the 26th March 1908.

SIR,

IN paragraphs 2 and 3 of our despatch of the 4th July 1907 on the subject of the general legal training of junior members of the Indian Civil Service we informed you that we had referred to the Governments of Madras, Bombay, Bengal, and Eastern Bengal and Assam, the provinces in which the necessity for raising the standard of civil work appeared to be most pressing, a scheme for the special legal training of those Civilians who elect for the judicial line of the service and that we proposed in due course to submit our final conclusions for your consideration.

2. In our Home Secretary's letter of the 5th October 1906, we reviewed the earlier history of the question and examined the opinions and suggestions elicited from the local Governments, by the Home Department letter of 4th November 1903, which dealt with the legal training of both branches of the service. On these materials we based the conclusion that it would be difficult to exaggerate the political dangers of the present situation or the importance of effecting a material improvement in the capacity, training, and status of the Civilian Judges. We then laid before the four local Governments consulted by us the following proposals:—

- (1) that officers who are to be appointed District and Sessions Judges should undergo a special training in law ;
- (2) that this training should include one year in London and two years in India ;
- (3) that the separation between the executive and judicial lines of the service *might* take place after the end of the fourth or the fifth year of service and must take place after the close of the sixth year at the latest.

3. The replies of the local Governments disclose some tendency to minimise the extent and gravity of the evil which our proposals were intended to remove. Thus the Madras Government endorse the views stated in the minute by Sir Ralph Benson forwarded by them and observe that a large number of excellent officers are now employed as District and Sessions Judges. The Bombay Government consider that the District and Sessions Judges of the present generation are as a body quite able to discharge their duties satisfactorily. The

Government of Eastern Bengal and Assam points out that the criticisms to which Civilian Judges have been subjected are exaggerated in themselves and proceed from ignorance of the conditions which prevail in the mufassil and from a narrow view of the duty of the Courts. Nevertheless, while they deprecate any general condemnation of the character and capacity of judicial officers as a class, all the Governments consulted agree as to the pressing necessity of prescribing for them a course of instruction in law which shall not only be adequate in itself but shall also be accepted as such by public opinion both in India and in England. They also agree that, as was proposed by us in paragraph 16 of the letter of 5th October 1906, this training should include one year in England to be spent in reading in barristers' chambers and that on their return to India officers thus trained should be employed exclusively in judicial duties.

4. On the question as to the period of service at which bifurcation between the judicial and executive branches should take place there is some difference of opinion. The Bombay Government accept the proposal made in paragraph 17 of the letter of 5th October 1906 that the period fixed should be that between the completion of the fourth and sixth years of service. The Bengal Government, agreeing with the Calcutta High Court, would require an officer in all cases to make his election within the fifth year of his service. The Madras Government, on the other hand, endorse the views of Mr. Justice Benson and the other Judges of the High Court, and recommend that bifurcation should not take place earlier than the seventh or eighth year of an officer's service. The Government of Eastern Bengal and Assam agree with this opinion.

5. We fully recognise the difficulties by which this part of the subject is beset. On the one hand it may be argued with much force that if officers choose their line at the end of four years' service they will not have learnt enough of the country, the people, the language and the administrative system to qualify them to be efficient judges, and that there may be a danger, as the Government of Eastern Bengal and Assam has pointed out, of their adopting an unduly critical and hostile attitude towards the executive authorities. If, however, early bifurcation were accepted as the universal rule, special arrangements might perhaps be made to impart to all officers as wide and thorough an executive training as possible during the first four years of their service. Instruction by means of actual experience would have to be regarded as the main object of this period, and administrative convenience would be subordinated to the requirements of the individual. A more practical character and a wider range would be given to the departmental examinations, and the tests in languages would be directed towards the acquisition of greater colloquial facility than is now commonly attained. If this were done we believe that officers who intended to adopt the judicial branch as their career would realise the necessity of making the best use of the facilities offered to them. We are moreover unable to admit that when a man becomes a judge he ceases to add to his knowledge of the people or of the administrative system, especially if, as our scheme contemplates, he is employed for several years in trying original suits. On the other hand, it seems to us to be beyond all question that, if election for the judicial branch is deferred to so late a period as the eighth year of service, an officer who chooses that line will be unable to learn enough law to contend successfully with barristers, pleaders, and subordinate judges who have commenced their study of law some ten years earlier, and have concentrated their energies upon that alone. Admitting then that the decision on this point necessarily involves a choice between two alternatives, to either of which substantial objection may be taken, we have determined, after the most careful consideration, to recommend to you that the bifurcation between the judicial and executive branches of the Civil Service be made at the close of the fourth year of service. Stating our proposal more fully, we recommend that on the 1st January of every year those officers who had completed four years' service in the preceding October or November should be called upon to choose whether for the rest of their career they would serve in the executive or the judicial branch of the service. Their election should be subject to the exercise on the part of the Government of the power of selection on the ground of personal aptitude, and should be determined in the last resort by actuarial calculation tempered by considerations

of seniority. The latter condition is one of some importance. We agree with the opinion expressed by the Law Commissioners in 1842 that individual inclination should be consulted as far as the exigencies of the service permit, but it is clearly impossible to allow the normal flow of promotion to be disturbed by extreme variations and disproportions in the number of officers choosing either line. The local Government, having determined the proportion to be allotted to each branch of the service, would inform the officers concerned that so many appointments in each line were available, and subject to its power to overrule the choice of any individual officer for personal reasons if it thought fit to do so, would permit them to choose in the order of seniority as long as choice was available. When no choice was left the Government would decide to which line a man should be allotted and the officer concerned must accept the decision. In either case an allotment to one or the other branch would be final, at any rate as regards appointments in the ordinary line of each branch of the service, and transfers from the executive line to the judicial line and *vice versa* would be absolutely prohibited. We consider that this prohibition should apply also to present incumbents.

6. After bifurcation has taken place we propose that officers who are allotted to the judicial branch should be sent to England in order to receive a thorough training in law. We recommend that their training should extend over two years and that during this time the officers subjected to it should receive their full Indian pay and a lodging allowance at the rate of 10s. a day. The particular form of instruction to be prescribed is a matter which is open to discussion but we think that one principal object of it should be to give our officers an insight into the practical administration of law. They will have as Judges to deal with points of practice and of evidence as they arise, they ought to know how witnesses should be handled and in India it is important that they should be able to manage and control the legal practitioners appearing before them. These things cannot be learned from books or lectures: they can only be acquired by observation of actual work in Court. For this reason we recommend that part at least of the period of training should be spent in barristers' chambers and that the barristers selected for the purpose should be men who have a substantial amount of Court work. This proposal, as we have already observed, has the support of local Governments and of High Courts and our Honourable Legal Colleague recommends it to us from his experience. We regard an actual call to the Bar as a matter of minor importance, but it is possible that some Civilian will get themselves called and in that case they will be able while under instruction in England to take part in the proceedings in Court, to examine witnesses, and, if they think fit, to go on circuit where they will acquire practical knowledge of great value.

7. On their return to India the officers who had undergone this course of training would be employed in trying original civil suits as subordinate judges and in trying criminal cases as assistant sessions judges. Both sets of functions would be discharged under the orders of the civil and sessions judge of the district who would be required to see that their time was equally divided between the two and that they were not called upon to devote an undue proportion of it to criminal business. Their civil duties would qualify them to become district judges later on, while their criminal work would fit them to exercise the powers of a sessions judge. During this period of what may be described as probationary judicial work we propose that they should receive pay at the rate of Rs. 1,200 a month. The period of service at which they will officiate with some degree of permanency as district and sessions judges or will be confirmed in that rank will vary in different provinces. As matters stand at present the former stage would be reached in Madras at 12 years' service, in Bombay and Bengal at 9 years' and in Eastern Bengal at 8 years'; and an officer would be confirmed at 15 years' standing in Madras, at 12 years' in Bengal and Eastern Bengal and Assam and at 11 years' in Bombay. We find it extremely difficult to calculate beforehand the number of posts on Rs. 1,200 that would be required to afford employment to train officers while they are waiting for judgements. But in the provinces to which the scheme would apply the bulk of litigation is steadily increasing and temporary appointments of additional judges and sub-judges are continually being made in order to clear off arrears. These

posts might be filled by trained judicial officers with advantage to themselves and to the public service. We may add that we are referring to the local Governments of Bengal and Eastern Bengal and Assam, a scheme for the separation of judicial and executive functions which will require a substantial increase of the judicial cadre. If therefore the principle of training judicial officers in England commends itself to you we anticipate no difficulty in working out the details in consultation with the local Governments concerned.

8. The officers deputed for training will be removed from executive work for periods varying from 8 years in Madras, to 5 years in Bombay and Bengal and 4 years in Eastern Bengal and Assam. We have to consider what effect this will have upon the provincial cadres and how the gaps thus created should be filled. Assuming that the rate of decrement among officers holding superior judicial appointments is the same as among the Civil Service taken as a whole, that the period of training in England will be two years, and that they will on return perform subordinate judicial duties for varying periods of 6, 3, 3 and 2 years respectively in Madras, Bombay, Bengal and Eastern Bengal and Assam before they occupy with some permanency District and Sessions Judgeships it follows that in each of the larger provinces the executive branch will have to surrender 2 officers per annum to be trained for judicial appointments while Eastern Bengal and Assam will have to give up $1\frac{1}{2}$ officers per annum. Thus 16, 10, 10 and 5 officers in Madras, Bombay, Bengal and Eastern Bengal and Assam respectively will be removed from executive duties. The number of junior officers in the Civil Service depends upon the number of superior appointments, and it is not possible therefore simply to add to the cadre the number of posts which will be vacated by the officers under judicial training for these will *ex hypothesi* be inferior appointments. We might indeed supply the places of the officers sent home for training by Deputy Collectors or Extra Assistant Commissioners. To this, however, it is certain that the local Governments would offer very strong objections on the ground that their executive services would thereby be unduly weakened. It has been pressed upon us by the Governments of Bombay and Bengal that the European element in the executive posts below that of District Officer is already too small and must be increased, and we anticipate a similar complaint from Eastern Bengal and Assam if the present unrest continues. But even if that province and Madras do not ask for an increase in their subordinate staff it may be assumed with certainty that they will not consent to any reduction in the existing numbers. It will be necessary therefore to add to the strength of each of the four provinces, not simply the number of men that will be taken away for judicial training, but the number of superior appointments which will give the requisite number of men actually present on duty and a reserve of the necessary strength. Taking the four provinces together, we calculate that 29 superior posts and the same number of inferior posts must be added to the cadre of the Civil Service. For this purpose we would propose to create 29 appointments of Joint Magistrate on Rs. 1,200 a month—eleven in Madras, seven each in Bombay and Bengal and four in Eastern Bengal and Assam. These would be superior posts, while the remaining 29 officers of inferior rank would be provided with appointments as Joint and Assistant Magistrates. The cost of the scheme so far as concerns the training of officers and the provision of substitutes would come to about Rs. 6,58,500 a year. We do not consider this too high a price to pay for a reform of so important and urgent a character. There will moreover be some set off against this additional expenditure owing to the fact that as has been explained in paragraph 7 above the officers who have been trained in England will be available for the purpose of filling additional judicial posts which would in any case have to be created. The full financial effect of the proposed changes will be carefully examined when the details of the scheme are worked out in consultation with local Governments.

9. In the foregoing paragraphs we have dealt with the proposals which were put before local Governments and have submitted our recommendations on them. The result, if those recommendations are accepted, will be the creation of a class of trained judges who will have had four years' experience of executive work before taking up their judicial duties. This in our opinion would be a substantial reform and it has the advantage of being a measure which

does not entail any radical change in the appointment and recruitment of the Civil Service. But we are agreed that these proposals represent the minimum reform which we could support and some of us would prefer to go further and to create a separate Judicial branch of the Civil Service at a still earlier point of time: in other words, to send men out to India already trained in law and then to employ them in executive duties for a time in order to give them that knowledge of the country and of the administration which is essential for a judge in the mufassil. This proposal has been put before us by His Excellency the Commander-in-Chief and the nature of his scheme and the arguments by which it is supported are set out in the following paragraph.

10. His Excellency the Commander-in-Chief entirely accepts our views as to the absolute necessity of raising the standard of legal attainments in the judicial branch of the Civil Service. But he is much impressed by the conflicting nature of the carefully reasoned opinions expressed by the various local Governments and he is disposed to think that the system of selection and training for the judicial branch of the Indian Civil Service now advocated by us is framed on wrong lines from the outset. He observes that there is much force in the opinion that an officer who chooses the judicial line at four years' service has not had sufficient executive experience to make him a good judge; while on the other hand a man who elects for the judicial line at eight years' service and at 32 years of age is much too old to take up an entirely new career. He has misgivings as to the efficacy of the training proposed and he apprehends that, at whatever age election may be made, by far the larger proportion of young men who have begun as executive officers will prefer the executive to the judicial line. This being so it will be necessary to fill the judicial cadre by order and this will have to be done by selecting the junior and possibly less efficient men. Thus the judicial line will tend to be recruited from the lower strata of the service and the young men on whom the lot falls will go to England reluctantly and will do as little work as possible while they are there. It further appears to His Excellency to be doubtful whether on their return these trained officers can be employed in appointments which will carry pay and position adequate to their standing in their service and in which they will be able to continue their training by practical work as judges, thus qualifying themselves eventually for the highest judicial appointments. These considerations lead him to the conclusion that the course proposed by us is an ineffectual compromise between two opposite views and that the difficulty should be faced by what in his view is the only logical and the proper solution namely, by recruiting young men from the first specially for the judicial service. Pursuing the subject into further detail we understand His Excellency's proposal to be somewhat as follows:—

- (1) That the Indian Civil Service should be recruited as at present by an open competitive examination in those subjects which form part of a liberal education.
- (2) That the candidates selected by this test should be called upon immediately after selection to choose either the executive or the judicial branch of the service.
- (3) That those candidates who choose the judicial branch should undergo a two years' course of legal training in England and should be required to pass a final examination in which legal subjects should preponderate.
- (4) That on their arrival in India the members of the judicial branch should be employed for two years on executive duties and having thus acquired the requisite administrative experience should thereafter be employed exclusively on judicial duties.

Broadly speaking Lord Kitchener's view is that students at our Universities and others who desire to make law their profession, attracted by the permanent employment and salary offered in the Indian judicial service, would as soon as possible pass a preliminary competitive examination for entrance into the Indian Civil Service, and would then for two years continue their studies of law, and eventually pass through a final examination in law into the judicial service of India. He does not feel that he has sufficient knowledge of educational systems in England to lay down exact details.

11. His Excellency the Viceroy and the Hon'ble Major General Scott are in agreement with Lord Kitchener, though, like him, they would accept the first scheme if the second were thought to be impracticable. The Hon'ble the Legal Member desires to record his strong opinion that steps should be taken without delay to put an end to the present state of things. It is impossible, at any rate in the advanced Provinces, to justify a system under which a gentleman who has no knowledge of civil law and has never been inside a civil court in his life can be, and often is, at one step promoted to be a Judge of appeal in civil cases and to hear appeals from subordinate judges—trained lawyers with years of legal experience. He would welcome either scheme, but in his judgment the first scheme would of itself be a great advance in the right direction and he would be content with that.

12. In framing the proposals which we now submit for your consideration we have been placed at some disadvantage by our imperfect acquaintance with the conditions under which legal training of the kind required for our purpose can be arranged for in England. We anticipate however that you will have no difficulty in ascertaining whether the scheme for reading in barristers' chambers which we put forward is feasible or not and whether it is likely to yield satisfactory results. We believe that the prospect of undergoing a course of thorough legal training in England will offer great attractions to Civilians of four years' service and that it will tend to encourage officers with a legal turn of mind to enter the judicial line. Should our forecast be correct we are not without hope that the proposals which we now lay before you will furnish a satisfactory solution of a problem which we regard as one of the most difficult and at the same time the most important in the entire range of Indian administration.

13. Our Hon'ble Colleagues Sir Harvey Adamson and Mr. Miller are unable to accept the present proposals for the reasons given in their Minutes of Dissent.

We have the honour to be,

SIR,

Your most obedient, humble servants,

MINTO.

KITCHENER.

H. E. RICHARDS.

E. N. BAKER.

C. H. SCOTT.

H. ADAMSON.

J. O. MILLER.

W. L. HARVEY.

LIST OF ENCLOSURES.

1. Letter from the Government of Madras, no. 474, dated the 11th March 1907, and enclosures.
2. Letter from the Government of Bombay, no. 1606, dated the 15th March 1907, and enclosures.
3. Letter from the Government of Bengal, no. 894-A., dated the 9th February 1907, and enclosure.
4. Letter from the Government of Bengal, no. 1061-A. D., dated the 25th May 1907, and enclosures.
5. Letter from the Government of Eastern Bengal and Assam, no. 385-T., dated the 14th February 1907.
6. Minute of dissent of the Hon'ble Sir Harvey Adamson, Kt., C.S.I.
7. Minute of dissent of the Hon'ble Mr. J. O. Miller, C.S.I.

NOTE.

Only enclosures 6 and 7 have been reprinted.

MINUTE OF DISSENT BY THE HON'BLE SIR H. RVEY ADAMSON, Kt., C.S.I.

Though I am as fully convinced as my Honourable Colleagues that it is expedient to improve the knowledge of civil law of Indian Civilians who are destined to become District and Sessions Judges and eventually Judges of the High Courts, I am unable to concur in the methods proposed in this despatch.

2. As the despatch gives no clear picture of the extent of the evil which it is desired to remedy, I will in the first instance attempt to supply this defect. Indian Civilians whose first arrival in India was previous to 1893, had already in England been subjected to a sound training in law which was at least as strenuous as that undergone by gentlemen who read for the Bar. Some account of this training will be found in paragraph 5 of our despatch no. 42, dated the 4th July 1907. These civilians after arrival in India, whether employed on executive or on judicial duties, acquired practical legal experience, for there is no branch of a civilian's duty which does not entail the daily application of legal principles. In this connection I invite attention to paragraph 4 of the same despatch. I am not aware that it has ever been doubted that the civilians of the old régime proved their fitness for high judicial duties. If a doubt arises, I content myself with referring to the published volumes of the Indian law reports which contain their judgments as High Court Judges and afford proof of their competency. So far as they are concerned no remedy is wanted. I now move forward beyond the present day to the future, which is contemplated in the despatch which I have quoted. In that despatch the Government of India recommended a reversion to the condition of a period of two years' probation in England with the provision of a more stiffened law course than was in operation prior to 1893. If those proposals be sanctioned it follows *a fortiori* that the civilians of the future will arrive in India fittingly equipped for judicial duties, and that in their case no remedy is wanted. The evil for which a remedy is required is therefore restricted to Indian civilians who arrived in India after 1893 when the old régime expired, and will arrive up to the date when the new régime proposed in the despatch quoted comes into operation. In providing a remedy the endeavour should be to bridge this gap as fully as circumstances permit.

3. As regards civilians who have arrived or will arrive in India during the period which I have defined, there is less certainty that they are properly equipped for judicial duties. They have not reached the stage of being tested *coram publico* in the High Courts. An account of their legal training in England is given in paragraph 5 of the despatch quoted, and it must be admitted that the training is in no sense an adequate one. Their knowledge of law depends almost entirely on the experience which they gain in India in performing executive duties. The question whether they are fitted to assume high judicial duties is, strange to say, one on which there is some uncertainty. The opinions of local Governments are summarized in paragraph 3 of the present despatch, and they are by no means conclusive. But they are at least sufficient to give rise to grave apprehension. *Prima facie* it is reasonable to expect that officers who have received no education in the principles of law except such legal experience as they have gained as executive officers should be less competent for civil judicial duties than officers who have added a sound preliminary training in law to the same experience. But I must say that no stronger testimony could be given to the conclusion that executive work in India affords a legal training than the mere fact that there should be any doubt whatever about this question. It is on account of the reasonable apprehensions that have arisen that I consider it expedient to give officers of this period further facilities for perfecting their knowledge of civil law, and it is on the grounds that I have stated that I hold that the facilities should not only be confined to this period but that they should be so adapted as to be capable of application to as great a portion of this period as possible. Unfortunately it is impossible to devise a scheme which can be applicable to the whole period, for some civilians who came out after 1893 are already District and Sessions Judges.

4. Having thus cleared the ground by explaining the object and the limitations of an efficient scheme I proceed to enumerate the objections that I entertain to the scheme advocated in the despatch—

- (1) The scheme makes no attempt to bridge the period in respect of which apprehension is felt. It includes no civilian who at the time of its inception is of higher standing than four years. In other words, if effect were given to it at once, it would not apply to the civilians of 1903 and previous years, who will ripen for District and Sessions Judgeships during the next seven years. If regarded as a permanent scheme, it is, for the reasons that I have stated, unnecessary. If regarded as a temporary scheme intended to avert the danger which has been explained, it merely touches the fringe of that danger and is ineffective.
- (2) The scheme would entail a cost quite incommensurate with the benefits derivable from it. At present the lowest purely judicial posts held in most provinces by Indian Civilians are District and Sessions Judgeships. The civil lists of the various provinces show that officers officiate in these posts with some permanency in Madras, Bombay, Bengal and Eastern Bengal and Assam after 12, 9, 9 and 8 years of service respectively. Before holding these posts the officers have been employed in executive work. The scheme therefore requires that every officer who elects for the judicial branch shall be transferred to duties other than he now performs for 8, 5, 5 and 4 years respectively in the four provinces. It follows that new officers must be appointed to perform the duties which they have relinquished. In paragraph 8 of the despatch it is shown that the scheme necessitates an increase in the cadres of the four provinces of 53 posts at a cost of no less than Rs. 6,58,500 a year. Not only is the cost excessive, but perhaps a not less objectionable feature is its unequal incidence. Madras for instance, notwithstanding its protest against bifurcation of branches before the eighth year, is to be saddled with an increase in its cadre of 22 posts involving an annual expenditure of Rs. 2,49,776.
- (3) The provision that a complete bifurcation of branches is to be made at the end of the fourth year of service tacitly assumes the solution of a very difficult and complicated problem, the separation of judicial and executive functions. This problem has recently been considered by the Government of India. A scheme has been formulated which we believe to be suitable for Bengal. The position at present is that we have referred this provisional scheme to the Governments of Bengal and Eastern Bengal and Assam with a view to its examination and introduction in selected districts of these two provinces. Our unanimous opinion as expressed in Council was that the scheme should be tentatively applied only in these two provinces and that it should not even be referred to other Governments. The present despatch stultifies the conclusion at which we arrived, as it assumes a complete separation of functions in four provinces. Nothing, in my view could be more inexpedient than to force an unconsidered solution of this gigantic problem for other provinces, on a reference of comparatively minor importance, as the despatch virtually does.
- (4) It is generally undesirable that civilians should leave India for two years after four years of residence. At this stage officers are perfecting their knowledge of the vernacular, and studies of this nature when broken off are apt not to be renewed.
- (5) The scheme renders it compulsory on every officer who elects for the judicial branch to spend two years in England at the end of the fourth year of service. The choice of career is thus controlled

by immediate pecuniary circumstances. I anticipate that the results would be startling. The officers who at present are most ready to accept judicial service are those who marry young, because judicial service entails less roughing, less moving about, and less separation from home than executive service. For obvious reasons it is administratively desirable to attract young married officers to the judicial branch. But there are in the civil service few married officers whose pecuniary circumstances would permit of their going to England even on full pay for two years at the expiry of their fourth year of service. Their full pay at that period will scarcely exceed the minimum furlough allowance of £500 per annum, and even if their own passages be paid by Government, the passages to and from England of their wives and families, and enforced residence for two years in so expensive a place as London, will involve heavier expenditure than in most cases they will be able to bear. I fear therefore that the effect of the scheme would be to dissuade young married officers from the judicial branch where they are wanted, and to drive them to the executive branch which could do very well without them.

- (6) Even in regard to unmarried men the tendency would be to attract the monied to the judicial branch and the unmonied to the executive. Civilians under the competitive system often arrive in India considerably burdened with debt. They may have to repay to their parents the cost of an expensive education, and they may at the same time be under obligations to assist their poorer relatives. Civilians who are thus burdened will be unwilling and unable to elect for a branch of the service which entails increased immediate cost and defers the opportunity of saving. On the other hand civilians who are well to do and free from pecuniary embarrassments will probably be influenced in their choice of career by the opportunity of obtaining a long holiday in England, at an early period of their service. The tendency will be to close the judicial branch to the former and to induce the latter to adopt it. I think that such a tendency is much to be deprecated.
- (7) The scheme implies that a civilian shall take a course of reading in a barrister's chambers without any previous knowledge or experience of civil law. I think that the utility of such a course of reading would not be great unless the student had first gained some practical experience in civil law.
- (8) As to the course of training which has been proposed in the despatch I speak with diffidence as I have no experience of it. It seems to be open to the criticism that it is a training for lawyers rather than for judges. I am inclined to think that a method of training under which a student would be required to report complete cases and to receive instruction on the reports from a qualified teacher, would be more useful for an Indian judge than a training in chambers. It would at least have one advantage inasmuch as the pupil would not be able to scamp his work.

5. I now proceed to state the remedy which in my view should be adopted. I think that civilians of the period which I have defined, who propose to adopt the judicial branch, should be enabled to improve their knowledge of civil law. They should have the opportunity of practice in India for a year as civil judges of courts of comparatively low grade. Having thus acquired practical experience they should be encouraged by liberal terms to take a year's study leave in England. While in England they should be subjected to such course of legal training as the Secretary of State may in his experience deem most fitting. On return to India they would naturally be earmarked for appointment as district and sessions judges when their turn arrived, but in the interval, I would not tie them down to judicial work, but would permit local Governments to employ them as they pleased. I would make no hard and fast rule as to the time when study

leave could be taken. I would, for instance, have no objection to a Madras civilian taking a year's training in India and a subsequent year of study leave in England at the end of the ten years of service, so that he might return to India at the time when in that province an officiating district and sessions judgeship would be open to him. If there were no restriction as to the time I anticipate that the majority of civilians would select the seventh year of duty for training in India, so that they might take study leave to England in their eighth year and have furlough due after it. But the time for study leave should be left to individual choice, and no one should be forced to take it when inconvenient. Under the arrangement which I suggest officers would be displaced from their present duties for only a period of two years. It would be necessary in each province to make some slight additions to the cadre in order to provide minor posts for training in India, and to replace men on study leave in England. It would be sufficient to add 19 posts (superior and inferior) to the cadres at an annual cost of Rs. 2,15,715, the distribution being as follows:—

				Rs.
Madras	...	...	5 posts	...
Bombay	...	...	5 "	...
Bengal	...	...	5 "	...
Eastern Bengal and Assam...	...	...	4 "	...
			—	—
TOTAL	...	...	19	2,15,715
			—	—

I think that these posts should be permanent and should not be restricted to the period for which provision is being made, because I regard it as very necessary that the civilians of the future who elect for the judicial branch, even if they have passed through a systematic training in law before arrival in India, should have minor posts available so as to enable them at an early period of their career to obtain practical experience of civil work in India. I think that these proposals are sufficient to remedy the presumable defects of the civilians who have arrived since 1893, that they are calculated to fill the gap as fully as it can be filled and that in existing circumstances it is quite impracticable to devise any more complete remedy.

6. Referring to the scheme which is enunciated in paragraphs 9, 10 and 11 of the despatch I find myself unable to trace any connection between it and the subject now primarily under reference. The scheme has not been suggested or discussed by local Governments or by the High Courts, and has not been examined in the Home Department of the Government of India. I may observe, however, that it differs from the scheme recommended in our despatch no. 42, dated the 4th July 1907, in only two points:—

- (1) It proposes that the legal training which in that despatch was recommended for all Indian Civilians should be confined to those intended for judicial appointments.
- (2) It proposes that the bifurcation of branches should take place immediately after the open competition.

As regards the first point I can find no reason for receding from the opinion which was expressed in paragraph 4 of the despatch quoted, that a legal training is a necessity for the civilian of the executive branch, as well as for the civilian of the judicial branch. As regards the second point the scheme is in my view altogether premature and at present impossible. It could not be brought into operation until judicial and executive functions had been completely separated throughout India.

H. ADAMSON.

MINUTE OF DISSENT BY THE HON'BLE MR. J. O. MILLER, C.S.I.

I regret that I am obliged to dissent from this Despatch.

It was agreed, as I understood the matter, that a proposal put forward in somewhat general terms by His Excellency the Commander-in-Chief should be "mentioned" in the Despatch as affording a possible alternative solution of the problem of improving our judicial service. What the Despatch really does however is to put forward that proposal as the main recommendation of the Government of India. Lord Kitchener's scheme is stated in the Despatch to be accepted by the Hon'ble Legal Member, while Their Excellencies the Viceroy and Commander-in-Chief and one other Member not only support it, but consider that the other scheme which it was decided to adopt is "framed on wrong lines from the outset." In these circumstances I submit that the scheme outlined in paragraph 9 ought to have been put forward, if put forward at all, as the main proposal of the Government of India, leaving those Members who think that the time is not ripe for suggesting such a reform to state their objections. For my part I should dissent from the placing of Lord Kitchener's scheme before the Secretary of State as the recommendation of the Government of India, not because I think that the proposals should be set aside altogether, but because they have never been examined. The scheme has never been formally considered by the Government of India, nor have any local Governments been consulted about a change which must greatly affect their administrative arrangements. If the Government of India is to propose so complete a reform it ought to be in a position to assure the Secretary of State that it has satisfied itself that no difficulties in practice are likely to occur, and that it has made its proposals after due deliberation and consultation with other Governments whose opinions the Secretary of State will certainly wish to receive. The scheme suggests a very drastic and complete reform involving separate recruitment for the judicial service in England. It is, of course, quite possible that the eventual solution of the problem will be involved on some such lines, but I doubt if any practical effect can be given to the suggestions until the separation of judicial from executive work has been more fully carried out. And the possible effects and developments of the policy of recruiting on different lines from the outset for the judicial service require very careful consideration. To take only one instance; the formation of a judicial service on new lines will inevitably raise the question of reserving a number of the higher post for (1) Subordinate Judges, (2) Legal Practitioners, as suggested by Sir L. Jenkins—a development for which, within certain limits, there is much to be said—but none the less a very important development which we have not considered at all. We ought not, in my opinion, until we have given the scheme full consideration, to place so far-reaching a change before the Secretary of State.

As regards the scheme which was originally under discussion, and which will now apparently go forward as the proposal of a minority of Council, accepted by a majority only if the alternative scheme is impracticable, I wish to remark on one point only. Our original proposal was to allow the bifurcation of the judicial and executive services after four years' service, and to make it compulsory after six. The majority of the local Governments consulted thought these terms to be, on the whole, too short, but we now propose to reduce them and to make bifurcation compulsory in all cases after four years' service. Such a provision will lead both to administrative inconvenience and to individual hardship. In one year it may be necessary to send to the executive line men who are better fitted for and who would prefer the judicial; next year the process may be reversed. If a hard and fast four-year rule is introduced, I venture to prophesy that we shall have constant applications for its relaxation in individual cases. I would make bifurcation optional after four years' service, but would allow local Governments to defer the date for exercising compulsion for such time as they consider suitable up to the end of the eighth year of service, and I would allow those Governments some discretion as to the periods at which the home training and the training in this country can best be carried out.

J. O. MILLER.

India Office, London,

28th October 1910.

**Excellency the Right Honourable the Governor General of
India in Council.**

considered in Council the letter of Your Excellency's Government
Department, no. 9 of 26th March 1908, putting forward proposals
for the special legal training of those civilians who elect for the judicial branch
of the service. The scheme there recommended for my sanction contem-
plates—

- (1) that at the close of four years' service a civilian shall be called upon to choose between the executive and judicial lines, the number of posts open to each branch being determined by actuarial calculations ;
- (2) that immediately after the civilian has chosen the judicial line he should be sent to England to undergo two years' training in law, during this time receiving full Indian pay and a lodging allowance of 10s. a day. The training proposed, including attendance in court, is described in paragraph 6 of the letter ;
- (3) on return to India the officers so trained would be employed in trying original civil suits as Subordinate Judges and criminal cases as Assistant Sessions Judges, receiving pay at this stage (when they will have completed six years' service and upwards) at Rs. 1,200 a month ;
- (4) in order to provide the necessary posts in the executive services to take the place of the officers who after four years' general training will be withdrawn from general executive (and magisterial) work it is proposed to create 29 superior posts of Joint Magistrate on Rs. 1,200 a month, and 29 inferior posts of Joint and Assistant Magistrate, 58 posts in all at an annual cost of Rs 6,58,500 (43,900/)

The careful examination that I have given to your letter discloses a wide divergence of opinion among the members of your Government as then constituted. The scheme which your letter purports to recommend appears to have the unqualified support of only two of your colleagues. Three members prefer the plan put forward by Lord Kitchener ; Sir Harvey Adamson advocates an entirely different scheme ; while Mr. Miller rejects Lord Kitchener's plan and demurs to one of the chief features of the main proposal of the despatch. In view of this conflict of opinion, I have decided to remit the subject to Your Excellency's Government for further consideration in the light of the following observations.

2. I agree with Your Excellency's Government as to the difficulty and importance of the problem that has to be solved, and I recognise the pressing necessity of securing—

- (1) that judicial officers shall enter upon their duties with an adequate equipment of legal knowledge ;
- (2) that they shall be enabled to acquire judicial experience at an early stage of their career ;
- (3) that facilities shall be given them for extending their knowledge of law by special study at a later stage.

The first of these objects will be promoted when, as proposed in the correspondence, the period of training for probationers in this country is extended to two years and the course of instruction in law is expanded so as to comply with modern requirements. All civilians will then commence their Indian career after a not inadequate study of the general principles of law and some acquaintance with the practice of the English Courts. A continued study of law after arrival in the country might be promoted by some such scheme as that suggested by the Madras Government in paragraph 6 of their letter no. 974, dated the 22nd June 1904. As regards the other points I am disposed to think that the proposals made in paragraph 5 of Sir H. Adamson's minute of dissent annexed to your letter, indicate the general direction in which a solution is to be looked for, although I am not satisfied as to the need of incurring so large an expenditure as he proposes.

It is clearly desirable that the Judges of Appellate Courts should have had some experience of trying original suits, and this can probably best be afforded by employing civilians in the earlier years of their service before their first furlough falls due as Assistant Judges on some system analogous to that already in force in Bombay. When they have discharged these duties for a year or two in India the local Governments should be able to select the officers of judicial promise, and these might at that stage be invited to select the Judicial Department. Those who accept would be in a position to derive much advantage from a course of legal study in England, and I am disposed to think that the requisite inducement to undertake this might be furnished by the grant of study leave on fairly liberal terms. It will be for Your Excellency's Government to consider the conditions which should be laid down with the objects of selecting officers for these privileges, and of ensuring that the time is not wasted, and that the leave is taken at such a stage in an officer's service that on his return to India he will be available for appointment as an officiating district judge. An arrangement of this kind seems to me well calculated to supply a permanent remedy for the evils now complained of. Some addition to the cadre of the service may be required in order to provide subordinate civil posts for training purposes in India and to replace officers on study leave in England. But the officers trying original suits should afford relief to over-worked judges, and if the study leave be combined with first furlough, I am not convinced of the necessity for such heavy expenditure on this account as is contemplated by Sir H. Adamson. Further it occurs to me as possible that some economy may be effected by employing civilians to fill temporarily the posts of Subordinate Judges which are continually being created, their places being filled for the time being by members of the Provincial Service. Finally I would ask you to consider whether provision should not be made for extending any scheme adopted to the United Provinces, the Punjab, the Central Provinces, where I apprehend a demand for highly trained judicial officers will soon make itself felt. I attach the highest importance to the exclusive selection of District and Sessions Judges from those members of the service who have previously acquired experience of judicial work, and I trust that you may be able to insist upon this condition as everywhere an essential qualification for service as a District and Sessions Judge.

I have the honour to be,

MY LORD,

Your Lordship's most obedient, humble Servant,

MORLEY OF BLACKBURN.

Nos. 545-551.

FROM

A. EARLE, ESQ., C.I.E.,

Offg. Secretary to the Government of India,

TO

THE CHIEF SECRETARY TO THE GOVERNMENT OF
MADRAS.

" SECRETARY TO THE GOVERNMENT OF BOMBAY,
JUDICIAL DEPARTMENT.

" SECRETARY TO THE GOVERNMENT OF BENGAL,
JUDICIAL DEPARTMENT.

" SECRETARY TO THE GOVERNMENT OF
THE UNITED PROVINCES,
JUDICIAL DEPARTMENT.

" SECRETARY TO THE GOVERNMENT OF THE PUNJAB,
HOME (JUDICIAL) DEPARTMENT.

" SECRETARY TO THE GOVERNMENT OF
EASTERN BENGAL AND ASSAM,
JUDICIAL DEPARTMENT.

" HONOURABLE THE CHIEF COMMISSIONER
OF THE CENTRAL PROVINCES.

Home Department.
Judicial.

Calcutta, the 30th March 1911.

SIR,

[I am directed to refer to the correspondence ending with (To Madras Bombay, Bengal and Eastern Bengal and Assam only.)
the Hon'ble Mr. Bradley's letter, no. 474, dated the 11th March 1907
Mr. Quin's letter, no. 1606, dated the 15th March 1907
Mr. Gait's letter, no. 1061-A. D., dated the 25th May 1907
the Hon'ble Mr. Lyon's letter, no. 385-T., dated the 14th February 1907
regarding the special legal training of those civilians who elect for or are allotted to the judicial branch of the service, and eventually become district and sessions judges.]

(I am directed to refer to the correspondence ending with (To the United Provinces, the Punjab and the Chief Commissioner, Central Provinces only.)
Mr. Butler's letter, no. 658
Mr. MacLagan's letter, no. 655-661
Mr. Robertson's letter, no. 660
letter no. 334, dated the 5th May 1904, regarding the sufficiency of the general legal training of the younger members of the Indian Civil Service.
letter no. 154-S, dated the 31st 23rd Feb. 1904, regarding the sufficiency of the general legal training of the younger members of the Indian Civil Service.)

2. The subject dealt with in the Home Department letter no. 658, dated the 4th November 1903, really included two entirely distinct questions, namely:—

- (1) the general legal training of all civilians; and
- (2) the special legal training of those members of the service who elect for or are allotted to the judicial branch and become eventually

district and sessions judges.

It is to the second question that this letter refers.)

*To Punjab and Central Provinces.

3. The Secretary of State, who has been addressed on the subject, agrees with the Government of India as to the difficulty and importance of the problem that has to be solved, and as to the pressing necessity of securing (1) that judicial officers shall enter upon their duties with an adequate equipment of legal knowledge; (2) that they shall be enabled to acquire judicial experience at an early stage of their career; and (3) that facilities shall be given them for extending their knowledge of law by special study at a later stage. The first of these objects will be promoted when, as has been proposed to the Secretary of State, the period of training in England for probationers for the Indian Civil Service is extended to two years and the course of instruction in law is expanded so as to comply with modern requirements. All civilians will then begin their Indian career after a not inadequate study of the general principles of law and some acquaintance with the practice of the English courts. To secure the other objects the Government of India and the Secretary of State propose to adopt a system which is already, in its main outlines, in force in the Bombay presidency, and to provide—

- (1) that civilians shall be trained for the higher posts in the judicial line by being employed on subordinate judicial duty, (i.e., on judicial duty in posts below that of a ^{district} ~~divisional~~ and sessions judge) in the earlier years of their service before their first furlough falls due;
- (2) that all superior judicial posts shall ordinarily be reserved for officers who have undergone this course, as soon as such officers become available, provided that they have shown themselves to be qualified for the judicial line;
- (3) that officers who have been through this course and have shown themselves qualified for judicial employment shall be given facilities for studying law in England by the grant, on fairly liberal terms, of study leave, to be combined ordinarily with furlough—the study leave being granted usually so as to end when the officers are ripe for appointment as officiating ^{district} ~~divisional~~ and sessions judges;
- (4) that in order that Government may be able to select officers for the judicial line a somewhat larger number of officers than are actually required for service later as district and sessions judges shall be put through this course of subordinate judicial duty.

I am to ask that (with the permission of ^{the Governor in Council} ~~the Lieutenant-Governor in Council~~) a detailed scheme for giving effect to these proposals may now be worked out and submitted to the Government of India, and, in the following paragraphs of this letter, I am to make certain suggestions as to the framing of the scheme and to indicate points on which ^{the opinion of} ~~His Honour the Lieutenant-Governor~~ ^{His Excellency in Council} ~~His Honour in Council~~ ^{His Honour} is more particularly required.

4. I am to refer first to the question of the system of training. The Government of India think it important that the scheme adopted in each province should provide for a definite period during which the officers under training should do nothing but original civil work. They think also, especially in view of the cadre questions discussed in paragraph 5 of this letter, that the period of subordinate judicial duty should be regarded as consisting of two parts, (a) a period of training pure and simple, during which the officer must be regarded as an addition to the subordinate judicial cadre; and (b) a period, during which the officer, having acquired some judicial experience, can fairly be regarded as forming a part of that cadre. The Government of India do not think it necessary to insist on a uniform scheme of training throughout India. Absolute uniformity is in any case impossible. For instance, the law does not recognize assistant judges outside Bombay. The Punjab and the Central Provinces have district judges in addition to divisional and sessions judges; and

* To Punjab and Central Provinces only.

† To Punjab and Central Provinces only.

these district judges have sometimes the powers of additional sessions judges, and sometimes the special powers of magistrates under section 34 of the Criminal Procedure Code. The United Provinces have assistant sessions judges who occasionally exercise the powers of additional judges. In the Madras presidency there are no regular junior appointments, but junior officers are sometimes appointed assistant or additional sessions judges, with the civil powers of a subordinate judge. Again, the stage of service at which the course of training should ordinarily begin must vary with the length of service at which officers usually begin to officiate as ^{district} ~~divisional~~ and sessions judges, and must therefore be determined for each province separately. The period at which the training is to begin should, however, be fixed so that the training will end not long before an officer's first furlough is due, unless it can be arranged, as will be possible in some provinces, that after the period of training officers are to be employed in junior judicial cadre appointments.

* To Punjab and the Central Provinces only.

I am to ask that the detailed scheme which is now called for may include a to statement of ^{the Governor in Council} ~~the views of~~ ^{the Lieutenant-Governor (in Council)} ~~your views~~ (Only Bengal.)

- (1) as to the length (a) of the period during which an officer should be solely employed on original civil work, and (b) of the whole period of training; and
- (2) as to the nature of the work which should be given to officers during that period of their training during which they form part of the regular subordinate judicial cadre.

5. With reference to the question of study leave, I am to invite attention to the rules (a copy of which is enclosed for facility of reference) regarding the grant of such leave to officers of the Indian Medical Service. Under those rules study leave may be taken in instalments, but not for more than twelve months altogether; and no absolute conditions are laid down as to the nature of the course or courses of study to be undertaken. The rules allow the period of study leave to count as service for promotion and for pension, but not for leave, and officers while on study leave are granted furlough pay *plus* a daily lodging allowance. I am to request that the Government of India may be furnished with an expression of ^{the Governor in Council} ~~the opinion of the Lieutenant-Governor (in Council)~~ as to —

(To Bengal only.)

- (a) the maximum period of study leave which should be granted, during his entire service, to a civilian who is allotted to the judicial line;
- (b) the stage of service at which it should usually be granted;
- (c) whether provision should be made for such leave being taken in instalments;
- (d) the course or courses of study which should be ordinarily sanctioned, the authorities who should sanction them and the checks which should be imposed on waste of time; and
- (e) the allowances which should be granted during study leave.

6. I am next to refer to the question of the modifications in the cadre which will be required in consequence of the introduction of the scheme outlined in this letter. It has already been stated that the Government of India think that the number of officers to be trained annually in ^{the Madras presidency} ~~etc.~~ should as a rule slightly exceed the average number of recruits required annually for the judicial service. When this number has been determined, it will be necessary to consider what additions to the provincial executive cadre are required on account of (a) officers in the preliminary stage of training, (b) officers who have been trained sufficiently to be reckoned as part of the subordinate judicial cadre, and (c) the grant of study leave to officers of the Indian Civil Service. It will also be necessary to consider whether the subordinate judicial cadre cannot be slightly reduced on account of the work which will be done by junior civilians in the second stage of their judicial training. For example, if two men

are put under training each year, if the whole period of training is two years, and if, after six months' experience, the officers are capable of turning out work, civil and criminal, equivalent, on the whole, to the work of a subordinate judge, it may be necessary to provide four deputy collectors to replace the four officers constantly under training; and it may be possible, on the other hand, to reduce three appointments of subordinate judges as three men under training will, on the average, have passed through their first six months of training. The actual figures for ^{the Madras presidency} _{etc., etc.,} should of course be worked out, in the first instance, by ^{you} _{the Local Government}.

The Government of India desire, however, to make it clear that, while some addition to the provincial executive cadre will have to be made, it ought to be possible to effect some slight reductions in the subordinate judicial cadre on account of officers in the second stage of their training.

[To Bombay only.] [I am here to refer to the correspondence ending with the Hon'ble Mr. Lamb's letter no. 9441, dated the 17th September 1908, and to point out incidentally that one of the reasons for the difficulty, which the Bombay Government experience under the present system of recruitment, of providing junior officers of the Indian Civil Service for sub-divisions, junior political appointments and the like, is the fact that the number of junior officers of the Indian Civil Service whom the Government of Bombay think it necessary to employ as assistant or joint judges exceeds considerably the provision made in the cadre for junior judicial appointments. In the United Provinces, the Punjab and the Central Provinces, as in the Bombay presidency, officers of the Indian Civil Service are employed in subordinate judicial posts, but all these appointments are regularly provided for in the cadre of the service in those provinces. In the Bombay presidency only three appointments of assistant judges are so provided for, while the usual number of civilians employed as assistant judges appears to be 7, and, on the 1st October 1910, the actual number was 9. I am to point out that the difficulty referred to above will be increased by the adoption of the proposals now made for the judicial training of civilians, unless adequate provision is made for the training appointments in the Indian Civil Service cadre, and I am to suggest that this opportunity should be taken of providing not only for these training posts but, if necessary, for any other subordinate judicial appointments (in excess of 3) which in the Bombay Government's opinion ought to be held by civilians.]

The Governor General in Council does not anticipate that any substantial addition to the cadre will be necessary on account of the grant of study leave. It appears probable that few officers will on this account take more leave during the whole of their service than they do at present.

[To Madras.] 9. I am to ^{enclose a copy of} _{refer to} the Madras Government letter no. 974, dated the 22nd June 1904, in which it was proposed that, with a view to encouraging officers to study law, two optional examinations in civil law should be instituted corresponding to the High Proficiency and Degree of Honour Examinations in languages. I am [to inquire whether ^{the Governor-General (in Council)} _{the Lieutenant-Governor (in Council)} ^{is} _{are} willing to establish such examinations and if so] [to inquire] up to what periods it is proposed that officers should be eligible for the examinations, what restrictions should be imposed on entrance, and what rewards should be given for passing the examinations.

[Not to Madras.] [To Bengal] [To Madras only.] 10. I am to add that if ^{the Government of Madras} _{etc., etc.,} ^{are} _{is} unable to work out a complete scheme in a short time, the Government of India will be glad to receive, in advance of complete proposals, ^{the views of} _{the views of} ^{His Excellency in Council} _{His Honour in Council} ^{the Lieutenant-Governor} _{your views} on the question of the rules which should regulate the grant of study leave.

I have the honour to be,

SIR,

Your most obedient servant,

A. EARLE,

Officiating Secretary to the Government of India.

G. C. B. P., Simla.—No. 17 P. S. C.—18-9-12—150—F.C.A.

No. 1200, dated the 27th July 1912.

From—The Chief Secretary to the Government of Madras,
Judicial Department,

To—The Secretary to the Government of India, Home
Department.

Sir,
I am directed to reply to your letter No. 545, Judicial, dated the 30th March 1911, on the subject of the special legal training of those civilians who elect for or are allotted to the judicial branch, and eventually become District and Sessions Judges.

2. The Government of India and the Secretary of State have agreed (1) that civilians selected for judicial employment should be trained for the higher posts in the judicial line by being first employed in subordinate judicial duty and (2) that they should be given facilities for the study of law in England by the grant of study leave on liberal terms. The Government of India now ask for a detailed scheme for giving effect to these proposals. The Honourable the Judges of the High Court have been consulted, and I am to forward copies of the Minutes recorded by them on the subject.

3. An examination of the details of the suggested scheme, with reference to the special conditions prevailing in this Presidency, discloses the following facts. On an average taken over ten years, the annual decrement in the number of District and Sessions Judges is 1.7, or in round numbers 2. As the training cannot be for less than two years, and as a somewhat larger number of officers than that actually required for service later on as District and Sessions Judges will have to be selected, it will be necessary in Madras to train two and three men in alternate years. On the basis of the figures for the last five years it has been calculated that the fourteenth year is the average period of service at which an officer begins to act as a District and Sessions Judge in this Presidency. If the judicial training is to be completed before an officer's first furlough is due, the number of officers deputed for judicial work will be as shown in the following table:—

Year of service.	Number of officers taken for judicial work.		
Seventh year	...	...	3
Eighth year	...	...	2
Ninth year	...	...	3
Tenth year	...	...	2
} Under training.			
Eleventh year	...	...	3
Twelfth year	...	...	2
Thirteenth year	...	...	3
} Employed in subordinate judicial appointments.			

The three men in the first year of training will probably not be able to take a place in the subordinate judicial staff and it will not be possible to reduce that establishment in consequence of their employment. The two men in the second year of training, however, should be able to do the work of two Sub-Judges. There are also the eight men who would have returned from furlough and study leave, but for whom there would not usually be a District and Sessions Court available. These officers should certainly be fully competent for employment as Sub-Judges and it would be possible to reduce the strength of the Sub-Judges by eight. One of the officers, however, might be employed as Registrar of the High Court, and allowance should also be made for the probable loss of one from any other cause such as death, premature retirement or failure to attain the necessary standard of proficiency. There will, therefore, be only six to do the work of Sub-Judges. The scheme would thus involve a reduction of the establishment of Sub-Judges by eight, i.e., two appointments held by Indian Civil Service officers in the second year of training and six held by officers who had returned from furlough and study leave. Owing to the increasing volume of

Enclosures of the Madras Government letter No. 1200, dated the 27th July 1912.

MINUTES OF THE HONOURABLE THE JUDGES OF THE HIGH COURT.

(1)

The Honourable the Chief Justice.

I am in general agreement with Benson J's. note, and I still think the study leave in England should precede the training in subordinate judicial work in India.

In my opinion the usefulness of study leave would be greatly impaired if it were given in instalments.

I think men should be encouraged to spend six months of their study leave in reading in the chambers of a practising Barrister. This, of course, can be combined with attendance at lectures at the Inns of Court.

I think special facilities might be given, in the matter of the keeping of terms, to members of the Civil Service who wish to be called to the Bar.

(2)

The Hon'ble Mr. Justice Benson.

It is very satisfactory to find that the Government of India and the Secretary of State have now resolved on comprehensive measures to improve the training of Junior Civilians chosen for judicial employment, and that the measures resolved on follow, to a great extent, the lines unanimously recommended by this Court in the Registrar's letter of 19th December 1906.

As then recommended by us the Government of India now propose that the period of training in England for probationers for the Indian Civil Service shall be extended from one to two years, and that the course of instruction in law shall be "expended so as to comply with modern requirements".

They have also determined that junior Civilians selected for judicial employment (1) shall be trained for the higher posts in the judicial line by being first employed on subordinate judicial duty; and (2) shall be given facilities for the study of law in England by the grant of study leave on liberal terms.

The Government of India ask our Government for a detailed scheme to give effect to these last two proposals, and make certain suggestions in regard thereto. Our Government says that it will be glad to have any further remarks we may have to make on the present proposals.

2. It will be remembered that the scheme proposed by us was briefly that Civilians should be selected for judicial service towards the close of their eighth year of service, that is, just before they would become eligible under the Civil Service Regulations for their first furlough; and that they should then have a year's legal study in England. It was thought that many men would probably avail themselves of a period of ordinary furlough in continuation of the study leave and get called to the Bar. It was proposed that on his return to India (about the end of his tenth year of service) he should have two years' training in subordinate judicial employment and should then be regarded as qualified for appointment as an officiating District and Sessions Judge.

The exact scheme proposed was—

(1) that as many appointments of Assistant District and Sessions Judges should be created as may be sufficient, after two years' service in that grade, to supply the annual vacancies among the District and Sessions Judges;

(2) that the Civilians selected for judicial work after their year of training in the Barrister's chambers should be appointed to these posts on Sub-Collector's pay;

(3) that the Assistant District and Sessions Judges should have no separate local jurisdiction for the first year at least, but should try only such selected cases as should be transferred to them for trial by the District and Sessions Judge (such cases being original civil cases taken generally from a District Munsif's or Sub-Judge's file), that they should also try a considerable number of the less important Sessions cases, and that they should for the first year at least not do any appellate or small cause work;

(4) that it should be distinctly understood that the *raison d'être* of the appointments is not so much to get through a quantity of work, as to qualify and train the holders for the higher appointment of District Judge mainly by the trial of original suits of such a character and under such circumstances as to afford time and opportunity of studying the principles and practice of the law more completely than is possible when the tale of work to be done is so heavy as to leave little or no time for concurrent study. But it was intended that as Assistant Sessions Judges they should lend substantial aid to the generally overworked District and Sessions Judges under whom they would work, and by relieving them of most of their Sessions work leave them more time for civil work, the want of which at present is one of the most unsatisfactory features of the District Judge's position, and one that militates seriously against his acquiring a fair acquaintance with civil work within a reasonable time.

It will be observed that in this scheme the study leave in England was to precede the training in subordinate judicial work in India and the latter was to be followed at once (or almost at once) by employment in the higher judicial posts. It was pointed out that such a scheme would fit in well with the general conditions of the administration in this presidency. I still think that that scheme was the best that could be made having regard to the conditions that exist in this Presidency; but the Government of India has now directed—

(1) that the legal training in this country shall be given before the young Civilian is entitled to his first furlough, *i.e.*, before the close of his eighth year of service; and

(2) that the study leave shall be *subsequent* to the training in subordinate judicial work, shall ordinarily be combined with furlough, and that this combined leave shall be so arranged "as to end when the officers are ripe for appointment as officiating District and Sessions Judge."

Assuming (as we have already recommended) that the period of legal training in this country should be two years, the conditions laid down by the Government of India indicate the following scheme:—

(1) A sufficient number of young Civilians should be selected at the end of their *sixth* year of service;

(2) they should undergo legal training in this country for two years;

(3) they should then go on furlough and study leave for one or two years;

(4) they would return to India with about nine or ten years of service;

and

(5) they should then be appointed to officiate as District and Sessions Judges.

The obvious objection to this scheme is that it gives promotion to the grade of officiating District and Sessions Judges after about ten years' service, whereas such promotion now is obtained in both the Judicial and Revenue branches of the services only after three or four years more service.* This difficulty, however, could be got over by making a special grade on Rs. 1,200 (the pay of a Sub-Collector) for these men, until they are of sufficient service to enter the lowest of the existing grades of the judicial branch. This might well be a year less than the length of service required for entering into the corresponding grade in the Revenue line in the case of men who have been called to the Bar, on the principle already recommended by us.

* Note.—At present (May 1911) the junior acting District Judge is over 16 years' service, and this state of things is likely to continue for some time.

The only other way to give effect to the conditions laid down by the Government of India, would be not to give study leave in combination with an officer's first furlough (after eight years' service) but to give it (with or without a second period of furlough) about the twelfth or thirteenth year of service; but this would have the fatal disadvantage of a long break (say, from the eighth to the twelfth year) in the continuity of legal training and judicial work; and it is, therefore, by no means to be recommended. Once a man takes up judicial work and training he should adhere to it and not return to revenue work.

3. In paragraph 3 of the letter of Government of India the question is raised as to the length of the period during which an officer should be employed (a) solely on original civil work, and in being trained pure and simple, and (b) in subordinate judicial work of such a character that he might be regarded as forming part of the regular judicial service.

We have already expressed the opinion that the total period of training should be two years. The first year should be what the Government of India call "a period of training pure and simple". The officer under training should sit at first with the District Judge when doing civil work or (when the latter is engaged in Sessions) he should sit with the senior Subordinate Judge, doing civil work, and observe how issues are framed and how cases are conducted and argued, at the same time studying the civil law and especially the Civil Procedure Code. After a couple of months of this he should be made a temporary Subordinate Judge, without local jurisdiction, and should try such original civil suits as might be specially transferred to him by the District Judge from the file of a District Munsif or Subordinate Judge. The number and importance of these might be increased as he gained experience and facility, but it should always be remembered that the object in view would be to train him for work rather than to exact a tale of work from him, and the District Judge should from time to time, when he is himself engaged in any specially interesting and instructive civil case, require the officer under training to sit with him in Court and watch the conduct of the case.

At the end of a year he could undertake a full tale of regular work, but it would be rarely expedient that he should take the place of one of the permanent Subordinate judges. He would not yet be fit for Civil appellate powers and he would be overwhelmed with the mass of vernacular papers to be dealt with in small cause cases and other work. He would be more fitly employed to take the place of one of the temporary Subordinate Judges who are constantly being employed for six months or a year to clear off arrears of original suits that grow up in the Subordinate and District Courts, and he might at the same time be made an Assistant Sessions Judge to relieve the Sessions Judge of some of his less important Sessions work and thus give him more time for civil work, a matter that we have often urged as in itself an important object. Thus, though the existing permanent cadre of judicial officers could not be reduced, there would be less necessity than there now is for temporary Additional District Munsifs and Sub-Judges. We have at present five of the former, and no less than five of the latter; so there is ample room for the employment of the Civilian in his second year of training in these posts without interfering with the permanent cadre.

4. With regard to study leave dealt with in paragraph 4 of the Government of India letter, I think that it should not exceed one year in all, and that it might be taken in instalments, provided the applicant satisfies the authority granting it that it is required for study, and will be usefully occupied therein.

I am not sufficiently familiar with the present day facilities for legal study that exist in England to discuss the courses of study that should be sanctioned, and what checks should be employed against waste of time. I have no doubt some of my learned brothers can deal more satisfactorily with this part of the letter under reference, but it is, I think, clearly desirable to encourage men to get called to the Bar, with the double benefit to be derived from the course of study preliminary thereto and the prestige attaching to a barrister's status. Any rules regarding the taking of study leave in instalments should be framed so as to facilitate the men being called to the Bar, or following out whatever courses of study are approved. The allowances should be sufficiently liberal to

induce men to apply for study leave and to defray the cost of the courses prescribed.

With regard to paragraph 6 of the Government of India letter, I think that any man who has been selected for the Judicial line and has undergone one year's training should be eligible to go up for the examinations at any time before the close of his thirteenth year, i.e., the time when he would ordinarily begin to act continuously in one of the present grade of District and Sessions Judges.

6. In the above note I have only contemplated the case of officers who are now so junior as to be eligible for the local training under the conditions proposed that is, men of only six years' service. But in any rules that are finally adopted, provision will have to be made both as regards training and study leave for men who are suitable for judicial appointments, but who are too senior to get the training above referred to and who are not yet senior enough for judicial appointments under the existing system of selection.

(3)

The Hon'ble Mr. Justice Wallis.

The extra year of training will no doubt give increased opportunity for the study of law. As regards the subsequent study leave, the conditions do not seem to me analogous to those of medical service leave. I think this should be dealt with by rules made at home by the Secretary of State from time to time in consultation with the Inns of Court, the Council of Legal Education or such other authorities as he may select.

(4)

The Hon'ble Mr. Justice Munro.

I agree generally. I think the idea of study leave to be taken after some practical experience has been obtained is excellent. But I certainly think it would be better if a year's such leave was taken at one time. If the leave is taken in instalments, it will, I think, be difficult to follow out any proper scheme of study.

(5)

The Hon'ble Mr. Justice Abdur Rahim.

I approve of the scheme generally.

I am not sure that the special training might not usefully begin at the end of six years' service. The study leave and the furlough combined must be required to be devoted to attending lectures at the Inns of Court, studying at Barristers' chambers (both Common law and Chancery men) and qualifying for the Bar. Special arrangements may be made with the Benches for exemption of certain terms if necessary. After having been selected for judicial service a Civilian ought not to be allowed to revert the executive. I think in this Presidency there is room for a few extra hands for Munsifs' and Subordinate Judges' work.

(6)

The Hon'ble Mr. Justice Sundara Aiyar.

I also agree generally; but I am of opinion that an elementary examination in Contracts, Torts and Hindu Law should be passed by Civilians before they are drafted to the Judicial department. All Civilians should be required to pass this within five years of the commencement of their service, as in my opinion Government should have the right to select officers for the judicial service, and officers should not have the right to make their own selection to the extent that they now have. It would not be difficult, if necessary, to arrange

a course of lectures for three months that they might attend. This period would be quite enough for a general course of lectures. There is in my opinion no justification at all for appointing Civilians to any judicial office without preliminary training. I do not think that any subsequent study leave is necessary, but I am not opposed to it.

(7)

The Hon'ble Mr. Justice Ayling.

I think the scheme is a good one and likely to be most beneficial.

It may seem anomalous that the young Civilian should do two years' actual work *before* undergoing his special training (or study leave) for a year in England; but I think that after two years of actual experience he would be in a much better position to benefit fully by the facilities afforded him by the special training. Whether the two years' preliminary work should be preceded by an examination as suggested by Sundara Aiyar, J., is another matter. If so, it should be of a very simple character. If the preliminary period spent in England before coming out is increased from one year to two, and more attention given to law, I think it should be unnecessary. In this connection paragraph 6 of the Government of India's letter is worthy of attention. The scheme of a special test in law corresponding to the High Proficiency and Honours in languages with an honorarium attached is a good one; but the period for going up for it ought to be limited to the first eight years (or even six) of a man's service.

The postponement of the year's training in England till after two years' actual experience of judicial work has the further advantage that by that time both the man himself and Government have had time to find out if he really has a turn for judicial work. Study leave certainly ought not to be granted as a matter of course: and I agree with Munro, J., that it should *never* be granted in instalments.

One difficulty, as pointed out by Benson, J., is that as the scheme stands the Civilian will return to India after his training with (say) eleven years' service and cannot expect to get a District Judgeship for another three years or so. [The two junior acting men now (July 1911) are of 14½ years' service.] What is to be done with him meantime? If he goes back to executive work, half the benefit of what he has gone through will be lost. If he is put into Sub-Judgeships on Rs. 1,200, it will put the final touch to his training and ought to give a most excellent type of District and Sessions Judge. But it is no use blinking the fact these fairly senior Civilian Subordinate Judges will be superfluous from the point of view of judicial requirements unless the number of Provincial Subordinate Judges is reduced. We certainly don't want the existing cadre of Subordinate Judges *plus* six or eight trained Civilians *plus* several untrained Civilians in their second year of preliminary work. I fully realise the discouraging effect to the Munsifs and to the Bar of reducing the number of Provincial Sub-Judgeships; but, unless Government is going to be generous enough to give us the senior Civilian Subordinate Judges as "extras" (an expensive measure), there is no alternative.

Another way, of course, would be to let the Civilian take up the judicial line at a later period so as to bring him back at about fourteen years' service: but this is irreconcilable with catching him young, and giving him his subordinate training before his first furlough falls due—integral parts of the Government of India scheme. I think every year after thirty makes it harder for a man to really get the full profit out of study leave and training of the kind now contemplated.

(8)

The Hon'ble Mr. Justice Bakewell.

I entirely agree with the opinion of Benson, J. in paragraph 4 of his

ing of the young Civilian should commence at the very beginning of his career, and with his remarks as to the encouragement to be given to candidates to take up legal subjects for the competitive examination, and as to the necessity for the early cultivation of a judicial habit of mind. In addition to the training mentioned by him during the period of probation, which is now to be extended to two years, I would strongly advise reading in the chambers of a Barrister at the Common Law Bar, or in the office of a Solicitor, for six months or more. The value of reading in chambers consists not only in the experience of actual legal work, but also in the intercourse with members of the Bar, and in the discussion of cases which takes place in a good pupil room. It would probably be necessary to constitute a Board of Legal Studies to prescribe a curriculum and provide lectures and classes, and to conduct examinations at the end of the course.

2. With regard to the training in India of selected men, I would suggest that for the first year the Civilian should act as personal assistant to the District Judge, and assist him in much the same way as a good pupil can assist the man with whom he is reading; that is, he should read up the cases, look up authorities, and write a brief note setting out the points for decision, the authorities bearing thereon, and his own opinion. In original suits he might frame the issues, and record the evidence for the Judge, who would then be free to observe the witnesses, and to make merely a brief note of any matter of importance. I also think that he might be put in charge of the office, and pass orders in interlocutory, "miscellaneous" and execution matters and draft decrees in complicated cases; this if thoroughly done, would lead to a good working knowledge of the Civil Procedure Code and Rules of Practice. Civil Procedure Code, section 128 (2) (i), enables a rule to be made for the delegation of sufficient powers for this purpose.

In his second year of training the candidate might take up the duties of Assistant District and Sessions Judge and deal with such cases as the Judge might think fit to transfer to him.

When applying for study leave, the candidate should furnish certificates from the Judges under whom he has worked that he has acquitted himself with credit, and that his character and attainments fit him for the judicial service.

3. I entirely agree with Munro, J., and Ayling, J., that the study leave should be for one year and should never be granted in instalments. I think that this year should be spent in the same way as the additional year of probation, that is, in reading in chambers and attendance at lectures and classes, and that every inducement should be offered to the candidate to be called to the Bar or to take a law degree. Since he will already have read in the chambers of a Common Law man, he might now read for six months or a year with a Chancery man. Many of the suits in this Presidency deal with mortgages and partition for which Chancery experience would be invaluable.

I may point out that since the legal year is practically only nine months, it is greater economy to read in chambers for six months, if a man in good practice can be induced to take a pupil for that period; and that the remaining three months can be utilised in attending the Courts and lectures, and reading for the lecture examinations. I think, therefore, that the prescribed period of reading in chambers should be "six months or more".

The practical experience of Indian requirements gained during his two years' training here would, I think, be extremely valuable in enabling the candidate to select such subjects of study as will be useful to him in his future work.

4. If the candidate has had the above training and obtains certificates from the Judges with whom he has worked, the men with whom he has read, and the Board of Legal Studies that he has done his work creditably, I think that he should be given a sufficient honorarium to cover his expenses without being compelled to go up for any further examinations. The difficulty of and distaste for reading for examinations increase rapidly as a man approaches his thirtieth year, and what is required is, not that a man should be crammed with legal principles and cases, but that he should have acquired a knowledge of and

aptitude and taste for legal work, and a judicial habit of mind. Certainly no law examination would be a satisfactory test of those acquirements.

5. With regard to the employment of the trained Civilian upon his return to India, I entirely agree with Ayling, J., that, if he returns to the executive, half the benefit of his training will be lost, and I think that opportunities should be made for putting his legal training into practice at once. The increase in litigation is so great, and temporary vacancies are so frequent, that he could surely be utilized in bringing down the arrears of a Court or acting for some Judge on leave. Until a permanent vacancy presents itself, I suggest, therefore, that he should rank as extra Sub-Judge, and be prepared to go anywhere and do anything, from acting District Judge to acting District Munsif.

In this connection, I would point out that District Judges have at present no time to spare for the inspection of Courts, though the High Court has always insisted upon the importance of this work and that the Civilian could be utilised and would gain valuable experience in its performance, or might relieve the District Judge to enable him to do it.

(9)

The Hon'ble Mr. Justice Spencer.

I support the suggestions of Benson, J.; but considering the prevalent rate of promotion in this Presidency I should make the alteration of selecting Civilians for judicial training at the end of their *eighth* year of service and arranging that their return to India after completing their training should synchronise with their completion of about eleven or twelve years' service. This will give them a good deal of experience of Magisterial and Revenue work, which will be not without value when they become Judges. It will also allow more time to discover what really is their bent.

If promotion improves, the stage at which the selection is to be made might be altered from time to time by Government. There is no need for Government to tie its own hands in the matter. Only the exercise of considerable foresight will be required to ensure that the supply of embryo Judges does not exceed or fall short of the demand.

I have only one other suggestion, which is that the Inns of Court be asked to make special arrangements for officers of the India Government under training. It takes about three years to keep 12 terms and get called. So long as the examinations are passed, the keeping of the terms might be reduced for India Civilians on study leave or furlough.

(10)

The Hon'ble Mr. Justice Phillips.

I think it is unfortunate that the Government of India has decided that the period of preliminary training should be completed by the time a Civilian has earned his first furlough, as I do not think that eight years is too long a time to allow for a Civilian to decide whether he wishes to join for the judicial executive. This period also would enable him to obtain a better knowledge of the country and of the people, which would be invaluable in carrying out judicial work, and it would obviate the difficulty that will be experienced in deciding what is to be done with an officer between the time when he completes his training and the time when he would in the ordinary course officiate as District and Sessions Judge as the Government of India has decided that training should end at eight years' service. I agree with Benson, J.'s proposal and think that on return from furlough and study leave an officer should be appointed as additional Sessions Judge (with powers of a Subordinate Judge) until the time comes for promotion to District and Sessions Judge. In many districts work is in arrears, and the assistance of an additional Sessions Judge would be very welcome. Such appointments would do away with the necessity for temporary Subordinate Judges, as the additional Sessions Judges could

appointed to those districts most in need of assistance. I think that the examination proposed by Sundara Aiyar, J., is unnecessary, as under the new scheme all Civilians will get a better training in law than in the past before they come out to this country and will also have to pass the usual standards (Higher and Lower). During the period of training an examination in law might be held with rewards similar to those given for languages, but these should be optional. As for the training at home, I agree that the whole twelve months' study leave should be taken at one time and the curriculum of study laid down by the Council of Legal Education. Unless an officer takes two years' furlough and one year's study leave, he cannot keep all his terms for being called to the Bar, but the Benchers of an Inn have, I think, power to reduce the number of terms to be kept, and would probably reduce it in the case of Civilians on study leave, so as to enable them to be called before their return to India. If this can be done, I think that Civilians under training should be called to the Bar, and their remuneration during study leave might be proportionate to the class they take in the Bar Final. This examination is not so easy as it used to be, and the taking of a first class would show that the study leave had not been wasted. As the fees for a call are considerable, I think some assistance should be given by Government either in the form of a grant or a loan repayable in instalments.

(11)

The Hon'ble Mr. Justice Sankaran Nair.

The conclusion which the Government of India have arrived at on the evidence is that in the conditions which now prevail it is difficult to believe that "a system can be justified under which a gentleman who has no knowledge of civil law and has never been inside a Civil Court in his life is at one step promoted to be a Judge of appeal in civil cases and is expected to hear appeals from the decisions of Subordinate Judges who are trained lawyers with years of judicial experience." It is satisfactory to find that the Government of India have accepted the almost unanimous opinion of lawyers who have written anything on the subject.

The remedy suggested is a compulsory course of training of such a character as not only to fit Civilians for their duties but to be recognized as conferring suitable qualifications. Both conditions are said to be essential; that the training should be adequate and that it should be accepted as such by public opinion both in India and in England. See paragraph 15 of Government of India letter No. 1353, dated 5th October 1906.

I shall have to make a few remarks on this. Meanwhile, I shall consider the nature of the training suggested:—

(1) The course of training in England for Civil Service probationers is extended to two years and the course of instruction in law is expanded so as to comply with modern requirements.

(2) In India for some time the junior Civilians are to be in the Revenue line. After a few years—not less than four—they will finally select their line, and those who select the judicial service are to undergo legal training in this country for two years.

(3) They should then go on leave for one or two years to undergo legal training in England to make them fit to perform the duties of the office to which they will be appointed on their return. For this purpose they are also to get an allowance in England in addition to their furlough pay.

(4) On their return they are to officiate as District Judges.

My alternative suggestion is this: let the probationer make his election after he passes the Indian Civil Service examination, and if he elects the judicial service, extend his probationary period to three years that he might get called to the Bar and post him to a subordinate judicial appointment immediately on arrival in India.

I do not think that a person is likely to derive any substantial benefit by his legal studies if he discontinues the same at the end of two years and has no opportunity to utilize his knowledge either at the Bar or on the Bench for four years after such study. He will have to begin it all over again.

The knowledge that a Civilian acquires by his four or five years' experience as an executive officer may no doubt be of some use. But its importance is greatly exaggerated. The knowledge that is useful or any information that is required is easily supplied by the Bar. Considering the number of classes in each district and the number of districts in the Presidency, it is impossible for an ordinary official to acquire any knowledge that is generally useful or cannot be supplied by the Bar or by evidence. The knowledge that he acquires as a Magistrate is useful. But such employment falls within the scope of my suggestion. His knowledge as a Revenue official is not, as Sir W. Markby has pointed out, of much use. He, as a Revenue official, usually comes into contact with classes of men who will not deal openly and fairly with their tax-gatherer. Respectable men pay formal visits and then see him as little as possible.

However that may be, if a Civilian's first and earliest experience is that of a Revenue official, whose main function is the protection of Government revenue and interests, or of an executive official whose main function is to see that the peace of the country is kept, it is very difficult, if not impossible, for him to acquire that judicial mind which is indispensable in a Judge. The protection of Government interests, the discovery and conviction of guilty persons may acquire an undue importance in his eyes. The equally imperative necessity to protect the civil interests of the subjects and their liberty may not be sufficiently impressed on his mind. Such is the popular view and belief in judicial impartiality is quite as important as, if not more important than, such impartiality itself.

I do not, therefore, accept the suggestion that the election should be made only after four years. I think that the election should be made at the commencement of the career.

Then as to the judicial civil training, he cannot be invested with appellate jurisdiction, as *ex hypothesi* he is inferior to the experienced Indian officer whose judgments he has to revise and his judgments on facts are final. If he is a Subordinate Judge invested with original jurisdiction, if he has not a working knowledge of the vernacular, the case will occupy twice the time with the consequent injury to the parties and the work of the High Court will be increased. Moreover, it is not right to appoint them when better officers are available. I would, therefore, suggest that he should be first appointed a Munsif.

I have assumed throughout that the special training will achieve the result aimed at; that it will produce a class of officials competent to hear appeals from the decisions of Indian Judges. I do not think it will achieve that result.

How stands the Indian Judge? This is what Sir William Markby wrote in 1869:—

"He can study law for several years before entering upon the active duties of life: he can find a career in which throughout he may be kept in close contact with the actual administration of the law; he may thus enjoy the inestimable advantage of a constant reaction between his theoretical studies and practical pursuits. The language in which men transact the daily affairs of life is his own. The law is based on ideas which he to a great extent inherits and shares. That with these advantages and with the natural aptitude for law which natives display the Civilian Judge will soon, if he does not already, stand conspicuous for his ignorance by the side of the native Judge is clear enough to those who choose to look."

An Indian Judge has another great advantage over the Civilian Judge. The success of the administration of justice in England is due a great deal to the co-operation of Judge and Counsel. Such co-operation exists in India between an Indian Judge and the Bar, but it cannot exist to the same extent between the Civilian Judge and the Bar.

The remedy that I suggest to carry out the object, *i.e.*, to get a class of Civilians who are competent to be District Judges *without* lowering the standard

of the administration of justice, is what was suggested by Sir James Stephen in 1871, to throw open *all* judicial appointments not only to the Civilians but also to lawyers whether European or native practising in India.

So far as an ordinary Civilian is concerned, I have not much faith in the subsequent training. He will no doubt acquire a knowledge of English law. But we have built and are building up a huge system of Anglo-Indian law. What is most valuable in an English training is the acquisition of the habit of looking at things from a strictly judicial point of view without any regard to external matters. So far as this is concerned, his habits will have been fixed by his Revenue life and training as a judicial officer already undergone. If he has to compete in the open field with practising Barristers and vakils and if, on proving his fitness, he will be promoted over his seniors to a District Judgeship, then the abler Civilians among the juniors have a chance, and I have no doubt men will be found quite fit for District Judgeships and for eventual promotion to a High Court Judgeship. I do not think it necessary in that case to give any special training, but there can be no harm if its value can afterwards be tested by competition with lawyers as I have suggested. Apprehension of the result shows only the weakness of the scheme. There are various ways in this Presidency at any rate for the superior officers to judge of a junior Civilian's fitness for judicial appointments. If after some experience it is found that the Civil Service cannot supply good Judges, then the statute which requires the appointment of a certain proportion of High Court Judges will have to be amended.

The Indian Bar is already strong and it is growing. To keep up the best traditions of the English Bar a good infusion of English element is necessary: where there is no English Bar there is ordinary little co-operation between the English Bench and the Indian Bar.

When among the available candidates for a District Judgeship the best man is a practising English lawyer, there is no reason why he should not be appointed. He usually acquires a useful knowledge of the habits and feelings of the people in the course of his practice, and after his translation to the Bench he will continue in touch with his old Indian comrades. The rule that Civilians alone should be appointed to District Judgeships had its origin in conditions that no longer exist. The objections that may be urged to the appointment of a Civilian or an Indian do not apply to his case. Nor can any objection be urged to the appointment of Subordinate Judges or Indian pleaders. Political considerations may require that the administration of criminal justice must not be left to them. But I see no reason whatever against, if no capable Civilians are found, the whole civil litigation being left to them.

No. 3058-J. D., dated the 18th April 1912.

From—The Secretary to the Government of Bombay,

To—The Secretary to the Government of India, Home Department.

With reference to your letter No. 546 of 30th March 1911, calling for a detailed scheme by which effect may be given to the Secretary of State's proposals for the reform of the Judicial Department, I have the honour to reply as follows,

2. As observed in your letter, some part of the proposed reform is already in force in the Bombay Presidency. At present Assistant Judges are recruited in the earlier years of their service and have to serve as such for two years before they can be promoted to a District Judgeship. Also all superior posts in this Presidency are at present reserved for men who have been Assistant Judges. It has not, however, been hitherto possible to give Judicial officers study leave. And it has not been the practice to recruit more civilians for the Judicial branch than will be needed later to do duty as Sessions Judges.

3. As regards this last proposal, I am to say that it does not commend itself to the Governor in Council. In his opinion the selection of an officer for the Judicial branch should be made before and not after he enters the department. It should be made with great care and after consultation with the officer himself. But once made and the officer has entered the department, he should stay in it unless so unfit that his removal is necessary in the public interest.

4. The questions which the Governor in Council is called upon to answer are thus narrowed to that part of the scheme which relates to training and study. In this connection I am to append the opinions of their Lordships of the High Court of Bombay and would particularly invite attention to the minutes of Mr. Justice Batchelor and Mr. Justice Heaton. The Governor in Council agrees with the former that the period of entering into the Judicial Department should not as a rule be later than the sixth completed year of an officer's service. He also agrees that there is no reason to divide the Judicial aspirant's training into two. One year engaged in civil work, especially if during the first three months he is associated with an experienced first class Subordinate Judge—an association to which the Governor in Council attaches great importance—should be sufficient to qualify a Judicial officer provided that he has thereafter opportunities of studying law in England.

5. This brings me to the five points referred to by you in your fourth paragraph. As the amount of study leave to be laid down depends so largely on the course of study to be sanctioned, it will be convenient at once to deal with (d).

The Chief Justice and the barrister Judges of the High Court have recommended a year's study in selected barrister's chambers. The civilian Judges of the High Court have with equal unanimity recommended the barrister's course. The Governor in Council has no hesitation in supporting the views of the latter. It must be remembered that the case of a barrister who has passed his examination and that of a young civilian, who has finished training in the Judicial Department, are exactly the converse of each other. The young barrister has acquired theoretical but lacks practical knowledge. The chambers of a senior member of the profession who has himself been in the same position as his pupil and who understands his difficulties, is the best school which the young barrister can enter. On the other hand the young civilian has acquired practical knowledge. What he lacks is theoretical knowledge. This he can best acquire in the rooms of the capable lecturers of the Inns of Court. There he can grasp first principles and trace the history of Indian laws from their origin in Roman Jurisprudence of English Statutes and English cases. He can also attend a complete course of lectures on Hindu and Mohammadan law, a subject of which he will certainly hear nothing in the chambers of an English barrister. The Governor in Council is prepared to admit that if after passing his examinations a young civilian were to study in a barrister's chambers, he would add to his knowledge. But such a course exceeds the requirements of the case. And

2

between a period of study in chambers, and a course of lectures and examinations as prescribed for the bar, the Governor in Council would most decidedly prefer the latter. The examinations which have to be passed will ensure that there is no waste of time, whereas no checks would prevent the time spent in chambers from being almost entirely wasted. And lastly, the title of Barrister-at-law would in the eyes of the Indian public give the civilian judge a claim to respect which a year's study in chambers would never confer.

6. I am now to return to the other points in your fourth paragraph.

(a) The Governor in Council does not think that the maximum period of study leave should exceed two years. All the Bar examinations can be passed in eighteen months. And in this connection I am to invite attention to paragraph 7 of Mr. Justice Batchelor's minute and to suggest that the Bar authorities should be pressed to reduce to 8 the number of terms and to 3 per term the number of dinners which a young civilian need keep and eat.

(b) I am to say that the stage of service should ordinarily be about the time when the future Judge has finished his preliminary training. But the Governor in Council would deprecate any time limit being placed on an application for study leave, at any rate before twenty-five years' service.

(c) I am to say that it is undoubtedly better that the necessary study leave should be taken at one time, but that, if this is impossible, there is no reason why it should not be taken in instalments.

(e) On this point I am to invite your attention to Mr. Justice Batchelor's proposals. They are, however, incorrect in one particular. The call to the Bar costs only fifty guineas, not £100. The Governor in Council would, however, prefer to grant the allowances on the following scale. The Secretary of State should, on application from a young civilian, advance him the fifty guineas with which to join an Inn. Should he pass his final examination either in the second or third class, the Secretary of State should pay the fifty guineas for his call, and also cancel his bond for the first fifty guineas. Should he fail altogether, the Secretary of State should recover the joining money. On the other hand, should the young civilian take a first class, the Secretary of State should reward his success with an additional £100. This would more than cover his expenses for books and journeys to and from London and would prove a strong incentive to study. Somewhat similar provisions formerly existed for promoting the study of Russian.

7. As the Governor in Council does not approve of the training of more officers for the Judicial Department than are actually needed for it, no large additions to the cadre are required. In his opinion, therefore, the question of cadre had better be considered separately.

8. In conclusion, I am to say that the proposal of the Madras Government to institute High Proficiency and Honour examination for the study of civil law does not commend itself to the Governor in Council. The study of civil law is far too wide to be effectively dealt with by such examinations. The law student requires a long course of study and the aid of capable and sympathetic lecturers. Again as the rewards offered for the two tests do not, as it is, induce young men to pass them in languages, they would certainly not induce young men to pass them in law. Lastly, examinations in India would necessarily deal only with Indian law. But what an Indian Judge chiefly lacks is a knowledge of its sources. That knowledge he can only acquire by a course of study in England.

J. D. Endorsement No. 3059, dated the 18th April 1912.

Copy forwarded to the Private Secretary to His Excellency the Governor for information.

J. D. Endorsement No. 3060, dated the 18th April 1912.

Copy, together with a copy of the letter from the Government of India, Home Department, No. 546, dated the 30th March 1911, and of its accompaniments, forwarded to the Revenue Department for information.

3

Enclosures of Bombay Government Letter No. 3058, dated the 18th April 1912.

Minutes recorded by the Honourable the Chief Justice and Judges of the High Court of Bombay re Judicial Training of Young Civilians.

It appears to us that the status of Barrister is not necessary for members of the Indian Civil Service who adopt the Judicial Branch. Its acquisition will add about £150 to the expenses of the training in England. The passing of examinations for the Bar is quite unnecessary unless the Government of India are not prepared to trust their servants to work diligently when in England for the purpose of Judicial training. What is really required by Indian Civilians in the Judicial Department is experience in the application of legal principles and procedure to suits from institution to decree. It is this experience which enables the Judge to realize the point of view of litigants, to understand at once what interlocutory matters are important and what are trivial, to pass working orders in interlocutory applications, so that time may not be wasted in useless arguments where the one object should be to obtain a compromise for the time being until the question in dispute can be finally decided at the hearing, to realize how far the Bar can properly be checked and directed in the conduct of the case, and how far it is safe to accept statements made upon instructions without calling for proof. Experience of these and other matters, which have not been mentioned, can only be satisfactorily obtained through working under a Barrister in good Court practice whether in England or in India. Probably the training in England would be more efficient and valuable than in India, particularly for Civilians who have had already some experience in the recording of evidence and the trial of criminal cases in Magistrates' Courts. Men in that position are much more likely to be of assistance to the Barrister with whom they read than men coming to his Chambers straight from the University without any practical training.

It is, however, of the utmost importance, if it is decided to assist young Civilians in the payment of pupil fees required by working Barristers, that those Barristers should only be selected who have really good practice in the Courts. Probably it would be easy for the Legal Adviser at the India Office to keep a list of Barristers who for the time being are enjoying the kind of practice which it is desirable that young Civilians should see, and it might be possible for the India Office to make arrangements with a number of Barristers to give a preference to members of the Indian Civil Service. By reason of the experience which they will have already had in India they should be more welcome as pupils than others who have had no experience whatever.

(Signed) B. SCOTT.

(Signed) LOUIS P. RUSSELL.

(Signed) D. D. DAVAR.

(Signed) N. C. MACLEOD.

1. Though the Government of Bombay refer to us only one detail of the several questions involved, I think we may use the opportunity to express our views generally on the proposals of the Government of India.

2. In the first place I would cordially welcome the reform by which the probationer's period of training in England will be extended to two years, and the course of instruction in law will be expanded to meet the more exacting demands of the present time. On this point I suggest that we associate ourselves with the remarks of the Madras Government in paragraph 3 of Mr. Hammick's letter No. 974, dated 22nd June 1904 (annexed to the papers), saying that we

regard this alteration as a condition precedent to any material improvement in the legal training of the young Civilians.

3. Then I suggest saying that the proposals (1), (2), (3) and (4) in paragraph 2 of the Government of India's letter have our entire approval.

4. As to the Government of India's paragraph 3, I would say that the Chief Justice and Judges have long advocated a scheme of the kind here suggested, under which the officers in training should do nothing but original Civil work for a period of one year. It is essential to insist on the practical and invariable compliance with this restrictive condition, and rules should be so framed as to make it impossible that the Civilian, having once entered upon this most valuable period of training, should ever be diverted to other duties on any ground or pretext whatsoever. If any laxity be allowed here, there is grave reason to fear that the general rule will, in course of time, be allowed to become a mere counsel of perfection, not regarded as practically attainable in the teeth of multifarious other "exigencies of the service".

5. It should also be provided that the officer, during this period of training, should be in independent charge of a Court, so that he may have complete charge of the suits coming to him for trial from the filing of the plaint to the final steps in execution.

6. In further reference to the Government of India's paragraph 3, I would say that we see no substantial reason for the distinction suggested between (a) the period of training pure and simple and (b) the succeeding period when the officer should be regarded as forming part of the judicial cadre. I think that an appropriate time for the Civilian to begin this period of training would be after, say, six years' service; with the improved education which he would have received in England he would then be in a position to begin at once as a member of the Judicial cadre, hearing and deciding suits as they are now heard and decided by Subordinate Judges. The period to be spent in this original Civil work should be one year.

7. After that period has elapsed, the officer will be within sight of his first furlough. If he is then able to go home and continue his studies for a term of two years, he should return to India with such a legal equipment as should suffice for the duties he may be called upon to discharge. Some difficulty may arise here by reason of the fact that the period normally required for a Call is three years, while, in my opinion, it is on many grounds very undesirable that a young Civilian should spend more than two years continuously out of India. This difficulty might perhaps be capable of removal if the Secretary of State could see his way to addressing the Bar Authorities with a view to their making in favour of the young Civilian some such concession as is made in the case of Vakils, that is, by a dispensation of a certain number of terms. If 8 terms could

* Joining an Inn	£
Books, keeping terms, lectures, journeys to and from London or lodging in London during the two years' course of study	50
Call to Bar	100
Say	100
	250

thus be substituted for 12, the necessary period would be reduced to two years, of which one year might be study leave and the other ordinary furlough. The allowances (which should amount to £250* for the year) drawable for the study leave might be granted conditionally on the man's obtaining a second class; they might be partially recovered in the event of a third class, and wholly recovered in the event of failure.

8. A word may be added as to the sort of tuition which the Civilian should receive before coming to India. The object aimed at should be the modest ambition of giving the lad a good *grounding* in Law. While both the instruction and the examinations should be thorough in their kind, there should be less respect paid to the verbal recollection of statutes than to a sound comprehension of the principles of the law. No Civilian (we may hope) will in later life even attempt to administer an Act without having a copy of the Act under his eyes, and time spent (as *we* had to spend it, alas, *Consule Plance*) in learning sections of the Code by rote might be more profitably devoted to other objects.

As subjects for the young Civilian's study (in his pre-Asiatic career) I would suggest:—The Penal Code; the Law of Evidence with special reference to the Indian Evidence Act (but *not* the Indian Evidence Act learned off by heart to be recited *stans pede in uno*); such

personal property as would suffice as foundation for a thorough practical grounding in the principles of equity; Hindu Law; and Mahomedan Law. I do not add the Procedure Codes as I suspect they are best learned in actual practice, though I incline to think that the present *Civil* Procedure Code ought to find a place in the list.

P.S. Having now seen Mr. Justice Hayward's minute concurred in by Beaman J., I may add that I entirely agree with the additions proposed.

And having seen the Chief Justice's minute, I think it desirable to add a few words lest it be thought that the other view has passed unnoticed. The main point of difference is whether it is a material advantage to a Judicial Civilian to be called to the Bar. With submission, I venture still to think that it is. First, the course of study pursued would, in my opinion, be of very great assistance in fixing in the man's mind the main leading *principles*, and it is here, I fancy, that occurs the line of distinction between the amateur lawyer and the professional. A man of educated intelligence, even though he is not familiar with the principles of the law, may, no doubt, succeed in hammering out a reputable judgment in each case as it arises; but he does so only at great sacrifice of time and labour if in each case he has to begin at the beginning and ascertain first principles while conducting the trial. It is the difference between chessplayers of equal intelligence, one of whom has to think out each move from the beginning while the other knows the first score of moves in any opening; when those first 20 moves are made the former player is usually as good as beaten. The inexperienced Judge may ultimately save defeat, but, if he does so, it is only by studying back to the first elements in each case. Despite an excellent general intelligence, a man with a problem in higher algebra before him will be considerably hampered if his only prior knowledge on the subject is the multiplication table. "*Petere fontes quam sedari rivulos*" is good doctrine; but the "*petere fontes*" is not, I apprehend, to be deferred till the case is called on for hearing. I may be forgiven for speaking on this subject with some confidence: I myself am not a barrister, and I bitterly regret that some of the many years devoted to village accounts, reports *de omnibus rebus et quibusdam aliis*, and kindred occupations were not employed in the study of the law: I should be a far more valuable Judge than I am, or can now ever hope to be.

Secondly, I attach great importance to the mere *status* of barrister: that counts for much in a country where words and appearances are very apt to do duty (as I humbly conceive) for things and realities. Civilian Judgeships are, in my opinion, of capital importance to the State, yet I expect they will be exposed to harsher and harsher criticism as the years go on: much of that criticism will be forestalled if Civilian Judges are, or are usually, barristers: as such they have the *cachet*, they have "passed the examination," an exploit well calculated to soothe and satisfy the Indian critic.

(Signed) S. L. BATCHELOR.

12th November 1911.

I entirely concur with Batchelor J.'s minute and have only to add a few supplementary observations.

I think after the one year's original Civil work referred to in paragraph 6 of the minute, there should be another year's original Civil work conjointly with a limited amount of appellate Civil work and original and appellate Sessions work.

I think reference might be made to the fact that the number of Subordinate Judges to be converted into Deputy Collectors should be the full number of the officers under training. It would not for instance be necessary to convert only three but all four Subordinate Judges into four Deputy Collectors in place of four executive officers under training as Judges.

I think it should be made clear that reading for and passing the Bar Examination is considered distinctly preferable to mere work in Chambers in the case of men who have thus already obtained practical experience as Magistrates

I should be inclined to recommend Roman Law and Jurisprudence also for study during the pre-Asiatic career in England.

(Signed) M. H. W. HAYWARD.

2nd October 1911.

I entirely agree.

(Signed) F. C. O. BEAMAN.

2nd October 1911.

I agree generally with Batchelor and Hayward JJ., but would like to comment on two points.

I. Will it be possible to select Barristers in England with whom young Civilians can profitably read? The Civilians will either not become Barristers at all; or will not become practising Barristers; and their lives and work will be outside the reach and sympathy of Barristers in London. Then can the latter be expected to take any genuine interest in their pupils? Will not the pupils be persons whose welfare and careers are of no particular interest?

II. Can we safely suggest a reduction in the permanent cadre of Subordinate Judges? Even now the permanent cadre does not give us men enough and there are always extra men at work. Just now there are many extra men and it will be a long time before the swollen files are reduced to normal limits. Will it not be better to suggest no reductions until experience shows that reductions are feasible. I doubt also whether a Civilian in training will turn out as much work as a Subordinate Judge and consequently doubt whether four Civilians in training will be the equivalent of four Subordinate Judges.

10th November 1911.

(Signed) J. J. HEATON.

No. 810 A.—D, dated Darjeeling, the 13th May 1912.

From—The Chief Secretary to the Government of Bengal,

To—The Secretary to the Government of India, Home Department.

I am directed to acknowledge the receipt of the Home Department letter No. 547, dated the 30th March 1911, regarding the special legal training of those Civilians who elect for or are allotted to the Judicial Branch of the service and eventually become District and Sessions Judges. In paragraph 2 of the letter it is explained that the proposed extension to two years of the period of training in England for probationers will admit of the course of instruction in Law being expanded, so as to comply with modern requirements, and that it is proposed to adopt a system whereby—

- (1) Civilians shall be employed on subordinate judicial duty before their first furlough falls due, a somewhat larger number than are required to fill Judges' posts being selected.
- (2) Those who have shown themselves qualified shall be granted study leave to be combined ordinarily with furlough and to be granted so as to end when officers are ripe to officiate as District and Sessions Judges.

As the Government of India ask, in advance of complete proposals, for the views of this Government as to the rules which should regulate the grant of study leave, the present reply will be confined to that part of the subject only.

2 The Hon'ble Judges of the High Court, the Hon'ble the Advocate-General and a few selected judicial officers have been consulted on the proposal, and, while forwarding the replies of the High Court, the Hon'ble Justice Sir Cecil Brett, the Hon'ble Mr. Justice Carnduff, the Hon'ble Mr. Justice Chapman and the Hon'ble the Advocate-General, I am to submit the views of this Government on the questions referred to in paragraph 4 of the letter under reply *seriatim* as follows:—

3. (a) *The maximum period of study leave which should be granted, during his entire service to a Civilian who is allotted to the judicial line.*—The maximum period should be one year. If one year's study leave proves insufficient, it can be supplemented by the addition of furlough, provided that the total period of absence in no case exceeds two years. In consequence of his mature age and previous training, the Civilian would probably derive more benefit from reading in chambers for one year than a young Barrister does, who goes through a course for double that period. Provision should, however, be made for compulsory breaks beyond the control of the officer or for recall by Government.

(b) *The stage of service at which it should usually be granted.*—His Excellency in Council is unable to accept the proposal of the Hon'ble Judges that the leave should be taken after not more than four or five years' service. The adoption of this proposal would involve a sacrifice of the most valuable portion of a Civilian's training. A knowledge of the language and of the customs of the people and of the general system of administration is as valuable to the judicial officer as it is in the executive branch of the service. The first year or 18 months of a Civilian's service must continue to be spent in preparation for the departmental examinations. He should then undergo the usual training in survey and settlement work, and spend about three years in charge of a sub-division. This will be followed under the scheme by two or three years' training as a subordinate judicial officer. Study leave should therefore be taken between the seventh and tenth years of service. The tenth year is rather late, but it is not desirable that the rules should be too rigid. Of course an officer may officiate as a District and Sessions Judge before he has had seven years' service, but this is unobjectionable, as it widens his experience. The rule in article 308 (b) of the

Civil Service Regulations that furlough cannot be granted until after eight years' active service might be modified so as to enable furlough to be combined with study leave beginning after the sixth complete year, i.e., furlough might begin at the end of seven years' service.

(c) *Whether provision should be made for such leave being taken in instalments.*—His Excellency in Council entirely agrees with the High Court that the course to be beneficial should be continuous. Study leave for one year should therefore be given in one instalment, except that there should be some provision against unavoidable accidents. Some relaxation of the rules is also desirable in the case of officers already in the service. To all such under 16 years' service, the Governor in Council would allow study leave on the understanding that they should be called to the Bar, or at least pass the final examination during the combined leave and furlough, or that they should actually read in chambers for a year. No allowances, however, should be given for this.

(d) *The course or courses of study which should ordinarily be sanctioned, the authorities who should sanction them and the checks which should be imposed on waste of time.*—The Governor in Council is in favour of a course of reading in chambers of a Barrister of standing, preferably one practising in equity, ending in a final examination. It is doubtful whether a special examination, as suggested by the Hon'ble Justice Sir Cecil Brett, is possible, and it would be sufficient if the officer pass the Bar final. Officers should not be at liberty to select their own Barristers, but, as suggested by the Hon'ble the Advocate-General, a selected list of Barristers of established position and practice, who would be willing to receive Indian Civilian pupils into their chambers should be drawn up by a joint committee consisting of representatives of the Government of India and of the Benchers of the four Inns of Court, or the Council of Legal Education, or the Bar Council. As to checks, the Hon'ble the Advocate-General considers that a certificate of attendance should be obtained, but the Governor in Council does not desire to lay excessive stress upon this condition, as it is thought by some that Barristers who take pupils in chambers may consider it too great a departure from the established practice which leaves it to the pupil to extract all the benefit he can obtain from the course of tuition, a matter in which Indian Civilians of eight years' service may generally be trusted.

(e) *The allowances which should be granted during study leave.*—Government should pay the fees for reading in chambers (100 guineas), and the fees for a call to the Bar and for Bar lectures (150 guineas) as suggested by the Hon'ble Judges. The Governor in Council thinks, however, that it will be necessary to offer some further financial assistance than this. Officers are becoming more and more averse to spending long periods at home on the allowance of £500 per annum, and it must be remembered that the officers will be required to spend generally two years on leave. His Excellency in Council therefore suggests that a further payment of £150 in all should be made if an officer completes the course and passes the requisite examinations, including the Bar final.

4. Finally, I am to observe that the Indian Medical Service rules, to which reference has been made by the Government of India, cannot be followed to closely in the case of the Indian Civil Service. The conditions of the two services are widely different. An officer of the former service takes study leave to make himself an expert in, or to bring himself up to date in, some particular branch of his profession. It is purely an optional proceeding on his part; and the course of study can be compassed in a few months' leave. On the other hand, study leave for judicial officers will be practically part of a compulsory scheme, and in the second place, what the Junior Civilian Judicial officers require is not the study of isolated branches of the Law, as an expert, but rather general grounding in the principles of Law as applied in England, a process not to be accomplished in a few months. The course of study in individual branch can be more suitably provided for by the High Proficiency and Degree of Honour Examinations, if they are introduced, as suggested in paragraph 6 of the Home Department letter.

Enclosures of the Bengal Government's letter No. 830-A.D., dated the 13th May 1912.

No. 2914, dated Calcutta, the 21st August 1911.

From—R. L. ROSS, ESQ., I.C.S., Registrar of the High Court of Judicature at Fort William in Bengal, Appellate Side,

To—The Chief Secretary to the Government of Bengal.

I am directed to acknowledge the receipt of your letter No. 155 A.—D., dated the 21st April, with which you forwarded a copy of a letter from the Government of India, Home Department, No. 547, dated the 30th March, regarding the legal training of judicial officers. You state that the proposals outlined in paragraphs 3 and 5 of that letter require some further preliminary examination by the Government of Bengal, but that the Government of India ask for an early reply on paragraph 4 regarding the grant of study leave. In that paragraph attention is invited to the rules applicable to officers of the Indian Medical Service, and questions are propounded as to—

- (a) the maximum period of study leave which should be granted, during his entire service, to a Civilian who is allotted to the judicial line;
- (b) the stage of service at which it should usually be granted;
- (c) whether provision should be made for its being taken in instalments;
- (d) the courses of study which should be ordinarily sanctioned, the authorities who should sanction them and the checks which should be imposed on waste of time; and
- (e) the allowances which should be granted during study leave.

You request an expression of the opinion of the Judges on this subject with special reference to these questions.

2. In reply, I am first to say that the answers which the Chief Justice and Judges propose to give to the questions stated by the Government should not be regarded as indicating the opinion that the grant of study leave will be a sufficient corrective of existing defects, but depend rather upon the views they hold as to the selection and training of members of the Indian Civil Service for judicial work. It seems to them that if the District Judge is to be the real judicial head of the district, it is essential that officers of the Judicial Branch of the Civil Service, if not recruited separately, should be selected early. The Judges lay great stress on this, because it is only by early allocation, if not by separate recruitment, that the Judicial Branch is likely to secure its fair share of the best men, a result which the present system is not calculated to obtain. Moreover, the conditions of the advantageous use of study leave, which, it is proposed, should be spent in reading with Barristers in England, equally demand early selection for judicial work. For, in order that an officer may derive the fullest value from this training, it is necessary that he should have had a certain amount of legal experience, while on the other hand his age should not be so advanced as to render him out of place in chambers.

3. The questions summarised above should, in the opinion of the Court, be answered thus:—

- (a) One year is the minimum period which can usefully be spent in chambers. The Judges apprehend that there would be difficulties in the way of conceding a longer period of study leave.
- (b) The leave should be granted after not more than four or five years' service, of which the latter part should have been spent in original criminal and civil work. The Judges regard it as important that the work should be original and subject to revision and appeal.

- (c) The leave should not be taken in instalments.
- (d) The leave should be spent in reading in the chambers of Barristers, who should be selected with care. If the chambers entered were those of a Barrister with a wide practice, whether on the common law or on the Chancery side, and with time to pay personal attention to his pupil, the Civilian would be brought into touch with the trained lawyer, would see how he handled facts and applied principles, would learn to appreciate the judicial attitude of detachment, and would obtain a practical knowledge of the conduct of legal business and an insight into the proper relations between the Bench and the Bar. No special course of study can be prescribed, nor are the Judges prepared to say that any check on the way the time is spent can usefully be devised.
- (e) The leave should count as service for pension. The allowances should be at least as liberal as those given to officers engaged in the study of a foreign language; and the Barrister's fee of one hundred guineas, as well as the fee for admission to one of the Inns of Court, might be paid, or at least advanced, by the Government.

Dated the 1st June 1911.

Demi-official from—The HON'BLE MR. JUSTICE C. M. W. BRETT, Judge, High Court, Calcutta,
To—The HON'BLE MR. C. J. STEVENSON-MOORE, Chief Secretary to the Government of Bengal,

I find that, in my note on the proposals of the Government of India for improving the training of Civilians for the Judicial branch of the service, I omitted to express any opinion on the suggestion made that two optional examinations in Civil Law should be instituted corresponding to the High Proficiency and Degree of Honour examinations in Languages.

The proposal seems to me to be a sound one as encouraging that more exact study of the Law and its practice which in the present day is becoming an increasing necessity in the case of all officials in India.

I should, however, be inclined to confine the subjects for the High Proficiency examination to the Law, statute and customary, more or less peculiar to India, that is to say, to the Revenue and Rent Law, the Acts regulating succession, probate, administration, registration, wards, minors, guardians, etc., and the Hindu and Muhammedan Law, and I would confine the period during which an officer should be eligible for the examination to the end of the eighth year of service.

The examination corresponding to the Degree in Law should also contain those branches of the Civil Law which the officers in training for the Judicial branch would have had an opportunity of studying in England, and should be up to the standard of at least the B. L. Degree of a University. An officer should, I think, be required to pass it before the completion of the 12th year of service.

By adopting this course, it seems to me that the work as an official and the study would go hand in hand and the danger of converting an officer into a mere student or bookworm and so missing all the practical lessons around him would be avoided.

Note by the Hon'ble Mr. Justice C. M. W. Brett.

The question of providing a special legal training for those members of the Indian Civil service who elect for or are allotted to the Judicial branch of the service and eventually become District and Sessions Judges, which now again is raised by the Government of India, is presented under conditions which differ in one most important particular from those under which it was previously brought forward for consideration. On previous occasions the consideration of the subject was always fettered by the condition that no extension of the period of training in England for probationers before entering the service could be sanctioned. Now the Secretary of State, in expressing his agreement with the Government of India, that for the purpose of solving the problem the first of three essential objects is "that Judicial officers shall enter upon their duties with an adequate equipment of legal knowledge" has assented to the proposal that the period of training in England for probationers should be extended to two years, and the course of instruction in Law expended so as to comply with modern requirements. It would appear to be the intention of the Secretary of State to revert to some extent to the system which prevailed before the age for admission to the Competitive examination was raised, and to provide as a part of the training for the probationers a comprehensive scheme of study of Law and Jurisprudence, and so to furnish them with a substantial basis of judicial knowledge as part of their equipment for their further duties in the service. As this scheme is to form the foundation on which the training in Law after entry into the service is to be built up, it will demand for its framing considerable care and deliberation. The scheme should include the study of a portion at least of Roman Law, of Jurisprudence, of the principles of the English Law, and of the substance and objects, though not of the details, of the most important codes now in force in India. Its object should, in my opinion, be not merely to secure the instruction of the candidates in the principles of law but also to teach them how those principles have been evolved and modified in the course of years, and how far they have been systematised and embodied in the Indian Codes. The study of the Indian Codes without any knowledge of the principles and practice on which they are based has proved, so far as my experience has shown me, often worse than useless, and the study of the principles of law without any attempt to connect those principles with the law in force in India may prove to be equally labour spent in vain. In my opinion it is not possible for probationers to study with advantage such subjects as the scheme should embrace without proper expert assistance and tuition: and for the success of the scheme it is essential that lecturers or readers in the different subjects should be provided and that a certificate showing regular attendance at the lectures should be required from each candidate.

It is also proposed to reintroduce, as a portion of the new scheme of the study of Law, that probationers shall during their period of training in England attend the different law courts for the purpose of reporting cases tried in them and of studying the practice. This, which was one of the most important features in the old system, proved a valuable auxiliary to the study of the law, and its reintroduction is to be welcomed.

The second essential object recognized by the Secretary of State in the training of junior Civilians for the Judicial branch of the service is that they shall be enabled to acquire judicial experience at an early stage of their career, and in order to carry it out the Government of India propose that Civilians shall be trained for the higher posts in the judicial line by being employed on subordinate judicial duty (*i.e.*, on judicial duty in posts below that of a District and Sessions Judge) in the earlier years of their service before their first furlough falls due. There can be no doubt that much of the value of the time and labour spent by the probationers in the study of Law in England will be neutralized unless the young Civilian be employed at a reasonably early stage of his career in the administration of justice in the civil courts. In fact the delay of ten or twelve years, which was allowed to elapse before a junior Civilian was specialised for judicial work, constituted a grave defect under the old system. Much that had been learnt in England had been

entirely or partially forgotten before it was brought into use. It is a matter therefore for congratulation that in the new scheme of training it is proposed to specialise officers for judicial service at an earlier stage, and to give them that which in my opinion is most essential but which hitherto could not be satisfactorily arranged, namely, experience in original civil work from the lowest stages. An attempt in this direction was made by Sir Ashley Eden when he was Lieutenant-Governor of Bengal, but it failed because it was not confined to officers intended for the judicial branch of the service, and because no provision was made for relieving the officers from some portion of their ordinary magisterial and administrative work so as to enable them to try civil suits.

But while it is most necessary that officers intended for the judicial branch of the service should be employed on civil judicial work as early in their career as possible, it must not be forgotten that experience of the country and of the people and a substantial, not a mere superficial, knowledge of the languages is one of the most essential qualifications for high judicial office. Without them the Judge is at the mercy of dishonest litigants or clever and possibly unscrupulous legal practitioners. I would suggest therefore that it is most desirable in the training of an officer for the judicial branch of the service that he should be employed for the first five years of service in general administrative, executive and magisterial work, and in making himself acquainted, as far as he can, with the people of the country and the languages.

At the end of the fifth year of service the young aspirant for judicial office should, I think, commence his special course of training by being employed first as a Munsif, then as a Munsif vested also with the powers of a Small Cause Court Judge, and then as a Subordinate Judge. This period should extend for three years. During the first half he should be employed exclusively on civil work as a Munsif, being vested at the end of nine months or of a year with the powers of a Judge of the Small Cause Court. During the second half he should be employed as a Subordinate Judge, and I think that during this period the junior Civilian might with advantage be vested with the powers of an Assistant Sessions Judge for the trial of the less important sessions cases. This would carry him up to the end of his eighth year of service, when his first furlough would become due.

I have no doubt that during the period of training the junior Civilian Judicial officer would render substantial assistance in the disposal of civil suits, but the circumstances of the province are at present such that I cannot recommend for acceptance the suggestion that this addition to the strength of the judiciary would be sufficient to justify any retrenchment in the number of officers now employed in the different grades of the Provincial Judicial service. My experience and connection with that branch of the service has now extended over more than 25 years, and I can only say that at present the pressure of work on individual officers is often excessive, and the fact that the High Court has been compelled almost continuously to apply to Government for the appointment of temporary additional officers to keep the work under control indicates that the service is at present undermanned. In my opinion the additional assistance afforded by the Civilian Judicial officers under training would have no greater effect than to partially avoid the necessity, now constantly arising of applying for additional temporary appointments. Moreover, any reduction in the number of the higher appointments in the Provincial Judicial service could not fail to inflict serious hardship on the many very deserving officers in that service and to create discontent among them.

In order to provide employment at the end of this part of their training for officers intended for the judicial branch of the service the second proposal made by the Government of India should certainly be adopted and all superior judicial posts should ordinarily be reserved for officers who have undergone the course as soon as such officers become available, provided they have shown themselves to be qualified for the judicial line. These appointments should, however, be confined to those at present reserved for the judicial branch of the Civil Service and should not include those which of late years have been

appropriated for deserving officers of the Provincial Judicial service. I would also offer the suggestion that, in the event of an increase in the number of Judges in the High Court, seven at least of the appointments should be reserved for Civilian Judicial officers, four to be filled by officers of the judicial branch selected from Bengal, and three from Eastern Bengal and Assam. This would afford reasonable encouragement and inducement to officers to enter the judicial branch and provide a steady flow of promotion. It would also, I believe, prove of material assistance in disposing of the work, specially on the Appellate side, coming before the High Court.

The third point on which the Secretary of State has expressed his agreement is that facilities shall be given to judicial officers of the Civil Service for extending their knowledge of law by special study at a later stage of their career, and in order to carry it into effect the Government of India propose that officers who have shown themselves qualified for judicial employment shall be given facilities for studying Law in England by the grant on fairly liberal terms of study leave to be combined ordinarily with furlough, the study leave being granted usually so as to end when the officers are ripe for appointment as Officiating District and Sessions Judges.

When the question of the training of Civilian judicial officers was last raised the High Court of Calcutta proposed that an officer for the judicial service should be specialised in the fifth year of his career and should then be offered an opportunity of proceeding on special leave to England in order to read with a Barrister in chambers. The object of this proposal was to give to the young Civilian actual experience in the conduct of suits at the bar, which in countries where the English system of the administration of justice prevails has always been regarded as an essential for judicial office, and the want of which has been held to be defect in, and in fact has been cast as a reproach at, Judges selected from the Civil Service. However, I gather from the annexures to the letter of the Government of India that this proposal cannot be entertained in view of obvious difficulties which would arise in testing the value of such training. At the same time I think that some steps should be taken to remove the reproach which so far as efficiency for judicial office is concerned is, I venture to think, wholly unmerited. I may, however, mention that to my knowledge two officers in the judicial branches of the Civil Service in Bengal have in late years of their own accord devoted a portion of their regular furlough to reading with Barristers in chambers, and this at least indicates that the will is not wanting on the part of individual officers to supply any defect in their training if only the opportunity to do so be given them.

The proposal now made is, however, to grant leave for the purpose of studying Law in England after an officer has been partially trained by employment in subordinate judicial duty in India, and not as a preliminary to such employment, as was suggested by the High Court. This question of the grant of study leave seems to me to present some difficulties, arising mainly out of a consideration of the subjects to which the study should be devoted. In the two Bengals, a considerable proportion of the litigation arises out of disputes regarding the title, possession and recovery of rent for agricultural land. The law governing this class of litigation is the Statute and Customary law peculiar to India, and the study of the law of Real Property in England, is more likely to be a drawback than an assistance to the disposal of these classes of civil suits. A fair proportion too of the suits instituted in the courts in Bengal involve questions of inheritance and succession governed entirely by the Hindu and Muhammadan systems of law. Obviously for the study of these branches of the law, leave to England is not a necessity. The bulk of the rest of the litigation consists of suits brought on contracts, mortgages, or for the recovery of simple debts. Suits for damages for Tort are not common at present, though an acquaintance with the principles governing their disposal is certainly most desirable for a Judge. District Judges have also a certain amount of Probate and Administration work to deal with and the new Provincial Insolvency Act is likely to increase that class of litigation. For the study of these branches of the law study leave to England should prove most useful and is most certainly to be recommended, but the study should not be confined to books and authorities

but should also embrace the practice of these branches of the law as followed in the different courts in England. Study of the law alone without some experience of its application and practice is not unlikely to prove unprofitable and may indeed prove a drawback to a judicial officer leading him to lose sight of the true merits of a case in a maze of technical rules and precedents incorrectly applied. For this reason I think that attendance at the courts should form a part of this stage of the training. It is not easy to say how the result of this period of training should be tested or checked. I would, however, suggest as a suitable method that at the end of the training the officers should be required to submit brief critical reports of a few important cases, to write a thesis on some special branch of the law or to undergo an examination consisting of two papers, the questions set in which would be, as in the examination for the Doctor of Laws degree for the Calcutta University, such as would require not merely knowledge obtained from books but the ability to apply that knowledge to specified problems.

Study leave should, I think, be granted for one period only, not exceeding one year, and should not be taken in instalments. It should not be granted later than between the eighth and tenth year of service, and it would then end at a time when the officer might reasonably expect employment as an officiating or permanent District and Sessions Judge. Such leave should count as actual service for pension, and in order to cover the additional expenses incident to the special course of study an allowance of £150 a year in addition to furlough pay would not be excessive.

It is not possible for me without statistics to attempt to suggest a definite answer to the fourth proposal of the Government of India. It is most desirable that a selection should be made of officers for the judicial line and in fact such a selection of suitable officers seems to have been contemplated from the earliest times when a separate judicial branch of the service was started. With that object in view, it would be an advantage that a larger number of officers than are actually required later for service as District and Sessions Judges should be put through the course of judicial duty, and I am inclined to think that the appropriation of 3 or 4 officers each year would not be more than would be required. Compliance with the proposal must, however, depend on the strength of the cadre of the Civil Service in the province and the exigencies of the public service. I have only to observe that some arrangement is to be desired which would remove the difficulty, at present very often severely felt, of obtaining suitable officers for temporary or permanent appointments in the judicial branch of the Civil Service.

CALCUTTA;

The 18th May 1911.

C. M. W. BRETT.

CALCUTTA,

The 28th June 1911.

MY DEAR STEVENSON-MOORE.

Your demi-official letter No. 15 A.—D., dated the 21st April last and subsequent reminder.

I must apologise for having delayed my reply so long, but the delay has not been due to mere oversight.

As you know, I think I have long been of opinion that something ought to be done to better the training of Civilian Judges; for I went out of my way to say so when I was consulted on the subject of selection for promotion to the first grade of District and Sessions Judgeship.

I agree generally with the proposals now put forward; but I should like to say that I do not approve of the Madras suggestion for the introduction of examinations and rewards for high proficiency in Law. Any Civilian who liked to try could pass such examination and some might be tempted to neglect their work in order to do so. Theoretical knowledge is not what the Civilian wants; but what he does want is practice and experience in the working of the law from below, that is from the litigant's standpoint, and from the Bar as well as from the Bench. We are too apt to look at cases *de haut en bas*!

As the result of my consideration of this all important question I have formulated a scheme and I think I cannot do better than send it to you crystallised in the subjoined extract from a minute I have recently written for the Court. I hope that it may be of some assistance.

Yours sincerely,

H. W. C. CARNDUFF.

TO THE HON'BLE MR. C. J. STEVENSON-MOORE,

Chief Secretary.

Extract from a Minute of the Hon'ble Mr. H. W. C. Carnduff, C.I.E., Judge of the High Court, Calcutta.

(1) A Civil Servant should, for the first six years of his service, be employed as hitherto in the general administration.

(2) During his seventh year he should be required to elect between the two branches.

(3) If he chooses the judicial he should be allowed one year's study leave on furlough pay* to count towards pension and to be prefixed or affixed to the furlough due to him at the end of his eighth year. He should then be required to go home for, if necessary, three years.†

* That means on £500 a year at such a stage of service.

† A call to the Bar takes three years, or 2½ in the case of a man who obtains honours at the final.

(4) While at home he should be required to read in chambers with a Barrister chosen from a selected list and be given a special allowance of 100 guineas to cover the usual fee.

(5) He should further be required at least to pass before his return all the Bar examinations and be allowed another £100 or £150 on his passing the final.‡

‡ If he obtains honours, his Inn makes him a present of £50.

(6) After return and until permanent appointment as a District and Sessions Judge he should be employed exclusively on judicial work first as a Magistrate and later as an Assistant or Additional Sessions Judge and at the same time as a Munsif or Subordinate Judge.

No. 1792-J., dated Calcutta, the 30th May 1911.

From—THE HON'BLE MR. E. P. CHAPMAN, I.C.S.,
To—The Chief Secretary to the Government of Bengal.

I have the honour to acknowledge receipt of your letter No. 159 A.—D., dated the 21st April 1911, in which you ask my opinion on the subject of the proposal to grant study leave to Civilians who elect for or are allotted to the Judicial Branch of the service.

2. The proposal is that officers who have been through a course of subordinate judicial duty and have shown themselves qualified for judicial employment shall be given facilities for studying law in England by the grant, on fairly liberal terms, of study leave to be combined ordinarily with furlough, the study leave being granted usually so as to end when the officers are ripe for appointment as officiating District and Sessions Judges. Opinion is asked as to the rules which should regulate the grant of study leave.

3. The maximum period of study leave should be one year. The requirements of the case do not justify a longer period than a year, for after all the advantages to be gained by studying law in England are only of a general educational character giving a wider outlook and a better understanding of fundamental principles. The actual technique can only be learned in India by

practice. If an officer wishes to devote more than a year, he may do so by adding ordinary furlough to his study leave.

4. The stage of service at which the leave should usually be granted should be after an officer has had some little practical civil judicial experience. Study of law is of far greater benefit after an officer has had some knowledge of his defects and difficulties. To read a law book when the mind is void is of little practical value compared with that which attaches to study applied to experience. In making a rule it would, however, be unwise to make experience a hard-and-fast condition. I would make it a rule that the officer should have completed not less than eight years' service and not more than sixteen.

5. I think it undesirable to permit the leave to be taken in instalments. If upon this point I am overruled, I would insist on the instalment being never less than six months.

6. I have not been able to think of any alternative course of study so suitable as reading for the Bar examination. The course is not perfect from the Indian Civilian's point of view, because you are examined, among other things, in English Statute Law. But it is the result of long experience in England. The course contains much which is of value, and it has just the proper blend of high theory with hard practical utility. At the same time it has a cachet of its own, and having a Barrister's degree does do something towards placing the Civilian Judge on the professional level. There is no reason why a Civilian, who is not idle, should not pass the whole series of examinations in a year. In addition to requiring an officer to pass the examination for the degree, I would require him to attend the whole series of lectures on Common Law and Equity and in Hindu and Muhammadan Law for the year, and to submit himself to the term examinations in these subjects.

7. As a check on waste of time, I would require the officer to pass the examinations of the Barrister's degree either during the year of study leave or subsequently, and I would require certificates from the lecturers that the result of the term examinations has been satisfactory.

8. As regards the allowances to be granted during study leave, it must be remembered that in a judicial career in India there is no scope for ambition. An officer who is fortunate enough to be at the head of the list when a vacancy happens to occur in the High Court will, if he has not been incompetent, get that promotion. But the prize depends upon a lucky turn of fate and there is no other path to distinction. The average sense of duty among Civilians is undoubtedly very high, but if it is really desired to induce many officers to study law in England, the inducement must be substantial. I suggest that the Government should meet the expenditure incurred by the student upon fees for joining an Inn of Court, attending the lectures, etc., and for his Barrister's degree and that he should, in addition, have such addition made to his furlough allowance as will bring it up to a minimum of £750 a year.

9. It has been suggested that the study should include study in Commercial Law. This is not in my opinion very important. A District Judge very rarely has to decide any question of Commercial Law. Moreover, Commercial Law in England is a very complicated and technical subject. The lectures on Common Law for the Bar examination include two or more subjects in every term, I understand. One of the subjects is always one of the branches of Commercial Law, and it is dealt with in a practical manner. This should be sufficient. The opinion of the profession is that no lawyer is any use at Commercial Law who has not had practical experience: but a Civilian cannot spare the time to acquire what is called practical experience in this connection.

10. If a Civilian is already a Barrister, his year's study leave can best be spent in reading in Chambers with a Barrister. No Barrister will take a Student for under a year and this will cost £100. The Government should pay this upon the Barrister certifying that the student has been reasonably diligent. No doubt the Council of Legal Education in England could, if desired by the India Office, make arrangements for any student to read in chambers. The arrangement should in any case be subject to the approval of the India Office. The student should not be left to select a Barrister for himself without control.

Dated Calcutta, the 2nd August 1911.

From—The HON'BLE MR. G. H. B. KENRICK, K.C., LL. D., Advocate-General, Bengal,

To—His Honour the Lieutenant-Governor of Bengal in Council.

1. As to how study leave could be spent to the best advantage—

The methods of training available for judicial officers of the Indian Civil Service while on leave in England are:—

- (a) study of legal text-books and law reports;
- (b) attendance as pupil in the Chambers of a practising Barrister;
- (c) attendance in the law courts, noting and reporting decisions.

In my opinion study leave could be spent to the best advantage by a judicious combination of these three methods for the acquisition of knowledge of the theory and practice of the law.

To achieve useful results, however, the course of study should be carefully prescribed by competent authority; the Barristers' Chambers which the Civilians are to enter should be carefully chosen, and the work in such Chambers and in attending the courts and reporting decisions should be subjected to careful and competent supervision.

2. As to the course of study—

The minimum period for the special judicial training should, in my opinion, be two years.

The first year should be spent by the civilian as a pupil in Barristers' Chambers, acquiring an insight into the mode of application of legal principle to the concrete facts of cases.

The second year might be devoted to diligent attendance in various courts of law, reporting decisions and studying the methods of practice and judicial work.

It must be recollected that, excluding the legal vacations, these two years of training will actually comprise only eighteen months of experience. If two years are to be devoted to study leave, it should not be optional to take it by instalments. The consecutive experience would be essential to utility.

The study of the prescribed legal text-books should extend over the whole period of two years, including vacations, in addition to the attendance in Barristers' Chambers or at the courts.

3. As to attendance in Barristers' Chambers—

Every Civilian destined for judicial office should attend as a pupil for one year in the Chambers of a Barrister of recognized position and practice.

To make this feasible it would be essential for the Civilian to join one of the four Inns of Court as a student, as custom restricts a Barrister to taking Bar students as pupils in his Chambers. It would not be necessary, though it might be desirable, for the Civilian to proceed to call to the Bar.

It would be useless for the Civilian to select for himself the Chambers which he should enter.

I should strongly recommend that a list of Barristers of established position and practice who would be willing to receive Indian Civilian pupils into their Chambers should be prepared, and the Civilian should be required to become a pupil for one year of any Barrister on such approved list.

The customary fee for one year in Barristers' Chambers as a pupil is one hundred guineas.

The Benchers of the four Inns of Court, or the Council of Legal Education, or the Bar Council, would probably be willing to assist the preparation of such an approved list of Barristers competent and willing to receive pupils,

if so requested by the India Office, and if the scheme and purpose were explained to them.

It would be very desirable to secure the co-operation and assistance of the Benchers or of the Council of Legal Education. Such Benchers as have held high office in India, e.g., Sir John Edge, Sir John Stanley, Sir Arthur Collins, Sir Horatio Sheppard, Sir Thomas Raleigh, Sir Erle Richards, etc., would probably use their influence in this direction.

4. As to attendance and reporting in the Law Courts.

During the year spent in Barristers' Chambers as a pupil, the Civilians would necessarily follow the various cases to trial in the courts.

I should advise that after the termination of this year, the next year should be occupied by the Civilian in attending various courts of law, observing judicial methods and reporting certain decisions.

The course would have a great educational value potentially, but the actual value derived therefrom by the individual Civilian would depend entirely on himself, i.e., it would depend on the conscientiousness with which he undertakes and pursues it, his powers of concentration, his aptitude for legal or judicial work, and his general ability.

I would recommend that he should attend a variety of the courts. He should attend and report in detail a few chosen cases in the High Court of Justice, both the King's Bench and Chancery Divisions, the Court of Appeal, and also certain subordinate courts, particularly the county courts and Metropolitan Police courts. He should also attend at the Central Criminal Court, or, if convenient, the Assizes at any county town. This observation of the various classes of judicial work should be a valuable experience.

This work to be of value would necessitate some supervisory control and direction. The Civilian should not be allowed to wander without system through the courts, but a competent authority should prescribe the order in which the courts should be attended, the number and length of attendances, and the class of cases to be reported or commented on.

5. As to the study of legal text-books—

The text-books in law, which the Civilian should be required to read, should be carefully selected by a competent authority.

Real mastery of a few legal works of repute would be of greater value than indiscriminate and unguided reading.

Certainly one English work in the Law of Contract, Torts and Crime, Equity, and Evidence should be studied. This course should be spread over the two years.

If feasible, the Civilian's knowledge of law should be tested by examination towards the close of the second year.

In my judgment the main object to be aimed at and emphasized should be a grasp of legal principle and a facility for the application of legal principle to the facts of particular cases, rather than the mere acquisition of a knowledge of reported cases.

One marked contrast between practice in the courts in England and in India, which has forced itself on my attention, is the superfluity of reported decisions which are cited in the Indian courts and seriously considered by the Judges. Some twenty cases are cited (particularly in matters of procedure and evidence) in Calcutta for one case cited in the English courts, and this though the law and practice is codified in India and is uncoded in England. This great difference seems to me attributable to the higher technical knowledge of the Bar and Bench in England, and the comparative ignorance of, or want of attention to, legal principle or *ratio decidendi* in India.

If I may say so, the English system of judicature as administered in Bengal has degenerated, as is evidenced by a marked tendency to hair splitting, unknown in England, which tends to defeat rather than to assist justice. There is

an absence of that broad, commonsense application of principle to concrete facts which is characteristic of the English Common Law System. There is here what among a certain school of the old Roman jurists was stigmatised as *nimia subtilitas*. This, it appears to me, can only be corrected by a Bench of highly trained Judges, with strong personal character and the best English traditions. Whether this is attainable in India is perhaps questionable.

I trust that this digressive criticism may be excused on the ground of its pertinence to the question of the ideal training for a Civilian judicial officer.

6. As to the checks which should be imposed on waste of time—

If so long a period as two years is to be devoted to study leave, the need for some effective guarantee against useless expenditure of time and money is obvious.

The possible and practicable checks which might be imposed are as follows:—

As regards the year's work in Barristers' Chambers, the Civilian should be required to obtain a certificate from the Barrister vouching for the reasonably punctual attendance and diligent work of the pupil.

As regards the direction and supervision of the whole course of study, including attendance at the courts and reports of decisions, I should recommend that a carefully selected Board or Committee of competent legal experts should be appointed in London. Some members of this Board or Committee should have expert knowledge of English legal education, and other members should have special and practical knowledge of the local requirements in India. The formation of such a Committee would not be difficult.

This Committee should regulate and exercise effective supervision over all Civilians during their course of study in England.

The Committee might, if considered advisable, institute an examination which Civilians might be required to pass as a test of their theoretical legal knowledge, though, in my opinion, it would be preferable and more expedient to require all Civilians intended for the judicial branch of the service to pass the Final Bar Examination of the Council of Legal Education which could be done after two years' study.

All reports of cases by Civilians during their attendance in the law courts should be required to be submitted to the Committee or certain of its members.

7. I have ventured to offer these suggestions on the points on which I understand that an expression of my opinion is sought, and they proceed on the basis that the Civilian, who is about to be granted study leave, has already made himself practically acquainted with the provisions of the Indian Codes.

I should like, however, to add that in my opinion candidates should be required from the outset of their career and before entering the Indian Civil Service to decide whether they will join the judicial or administrative branch, and candidates for the judicial branch should receive special training and be required to pass special examination tests. I am strongly of opinion that the best results would be obtained by selecting for the judicial branch young Barristers who have already undergone the usual professional training in England, allowing them to join the Indian Civil Service at rather a later age than those who enter the administrative branch, requiring them then to qualify in the vernacular languages and the Indian Codes and in Hindu and Muhammadan Law, then sending them out to the subordinate magisterial appointments and promoting them through the various judicial grades, so far as possible, according to individual merit.

8. I should be glad to give further detailed consideration either alone or in conjunction with other officers to any other points, or aspects of this wide and important subject, if so desired, and these few remarks, I trust, may be regarded as merely tentative suggestions.

No. 1062, dated the 14th August 1912.

From—The Secretary to Government, United Provinces,
To—The Secretary to the Government of India, Home
Department (Judicial).

I AM to refer to your letter no. 548, dated the 30th March 1911, in which you desired a detailed scheme for giving effect to proposals for training junior civilians who elect for or are allotted to the judicial branch in this province. I am directed in reply to put forward the following scheme which embodies the views of the Lieutenant-Governor.

2. His Honour considers that two junior civilians should be selected annually to undergo the course. The number of officers so trained will slightly exceed the average number of recruits required annually for the judicial service in this province.

3. It is necessary to discover whether the officer selected has inclinations towards judicial work, and to complete preparation before he is eligible for his first furlough. To ensure both objects officers should be selected when they have exercised powers as first class magistrates and assistant collectors for three years, *i.e.*, at the expiration of their fifth year of service. By that time they will have done a sufficient quantity of criminal and revenue case work to afford material for decision as to their suitability. Annual confidential reports are submitted by Commissioners to the Lieutenant-Governor with regard to the efficiency in all branches, of the administration of such officers, and these reports afford sufficient material for decision. The officers selected will commence the course at the beginning of their sixth year's service.

4. I am to say that His Honour is of opinion that the best preparation possible will take the form of a thorough course of reading in the nearest approach to chambers available. No legal practitioner in this province does anything corresponding to English chamber work, but a fairly close approximation to the requisite conditions will be found in those obtaining in the Legal Remembrancer's office. I am to suggest that the selected candidates should be posted to that office, and should there—

(a) read thoroughly in selected annotated editions—

the Transfer of property Act,
the Specific Relief Act,
the Contract Act,
the Indian Succession Act,
Hindu Law,
Muhammadan Law,
the Civil Procedure Code,
the Insolvency Act,
the Evidence Act, and
the Privy Council rulings;

(b) assist the Legal Remembrancer in drafting and checking drafts of
plaints and replies, verify references, prepare briefs, &c.

The Legal Remembrancer should arrange that the candidates do four hours reading and two hours' practical work six days a week, and at the end of the course should put them through a searching viva voce test (with books allowed) to see if they have grasped the principles of civil law, and know where to find

what they want. He should supplement this test by giving the candidates a few cases for opinion and examining their opinions. He would then give or withhold certificates of fitness.

5. I am to refer to the proposals contained in the Hon'ble Mr. Hammick's letter sent as an enclosure with the letter under reply. I am to say that the Lieutenant-Governor does not consider that any advantage will be gained by instituting optional examinations in civil law. There are considerable practical objections to the introduction of such a scheme in this province. It will be difficult to obtain competent examiners, unless very high fees are paid. The expenses of paying such fees and paying the rewards will be considerable, and the result will tend to favour the smart examinee instead of encouraging honest application. It is almost impossible to conduct such examinations without calling largely on the candidates' memories, and the papers might easily degenerate into compilations of trick questions. His Honour considers that the objects sought to be attained are a knowledge of principles and a capacity to find the law governing a case, and that those objects will be attained more effectively by the adoption of the system detailed in the last paragraph of this letter.

6. The junior civilian under present conditions knows on arrival in India practically no civil law of any kind. Some of the officers who joined the service in this province at the end of 1909 have been put through a course of reporting a few civil cases, and all officers joining subsequently will be put through the same course. Orders are being issued by which all officers who have not passed the departmental examination completely at the end of this year will have to pass a simple examination in civil law as a portion of their departmental test, and officers will, when the alteration in the probationers' course to which reference is made in the third paragraph of the letter under reply come into force, arrive in India with some knowledge of civil law. There thus will be four classes of officers from whom selection must be made for the preliminary course—

- (i) officers who have reported no cases,
- (ii) officers who have reported cases,
- (iii) Officers who have reported cases and passed a simple examination in civil law,
- (iv) officers who in addition to the qualifications possessed by officers in the third class have studied civil law while on probation.

The Lieutenant-Governor is of opinion that the course should last for six months in the case of officers of the first and second class, for four months in the case of officers of the third class, and for three months in the case of officers of the fourth class.

7. There is already in existence in this province one post which is held by a Period of work as a subordinate Judicial Officer. junior civilian, the duties of which provide excellent training for a civil judge. That is the post of small cause court and subordinate judge, Dehra Dun. It is usually held for two years. The work which mainly trains the legal intelligence of the incumbent is the work done by him as subordinate judge, the work done by him as small cause court judge requiring a capacity to weigh evidence rather than knowledge of law. The former duties take up about half the working time of the officer concerned. The Lieutenant-Governor considers that this post should be retained for one of the qualified candidates and should be held by him for two years. The remaining candidate in that year, and the two candidates in the alternate year, should, he suggests, be appointed as additional subordinate judges in certain of the posts for the creation of which proposals have been submitted in my no. 511, dated the 28th April 1910, to the Secretary to the Government of India in the Home Department. By appointing such officers as additional subordinate judges it will be possible to arrange that only those cases are given them for hearing to which they can do justice. The necessity for selection of cases does not exist in Dehra Dun, where the work is of a comparatively simple nature. The latter officers should, I am to suggest, be appointed for a year each. The experience so gained will be equivalent to that gained by the officer at Dehra Dun in two years.

8. Judging by the remuneration at present received by officers of the Indian Civil Service of six and seven years' standing, it would be sufficient to pay these Adjustments in the cadre. officers, working as additional subordinate judges, at the rate of Rs. 800 a month; and in so far as these officers were employed it would be unnecessary to fill up (or to retain in existence from time to time) the full number of posts of subordinate judges, proposed in the statements accompanying my letter above referred to. The Lieutenant-Governor considers however that it would be well to retain the full sanctioned scale of the regular appointments of such judges. The work in the civil courts increases from year to year and there is no apparent likelihood of any cessation of this progress. It is therefore not desirable in His Honour's opinion to decrease the sanctioned scale of officers who have to deal with this work, especially in view of the fact that the officers of the Civil Service under training will possibly not be found to be equivalent in the power of disposal of work to the more experienced senior officers of the provincial service. Moreover it may be found impossible to continue the scheme of training junior civilians with absolute regularity over a period of years. He would not therefore propose to make any reduction in the suggested cadre of the judicial service. It would however be necessary to sanction a maximum number of three appointments of additional subordinate judge to be held by junior civilians on Rs. 800 a month. For the reasons stated in the Chief Secretary's letter no. 3000, dated the 27th June 1910, which indicate the very great need of improving the position of the junior officers of that service in this province, the Lieutenant-Governor would not propose to make any change in the numbers of any other appointments open to that service in consequence of the creation of these three posts. The Government of India have, it is true, been unable to accept the proposals made in that letter, but the Lieutenant-Governor nevertheless is convinced that the situation is one demanding a remedy, and would embrace the present opportunity of effecting an improvement however small.

It would also be unnecessary in his opinion to make any particular provision by way of increase or decrease to any cadre for the deputation of these officers under training to study with the Legal Remembrancer. In every case the officer may be deputed under the rules of the Local Government without any additional allowance in the same manner as deputations are made on any other temporary duty.

9. The period of training as subordinate judicial officers will thus carry the candidates to within measurable distance of their first furlough. The Lieutenant-Governor considers that study leave should be combined with the first furlough, and should be given on two-thirds of Indian allowances [subject to the provisions of article 314 (a), Civil Service Regulations] for a complete period of six months, and should not be granted in instalments. He is of opinion that this period should be passed in study in the chambers of a counsel practising either as an equity or common lawyer who should be appointed by the Secretary of State, regard being had to the candidate's wishes in respect of the branch of law which he desires to study. His Honour is further of opinion that the grant of allowances should be dependent on the certificate of such counsel that the candidate has made good use of his time, and that the award of such certificate should further entitle the candidate to the discharge of the fees incurred by him for reading in chambers.

10. This scheme contemplates that at the end of the ninth or tenth year of the service of such officers they will have an adequate equipment of legal knowledge and reasonable judicial experience. It will not ordinarily be possible to appoint them as district and sessions judges at this stage; but if the new posts proposed in my no. 871, dated the 29th June 1911, the holders of which will exercise the powers of a sessions judge on the criminal side and the powers of a subordinate judge on the civil side, be created, these officers will probably obtain those posts at about this period. They will after some years in such posts be appointed district and sessions judges.

4

11. I am to say that the Lieutenant-Governor considers that ordinarily only such officers as have undergone the course should be appointed to superior judicial posts, but is of opinion that discretion should be left to Local Governments to appoint in exceptional cases officers who have not undergone the course.

I have the honour to be,

SIR,

Your most obedient servant,

L. STUART,

Secretary.

275

No. 1113 (Gazette), dated the 18th October 1911.

From—The Secretary to the Government of the Punjab,
To—The Secretary to the Government of India, Home Department.

I am directed to acknowledge the receipt of your letter no. 549, dated 30th March 1911, on the subject of the judicial training of the younger members of the Indian Civil Service, and in reply to convey the following remarks of the Lieutenant Governor.

2. Your letter does not refer to the correspondence ending with Mr. Lloyd's letter no. 161, dated 27th May 1910, regarding the scheme for training junior civilians which was submitted with Mr. MacLagan's letter no. 2794-S., dated 16th September 1908. Sir Louis Dane is still of opinion that unless the age for the open competition is to be materially reduced the system of training civilians therein advocated is preferable to that which, as His Honour now learns from paragraph 3 of your letter, has apparently been proposed by the Government of India. The difficulties arising from early marriages of young civilians are increasing, and such marriages with the incidental visits to the hills and to Europe are in part responsible for the financial difficulties in which young civilians find themselves. These difficulties will not be reduced by a change of the rules involving the detention of probationers for two years' instead of for one year's training at home. It is more than doubtful also if the training in law and court practice at home will be as good for Indian requirements as that which can be given in this country, and in saying this Sir Louis Dane speaks from personal experience. Though a considerable prize winner in the examinations for selected candidates conducted by the most eminent lawyers under the old system of training when law was the principal subject of study, and courts of all classes were regularly attended, His Honour can personally testify to the superior instructional value of actual experience in judicial work in this country, as compared with the training in England during the probationary period.

3. Coming now to the specific questions referred in your letter under acknowledgment I am to enclose, for the information of the Government of India, a copy of a letter no. 3178, dated 13th July 1911, from the Registrar, Chief Court, Punjab, containing the views of the learned Judges. It will be seen that the Judges are opposed to any scheme or system of "study leave" to England with a view to improve the judicial training of officers destined for Divisional and Sessions Judgeships, and that there is much force in the reasons put forward for not recommending recourse to such an expedient. The Lieutenant-Governor accordingly finds himself in the position of being called upon by the Government of India to submit a scheme with rules for the grant of "study leave," but unable to obtain from his constituted advisers the assistance in formulating such a scheme which they alone can give. His Honour would therefore ask the Government of India to excuse him from compliance with paragraph 5 of your letter, the more especially as he is himself convinced of the soundness of the views of the Judges of the Chief Court.

4. The weak point of any scheme of study leave, such as is contemplated by the Government of India, is the absence of provision for an examination to test the knowledge acquired by the officers. Without such an examination it would be impossible satisfactorily to ensure that the period of leave would not be wasted. For this reason Sir Louis Dane is disposed to regard as a preferable alternative to a scheme of study leave the proposal of the Madras Government, referred to in paragraph 7 of your letter, to institute a High Proficiency and a Degree of Honour examination in law. The existing rules governing the grant of leave in connection with the High Proficiency and Degree of Honour examinations in languages might appropriately be made applicable to the examinations in law. Coupled with the rewards they would afford all the facilities and inducements required to make the latter examinations popular. The amounts offered by way of reward would naturally depend upon the scope of the examinations. They might vary from Rs. 1,000 to a

maximum of Rs. 4,000. They should be open to civilians of not more than fifteen years' standing in the case of the Degree of Honour and eight years' standing in the case of the Proficiency tests.

5. With reference to the question of specialised training in this country which is referred to in paragraph 4 of your letter the Lieutenant-Governor gathers from the last paragraph of the enclosed letter that the Judges of the Chief Court regard the existing arrangements for the judicial training of Assistant Commissioners as sufficient. The period of four months' special training in law and procedure to which they refer is now undergone by every civilian, generally about the third or fourth year of service, but sometimes later. Except during the period of about a decade when owing to depletion by deaths and short recruitment the Punjab Commission was below normal strength and Assistant Commissioners of a few years' standing officiated as Deputy Commissioners, the practice was, and now again is, for civilians to do a full tale of civil and criminal judicial work, like members of the Provincial Service. Owing to the present great block in promotions the tendency is for this training as Magistrates, Munsiffs and Subordinate Judges to become more prolonged. It is possible that the Government of India in suggesting as a rule of general application, a period of specialised duty, during which only civil judicial cases would be undertaken, have overlooked the fact that the Punjab junior civilians, unlike those of the Regulation Provinces, are from the very first employed in civil judicial work. An examination of the Provincial Civil Justice Reports indicates that the outturn of civil judicial cases by Assistant Commissioners already compares favourably with that of other classes of officers and is on the increase, and His Honour is confident that officers of the Civil Service who will in future attain to the position of Divisional and Sessions Judge, whether substantive or officiating, will not be wanting in those qualifications for judicial office which are the product of training and experience. Accordingly the Lieutenant-Governor sees no advantage in substituting a system, such as is proposed in paragraph 4 of your letter, of concentration upon civil judicial work for certain limited periods for the present Punjab system of a long training spread over many years and embracing experience in all districts in which the officers serve. Not only would such a new departure be of no advantage from the point of view of training, but it would involve considerable administrative dislocation if the system of distribution of work by subjects instead of by localities were carried any further than at present.

6. Until the orders of the Government of India are received on the question discussed in the last paragraph and on the question of study leave His Honour will defer reporting on the cadre and recruitment questions dealt with in paragraph 6 of your letter, as they will be affected by the decision of the Government of India on the present reference.

No. 3178, dated the 13th July 1911.

From—W. H. E. FELLOWS, Esq., Barrister-at-Law, Officiating Registrar of the Chief Court, Punjab,

To—The Officiating Chief Secretary to the Government of the Punjab.

I am directed to acknowledge the receipt of your Assistant Secretary, Mr. Burdon's endorsement, dated the 2nd June 1911, on a proposal of the Government of India to improve the judicial training of officers who may elect to devote themselves exclusively to judicial work.

The points on which the Judges' opinion is primarily asked for are the length and conditions of legal study leave in England. The Judges have considered the case very carefully, and though they are alive to the advantages which might be gained from the Government of India's proposals in certain cases they think that the difficulties in the way of suggesting suitable terms of study and a suitable curriculum are so great as to out-weigh the advantages of the scheme. Whether an officer should be directed to read in Chambers or to attend lectures in a Law College or to attend cases in the High Court or elsewhere, it seems to the Judges impracticable to ensure that the time allowed

extra furlough on the pretext of study leave would not be wasted. Incidentally the Judges think that apart from the expense involved in reading with a practising Barrister in Chambers the fact that with each Barrister a student could practically study only one class of case is fatal to the suggestions and the term of one year is inadequate. As regards attending Courts, unless an examination is prescribed at the close of the course and the notes recorded submitted for scrutiny the Judges do not think there will be any guarantee that a student is spending his time profitably at home.

I am to add in conclusion that as regards the rest of the Government of India's letter the Judges have already taken steps to ensure that Assistant Commissioners should, if allowed to do so by the Lieutenant-Governor, have a thorough judicial training under a competent officer for four months before they are posted to responsible charge.

No. 1297-A., dated Dacca, the 16th March 1912.

From—The Chief Secretary to the Government of Eastern Bengal and Assam,

To—The Secretary to the Government of India, Home Department.

I am directed to refer to Sir Archdale Earle's letter no. 550 (Judicial), dated the 30th March 1911, on the subject of the legal training of the junior members of the Indian Civil Service. The Lieutenant-Governor has consulted his most experienced officers and the Hon'ble Judges of the High Court on this important question and now desires me to communicate the following observations on the several points dealt with by the Government of India.

2. Referring first to the question of the system of training, it is assumed that the period of probation in England of officers selected at the open competition will be extended to two years, and, as the importance of some preliminary practical training in judicial work, both civil and criminal, in the case of all officers, irrespective of the line to which they may eventually be employed, is recognised and undeniable, His Honour thinks that the advantages of joining the Inns of Court should be put prominently before every probationer directly he passes the open competition, and that as an inducement to do so Government should offer to pay the fees of every candidate who decides to join an Inn and to make him an additional allowance of, say, £50 a year for his two years' training if he passes all the Bar examinations, excepting the final, before he leaves England. Attendance at the Courts and the reporting of cases for which marks should be compulsory in the case of all officers should be liberally awarded whether they join an Inn of Court or not. Sir Charles Bayley's personal opinion, which he believes is generally shared by senior officers, is that this, with the possible exception of a thorough grounding in the vernacular by a competent English teacher, is the most valuable training that a selected candidate can receive in England. Any one can acquire a book knowledge of the law, but how to apply that knowledge and to handle cases properly can only be learned from seeing it done by experienced masters of the subject such as the London Police Magistrates, County Court Judges and the Judges of the Superior Courts.

3. When the young civilian, having undergone the proposed course of training and eaten his dinners at his Inn for two years, has joined the service, the Lieutenant-Governor considers that he should be given the ordinary training in district work for a period of at least four years, which should invariably include not less than two years in a sub-division after he has passed his departmental examinations. At the end of about five years' service the officers whom it is proposed to train for the judicial branch and whose number would ordinarily not exceed three,—since on an average two judges are recruited yearly, might be employed at a Sadar station for six months, during which period they should try a certain number of original suits as Munsiffs in addition to doing criminal judicial work. They should then for 18 months to two years exercise the powers of a Subordinate Judge and, if favourably reported on as judicial officers at the end of that period, should then be eligible for study leave, provided they agree to join the judicial line of the service if found fit for it. The end of the seventh year of service would thus form the stage at which the bifurcation between the executive and judicial lines should take place. The Hon'ble Judges of the High Court in their letter, a copy of which is enclosed, have urged very strongly the importance of the early allocation of officers to the judicial branch and the grant of the study leave after not more than the fourth or fifth year of service. Sir Charles Bayley, however, is in this matter in substantial agreement with the view of Sir Lancelot Hare conveyed in paragraph 6 of Mr. Lyon's letter No. 385-T., dated the 14th February 1907, that a previous training in general administration, revenue matters, and settlement, and criminal work is essential for officers who are to join the judicial

branch of the service and he would deprecate the introduction of any system which would involve in the case of the future Judge a curtailment of this most valuable period of general training. The period of bifurcation which the Lieutenant-Governor proposes would, I am to point out, practically coincide with the eighth year of service at which, according to the accepted calculations, an officer is expected to fill a superior appointment and also first becomes entitled to furlough.

4. Coming next to the question of study leave, the Lieutenant-Governor is of opinion that such leave should extend over a continuous period of one year in England, exclusive of the time spent on the journeys home and out, and about three months' recreation. During this period the officer should read in the chambers of a selected barrister, attend the courts, and finally be called to the Bar. When called, Government might pay his fees and give him £200 in addition to his furlough pay. The whole period of absence would of course count as service for pension, but the grant of this and the other concessions proposed should all be conditional on a call to the Bar. The Lieutenant-Governor agrees with the High Court in thinking that no special course of study can be prescribed and that no check on the way the time is spent can usefully be devised.

5. On his return to India with about eight and half years' service the officer should be employed as a District and Sessions Judge. To induce him to keep up his studies he should be allowed rewards for passing a High Proficiency and an Honours Examination in law, the former after not less than three or more than five years, and the latter after not less than six or more than eight years after his return from England. As these examinations would be voluntary there is no hardship in putting the times for them somewhat late in an officer's service and, unless this is done, there is always the risk of a clever young officer passing them almost immediately after his return from England and then failing to keep up his knowledge. The scale of rewards might be Rs. 1,000 for a pass in the former and Rs. 2,000 for a pass in the latter examination.

6. Turning lastly to the question of modification in the cadre involved by the scheme, I am to say that in view of impending administrative changes the Lieutenant-Governor has not thought it necessary to make detailed calculations, but he doubts whether, considering the large number of temporary appointments of additional Munsiffs sanctioned now annually to cope with arrears in civil work, it would be expedient to make any reductions in the existing subordinate judicial cadre, and is inclined to say that the civilians under training should be appointed as Additional Munsiffs and Subordinate Judges. This course would obviate the necessity of temporary additional appointments. It is possible that a few extra Deputy Collectors would be required, but should this prove to be the case, it would not cause any serious expenditure especially if the settlement programme is curtailed and the number of officers whom it now absorbs is reduced.

Copy of letter No. 2062, dated Calcutta, the 24th August 1911, from the Registrar of the High Court, to the Chief Secretary to the Government of Eastern Bengal and Assam.

I am directed to acknowledge the receipt of your letter No. 1589-A., dated the 4th May, and of its enclosures, on the subject of the special legal training of those members of the Indian Civil Service who are to become eventually District and Sessions Judges, in which you request that the Lieutenant-Governor may be favoured with an expression of the opinion of the Hon'ble Judges on the whole question as it now stands.

2. In reply, I am to forward, for the information of His Honour the Lieutenant-Governor, the accompanying copy of the Court's letter, No. 2914, dated the 21st August, to the Government of Bengal on the subject.

G. C. B. P., Simla, — No. 17 P. S. C. — 18.9.12. — 150

No. ⁸⁸⁴₁₋₉₋₂₄, dated the 24th April 1912.

From—The Chief Commissioner, Central Provinces,
To—The Secretary to the Government of India, Home Department (Judicial).

I am directed to refer to letter No. 551, dated the 30th March 1911, from the Government of India, Home Department (Judicial), on the subject of special legal training of those members of the Indian Civil Service who elect for, or are allotted to, the Judicial Branch, and become eventually Divisional and Sessions Judges. A reply to this letter has been delayed owing to the necessity for considering the subject in relation to a scheme which is being elaborated by the Judicial Commissioner for the reorganization of the Judicial Service. This scheme, though not yet ready for submission, is now sufficiently advanced to enable the Chief Commissioner to reply to the present reference.

2. The reorganization scheme provides for the division of the Central Provinces proper into nine District and Sessions Judgeships, which may later be increased to ten. Berar will be divided, as at present, into two District and Sessions Judgeships, and thus there will be in all eleven District and Sessions Judgeships. Of these it is proposed to allot five to the Provincial Civil Service and retain six for the Indian Civil Service. At present the Commission has to provide for six superior appointments, viz.—

- 2 Judges of the Judicial Commissioner's Court,
- 2 Divisional and Sessions Judges, Central Provinces,
- 2 District and Sessions Judges, Berar,

and five inferior appointments, viz.—

- 1 Additional District and Sessions Judge, Berar,
- 3 District Judges, Central Provinces,
- 1 Registrar of the Judicial Commissioner's Court.

According to the scheme now under preparation, there will be eight superior appointments, viz.—

- 2 Judges of the Judicial Commissioner's Court,
- 6 District and Sessions Judges,

and three inferior appointments, viz.—

- 3 Subordinate Judges, of whom one will be Registrar of the Judicial Commissioner's Court.

The total number of posts to be manned will therefore remain at eleven; but the proportion of the superior appointments will be larger.

3. It is difficult to estimate accurately the probable casualties owing to deaths or retirements in such a small cadre, but they will probably amount to one every two years. Probably, also, two out of the eight incumbents of the higher posts will generally be on leave, and of the three junior officers one will frequently be absent on leave, but casualties among them will be a negligible quantity. The number of annual recruits for the Judicial Branch may therefore be put at one every year.

4. The Chief Commissioner considers that the ideal to be aimed at in constituting a separate Judicial Service, and in framing a scheme for the training of civilians destined to man it, is to make the judicial line so attractive and the prospects so definite that candidates will be encouraged to look to the judicial career and to some extent to specialize for it, even before they arrive in India. He agrees with the Judicial Commissioner that it is important that judicial training should begin from the earliest possible period of a man's service, and that it is also important that before a young officer finally settles down within the

four walls of a court, he should have had some insight into the life of the people and into executive work, and it is probable that many men who are quite likely to make good judges would be deterred from seeking a judicial career if they thought that they would forego the attractions of an active out-door life at a very early period of their service. The Chief Commissioner also thinks that the present system under which the great majority of young civilians never see a civil case is a bad one, as it deprives them of a valuable training and tends to widen the breach between the Executive and Judicial Branches of the Service, and to produce Executive Officers entirely ignorant of, and out of sympathy with, Civil Judicial work. Mr. Fox-Strangways thinks therefore that all Assistants should have some training in civil case work, both to enable the Judicial Commissioner to select with more confidence those whom it would pay to train further, and to widen the experience and enlarge the sympathy of the Assistants. But the training should be so arranged as not to tie the Assistants permanently to Head-quarters stations.

In working out the details of the scheme set forth below, which has been drawn up in consultation with the Judicial Commissioner, the Chief Commissioner has kept in view these principles as well as those laid down in paragraph 3 of your letter.

5. The scheme which the Chief Commissioner has to suggest is as follows :—

In the first place the training of a civilian for the first two years of his service should be of a general character. He has to pass the Departmental Examinations; his office and Court work should be restricted, while he should be given all possible opportunities of studying the administration of the country and the life of the people by out-of-door inspection, and especially in camp.

In his third year, when he has his examinations behind him, he should receive a preliminary training in selected civil cases. The District Judge would make over to him a limited number of selected plaints, say 30 or 40; the cases to show considerable variety and to include Small Cause Court cases. The details of the manner in which they would be selected can best be settled by the Judicial Commissioner. The training would not last throughout the year, but would probably be confined to the period between April and October. Every case, however, once taken up should be tried to an end. For the rest of the year the Assistant should be employed on Magisterial and Executive duties, and by camp life. During this preliminary training, the Assistant would be extra to the cadre, and it would not be necessary either to add to the Executive cadre or to reduce the Judicial cadre on this account.

In the fourth year of their service, two Assistant Commissioners would be selected on a consideration both of their aptitude shown so far, and of their own inclinations, which might by that time have declared themselves, and would be appointed in turn for six months each in a selected court of a Munsiff, probably at Nagpur, so that their suitability might be judged by the same standard of comparison. One Extra-Assistant Commissioner would have to be added to the Executive cadre to replace the two Assistants successively under training; but as the court would be only that of a Munsiff, no corresponding reduction could be made from the Provincial Judicial cadre.

Every year one Assistant Commissioner would be selected for a two years' training as a Subordinate Judge. He would ordinarily be selected from the fifth-year Assistants who had just completed their period of training as Munsiffs; but if in any year these two Assistants were either unsuitable or unwilling to enter the judicial line, the selection might be made from those trained in previous years. These two Assistants would also be extra to the cadre, but their whole time would be employed in judicial work, and therefore it would be necessary to replace them by two additions to the cadre of Executive Extra-Assistants. At the same time a reduction could be made of two Subordinate Judges.

At the end of his sixth year, the Assistant Commissioner would, if a vacancy occurred, be included permanently in the Judicial cadre as a Subordinate Judge. If there were no vacancy, he might be reverted to Executive duties, or he might

be given a further period of training for one year. The occurrence of a vacancy in so small a cadre being so uncertain, it is impossible to say which course would usually be followed. If in any case an Assistant were retained for a three years' training, it would again be necessary to add one Extra-Assistant Commissioner to the Executive cadre, but this need not be a permanent addition; it could be made under the Chief Commissioner's power to appoint a temporary Extra-Assistant Commissioner in the lowest grade.

The Subordinate Judge temporarily replaced could not be reduced; there would be a temporary excess of one Subordinate Judge, who could be utilised to afford relief to one of the more heavily worked courts.

6. The Assistant Commissioner finally appointed to the Judicial Service would thus have had, *firstly*, two years' general training; *secondly*, one year of Executive work with training in selected civil cases for half the year; *thirdly*, six months' special training as a Munsiff; and *fourthly*, two or three years' trial as a Subordinate Judge. He would have done petty Magisterial work during his first two years, would have tried criminal cases of more importance during his 3rd and 4th years, and in his 6th year might be given some of the powers of an Additional Sessions Judge, including the power to hear appeals from the decision of 1st Class Magistrates.

It may be expected that an officer appointed to the Judicial Service at the end of his 6th year would very soon begin to officiate as a District and Sessions Judge.

7. It will be observed that the course of training sketched above will provide a larger number of officers than are actually required for recruitment in the judicial Service. But the preliminary training would have interfered not at all (and the six months' special training very little) with their utility as Executive officers; while it would certainly have tended to increase their efficiency as Magistrates; and as regards the subsequent two years' course, it would always be possible to relegate to Executive duty, at any period of it, officers who proved unsuited to judicial work who were in excess of immediate requirements. The scheme will also provide a reserve of trained officers from which leave vacancies can be filled as well as a further reserve of partially trained officers available for emergencies. This is in accordance with the instructions laid down in your letter. As a consequence of modification in the cadre, this will be limited, as explained above, to an addition of three Extra Assistant Commissioners to the Executive cadre and a reduction of two Subordinate Judges in the Judicial cadre. No addition to the cadre would be necessary on account of study leave.

Study Leave.

8. As regards the question of study leave, the Chief Commissioner understands that it has been decided that provision for such leave is to be made, and that he is merely called upon for opinion on the points specified in paragraph 5 of your letter—

- (a) The maximum period of study leave which should be granted must depend partly upon the answer to question (d). Unless it is intended to encourage calls to the Bar, the Chief Commissioner thinks that 12 months should be sufficient.
- (b) Study leave should, in the Chief Commissioner's opinion, be taken not before the end of the 7th and not after the end of the 10th year. It must not be deferred too late, or the full benefit is not likely to be derived from it. On the other hand, it should not be taken so early as to interfere with the period of training. The Chief Commissioner suggests that it might be allowed at the end of the 7th year's service,—the shortening by one year of the period required for obtaining the first furlough being a concession that will tend to add to the popularity of the Judicial Service.
- (c) Study leave for a period of less than one year will probably be of little use. Studies can, if necessary, be continued during ordinary

No. 10.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

PUBLIC.

To

THE RIGHT HONOURABLE LORD GEORGE FRANCIS HAMILTON,
Her Majesty's Secretary of State for India.

Calcutta, the 10th February 1898.

MY LORD,

WITH reference to the correspondence ending with the Earl of Kimberley's Public Despatch No. 25, dated the 16th February 1893, we have the honour to forward, for Your Lordship's consideration, a copy of the papers entered in the annexed list regarding the future recruitment of the Indian Civil Service and the number of candidates to be selected at the open competition of 1898.

2. The main object of the service being to officer the principal civil appointments in India, it is necessary, before determining the annual recruitment required for a service which shall fulfil this object, to settle (1) the total strength of the service to be recruited for, and (2) the rate of recruitment required to maintain the service at the requisite strength. In 1882 the normal annual rate of recruitment was, after a careful calculation, fixed at 4'31 per cent of the strength of the service, and this rate has since been maintained, subsequent examinations having established the substantial accuracy of the data of the earlier calculations. The total strength has hitherto been settled upon a consideration of (a) the number of appointments, whether superior or inferior, which it is desirable to fill by members of the Indian Civil Service present on duty; (b) the average number of officers absent on leave; and (c) the number of officers who are in training and not yet qualified to hold the appointments included in (a). The number of officers required under (b) and (c) were, like the annual *rate* of recruitment, determined in 1882, the percentages adopted being 27'39 and 10'58 of the total number of appointments included in (a).

3. It is with reference to point (a) that we consider that the principles hitherto followed require reconsideration. While the two principles which will be presently stated (paragraph 4 below) were not altogether lost sight of in 1882, other considerations were allowed to override them to some extent; and both in 1882, when the question of recruitment was first fully treated in a systematic way, and in 1890, when the figures settled in 1882 were revised for another quinquennial period, the method actually followed in settling the number of appointments to be held by Indian Civilians was to ascertain the number of superior and inferior appointments and to take the total number of both classes as the basis for determining the strength of the service. This system has led to difficulties, especially in Bengal and the Punjab, where the supply of officers properly qualified to hold charge of districts is, to the great detriment of the

administration, at present inadequate, and these difficulties have been accentuated by the irregular and very short recruitment in the years which immediately preceded the introduction of the scheme devised in 1882. We have therefore determined to re-examine the question of recruitment with a view to the adoption for the future of a more satisfactory system.

4. We are of opinion that in settling the number of appointments to be held by members of the Indian Civil Service, and consequently the total strength of the service, there are two principles which should be carefully kept in view, *viz.*, (a) the members of the service should have sufficient training in subordinate or inferior appointments before they are called upon to discharge the duties of higher ones, and (b) they should throughout the whole period of their service have sufficient salaries and sufficiently responsible duties. To secure these two objects we consider that the recruitment for the Indian Civil Service ought to be so regulated as to ensure that an officer should, after learning his work as a recruit during the first two years of his service, occupy for a fixed period of qualifying service, subordinate or inferior appointments for which members of the service are required, and should thereafter find himself occupying, with practical permanency, a superior appointment. We have carefully considered, in communication with Local Governments and Administrations, the question where the line should be drawn between inferior and superior appointments and the length of the period of service to be required before a superior appointment is reached. We think that, as a general rule, a superior appointment may be taken as one to which a substantive pay in excess of Rs. 1,000 is attached, and that the period of qualifying service after which a member of the service should expect to be in practically permanent tenure of such an office may be fixed at 9 years from the commencement of his service. The principle, therefore, which, in our opinion, should be adopted, is that recruitment, to be proper and adequate, should be so arranged that an officer, after he has completed 9 years of service, should find himself officiating with practical permanency in at least the lowest of the superior appointments as above defined.

5. To give effect to the scheme described in the preceding paragraph the change required in the past practice is that, in settling the strength of the service, the number of inferior cadre appointments should be disregarded, and the number of superior appointments only should be taken as the basis of the calculations. The number of Indian Civilians available to fill inferior appointments will then become a fixed percentage on the number of superior appointments. But the question of recruitment must to some extent depend upon considerations of an entirely different character, for it has to be considered whether the number of inferior appointments for which Indian civilians will in this way be made available is insufficient, sufficient or excessive in view of the administrative needs of the several Provinces. In giving effect to such considerations it must be borne in mind that any increase of inferior appointments beyond the percentage fixed as above involves the diminution of the standard of salary to be expected by the members of the service, and that any decrease involves the shortening of the time during which they qualify by inferior service for superior duties. In either case questions are involved which bear upon the general efficiency of the service.

6. We also consider that it will be convenient to make a minor change in the practice of the past. The great bulk of the appointments for which Indian civilians are required are included in the several Provincial lists. There are, however, a few which are held directly under the Government of India. Of the appointments in each Province, after deduction of the proportion reserved for military officers in the frontier commissions, one-sixth were formerly reserved for statutory civilians, and now a fixed number has been specifically allotted to the Provincial Service. It has hitherto been the practice, for the purpose of settling the recruitment, to distribute more or less arbitrarily among the several Provinces the appointments under the Government of India, and to increase the recruitment for the Provinces accordingly. We now propose to base the recruitment for each Province on the total number of appointments in the Province, including those allotted to the Provincial Service, but without

any addition on account of the appointments under the Government of India. As the number of superior appointments under the Government of India is 43 (*vide* List G appended to this Despatch), a figure which corresponds exactly with the number of superior appointments listed in the different Provinces as open to the Provincial Service, the Provincial Governments, if their services are recruited with reference to the total number of superior appointments, including "listed" ones, which have to be provided for, will be able to spare the officers required for appointments under the Government of India since they will have the consequent deficiencies in their own services filled from the Provincial Services. This change, therefore, while involving a departure from strict or apparent accuracy in recruiting, will secure substantially the same result as the direct inclusion of the Government of India appointments in the number to be recruited for; and it is convenient as avoiding the arbitrary distribution of them among the several Provinces.

7. The following table, which is based on a careful examination of the statistics relating to the service, shows the average distribution of a regularly recruited service in a form suited for working out the figures of recruitment on the system above described:—

	On duty.	On leave.	Total.
Men of over 9 years' service holding superior cadre appointments, <i>i.e.</i> , appointments of over Rs. 1,000 pay.	100	31.7	131.7
Men from the 3rd to the 9th year of service inclusive, holding inferior cadre appointments.	50.3	7.7	58
Men of the 1st and 2nd years of service reckoned as in training.	15.9	1.3	17.7
Total of service ...	166.2	41.2	207.4

Thus a service of the total strength of 207.4 is required to supply officers to fill 100 superior appointments. The ascertained rate of recruitment being 4.31 per cent., the annual recruitment for a service of 207.4 men will be 8.95 men. The strength of service for each Province will bear the proportion to 207.4, that the number of superior appointments bears to 100 and the normal annual recruitment the proportion to 8.95, that the strength bears to 207.4. Accordingly, to settle the normal recruitment for each Province for 1898 and the following years on the system now laid down, all that is necessary is to ascertain the number of superior appointments in each of them.

8. In our Home Secretary's letter dated the 8th September 1896, we invited the Local Governments and Administrations to give their opinions specially upon the following questions:—

- (1) the suitability of the scheme of recruitment as described above;
- (2) the limit proposed for the period of qualification for a superior appointment;
- (3) the appointments, which should be classed as superior.

Lists of superior appointments, prepared under the principles set forth in paragraph 4 above, were forwarded to the Local Governments, and they were asked to carefully examine them and to propose any modifications that might be thought necessary or desirable. We suggested that the rule that an appointment, the substantive pay of which exceeds Rs. 1,000, should be regarded as superior, and one the pay of which is Rs. 1,000 or less as inferior, might be made subject to certain exceptions. For example, there are certain appointments, such as Under-Secretaryships, carrying a pay in excess of Rs. 1,000, which should be ranked as inferior, and on the other hand there are certain District Officers employed in hill districts on pay not exceeding Rs. 1,000, the importance of whose charges might require that they should be classed as superior. The scheme which we put before Local Governments and Administrations did not, as we have already explained, contemplate the enumeration of inferior posts as such, but it was left to them to consider for what appointments of this nature they thought it indispensable to have members of the Indian Civil Service.

9. We have been gratified to find, as Your Lordship will observe from the replies received, that, with the exception of the Government of Bombay and the Chief Commissioner of Assam, all the Local Governments and Administrations readily accept our proposals on all points. They suggest a very few alterations in the list of superior appointments which we forwarded to them for examination. We have accepted these corrections and have prepared revised lists A to G which form one of the enclosures to this Despatch. In the Madras list we have also included the post of Commissioner of Coorg in view of our recommendation made to Your Lordship in Financial Despatch No. 179, dated the 7th July 1897, and approved in Your Despatch No. 103 (Public), dated 2nd September 1897; and from the Bengal-Assam list we have omitted the post of Inspector-General of Registration which was specially omitted from the cadre of the Indian Civil Service in 1892.

10. The Government of Bombay object to our proposals on the grounds set forth in paragraphs 2 to 4 of their letter No. 10200, dated the 12th December 1896, and express their preference for the existing system of recruitment which is based on the total number of superior and inferior appointments. Their chief ground of objection is that, if the scheme were applied to the Bombay Presidency, it would provide too small a number of officers for inferior appointments, whereas in their opinion the number should be materially increased. They urge that the appointments named in paragraph 4 of their letter should be included in the list of superior appointments, and that it is necessary that the strength of the service of the Bombay Presidency and Sind should be fixed at 160 (45 stated in paragraph 9 of the Local Government's letter being a clerical error for 44) after deducting the posts allotted to the Provincial Service, but including the officers required to fill appointments under the Government of India. The Bombay Government also take exception to the assumption that, so far as the Bombay Presidency is concerned, the appointments under the Government of India and those to be transferred to the Provincial Service counterbalance each other on the ground that the Government of India as a rule take senior men for appointments under them in a larger proportion than the number of superior appointments listed as open to the Provincial Service.

We are not able to agree with the Government of Bombay as to the principles on which they object to our proposal. But the system of revenue administration in Bombay differs materially from that in force elsewhere, and the Bombay Government have always, relatively to the area and population of the Province, had at their disposal a larger number of Indian Civilians to fill inferior appointments than other Local Governments. For this reason we do not propose to reduce the strength of the service for which the Bombay Government ask, and are of opinion that the strength of the Indian Civil Service for the Bombay Presidency and Sind should be fixed (including the posts transferred to the Provincial Service, but without any addition on account of the officers required for the Government of India) at not less than the total shown in paragraph 9 of the Bombay Government's letter above referred to. This result could be attained by adding to the list of superior appointments some of the appointments mentioned by them, which would in other Provinces be reckoned as the highest paid of the inferior, and thus raising the number of superior appointments to 75, which would result in giving a service of 162 officers. We have accordingly included the posts of Administrator, Porbandar State, which is at present held by an Indian Civilian, the Judicial Assistant to the Political Agent, Kathiawar, two Under-Secretaries to Government, the Assistant to the Commissioner in Sind, and three Joint Judges at Ahmedabad, Karachi, and Shikarpur.

11. In the opinion of the Chief Commissioner of Assam the scheme is not suitable for a province like Assam which is too small and has too few high appointments to justify the creation of a separate service. Mr. Cotton also considers that the limit of nine years which is proposed as the period of qualification for a superior appointment is too long a period, having regard to the age at which members of the Indian Civil Service now arrive in India, and suggests that it should be fixed at seven years. With reference to the correspondence ending with Your Lordship's Public Despatch No. 66, dated the 9th July 1896, regarding the improvement in the position and prospects of the Assam

nmission, we had contemplated the possibility of having separate lists of Indian Civilians for Bengal and Assam respectively, but we have found it impracticable to arrange this; and so long as the Assam Administration continues to receive its supply of Indian Civilians from Bengal, Mr. Cotton's objection to the proposed system of recruitment has no application. We are moreover able to accept his view that the period of qualification in an inferior appointment should be reduced to seven years. The general opinion of the Local Government is in favour of the term proposed by us, and, moreover, the shortening the period would have the effect of reducing the number of officers available to fill the inferior appointments for which civilians are required.

12. The number of superior and inferior appointments and the total strength of the service in each Province, if the superior appointments are taken in the appended revised lists and an addition of 4 per cent is made to them on account of temporary appointments and deputations, will be as follows:—

	Bengal and Assam.	North-Western Provinces and Oudh.	Punjab.	Central Provinces.	Madras.	Bombay.
1. Number of superior appointments	130	105	82	36	79	75
2. Add 4 per cent for temporary appointments and deputations.	5	4	3	1	3	3
3. Total number of appointments to be filled by men on duty of over nine years' service.	135	109	85	37	82	78
4. Add inferior appointments at the ratio of 50·3 to 100.	68	55	43	19	41	39
5. Total number of appointments	203	164	128	56	123	117
6. Total strength of service required, viz., 207·4 for each 100 in line 3.	280	226	176	77	170	162

The figures in this table include military and other officers who have been admitted to fill some of the appointments on practically the same conditions as the members of the Indian Civil Service, and on the same promotion list with them. In Bengal, the North-Western Provinces and Oudh and Bombay, a few of these officers still remain, but it will not be long before the service in those Provinces will cease to contain any of them. The system of recruitment in the Punjab and Assam provides that military officers shall continue to be recruited in the proportion of 25 per cent of the total strength of the service, and a deduction from the recruitment must be made to this extent in those two Provinces to arrive at the recruitment of the Indian Civil Service. The annual recruitment for the total strength shown in line 6 of the above table at 4·31 per cent will therefore be—

	Bengal and Assam.	North-Western Provinces and Oudh.	Punjab.	Central Provinces.	Madras.	Bombay.	TOTAL.
Indian Civil Service	11·62	9·74	5·69	3·31	7·32	6·98	44·66
Military Officers	·44	...	1·89	...	...	...	2·33
TOTAL	12·06	9·74	7·58	3·31	7·32	6·98	46·99

These figures exhibit the recruitment required to keep up to its proper standard a service which has already reached that standard; but in their application to the actual recruitment of a particular year each Local Government will have to consider whether any addition has to be made to supply deficiencies in the service, or whether the normal recruitment will have to be diminished to

correct an excess. The result of an uncorrected deficiency is to cause the officer to pass into a superior office before he has passed the requisite period of service in inferior ones; and the result of an uncorrected excess is to unduly postpone his succession to the emoluments which we consider to be the necessary standard for the Civil Service.

13. We do not propose to include Burma in the above scheme, as the circumstances of that Province are in several respects peculiar. The service there cannot be regarded as finally established as a separate one, since the officers who are serving there may in some cases at least be eventually recalled to their own Provinces. Transfers therefore from Burma to other Provinces and from other Provinces to Burma may affect the regularity of the future recruitment, unless they are so arranged as to balance each other. The service is also more irregularly arranged than the services of other Provinces, the great majority of the Indian Civilians in the Province being of comparatively short service, while there are a large number of military officers and civil officers transferred from the Police and other Departments who may be expected to remain longer in the service than Indian Civilians would. The retirements are not therefore likely to be normal or regular, and the question of recruitment for Burma and the state of the service there will require closer watching in future than in other Provinces. We also doubt whether it is practicable to base recruitment for Burma at present on the number of superior posts only, as the importance of many posts on comparatively low pay is such that the staff which the Government of Burma requires cannot be limited on the ground that it exceeds the number that would admit of a due flow of promotion. In these circumstances we are of the opinion, in which Sir Frederic Fryer agrees, that the recruitment for that Province should still continue to be calculated on the total number of superior and inferior appointments. The sanction conveyed in Your Lordship's Public Despatch, No. 50, dated the 4th June 1896, raised the total cadre posts to 99 and the strength of the service to 136. The normal annual recruitment at 4'31 per cent on this strength is 5'86, which should be distributed in the proportion of 4'40 to the Indian Civil Service and 1'46 to the Staff Corps.

14. We have now to consider what actual recruitment is necessary at the open competition for the Indian Civil Service in 1898 of candidates to arrive in this country at the end of 1899. We have caused an examination to be made into the condition of the services in the several Provinces with a view to estimate the deficiencies which are to be expected on the 1st July 1899. The results are shown below:—

Province.	Standard strength as now fixed. <i>Vide</i> paragraphs 12 and 13 above.	Actual strength on 1st July 1897.	Additions to the strength anticipated.		Estimated casualties for two years at 4'31 per cent per annum on actual strength.	Estimated strength on 1st July 1899 (columns 3, 4 and 5, less 6).	Estimated deficiencies of strength on 1st July 1899 (column 2, less 7).
			1897-98.	1898-99.			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Bengal and Assam ...	280	254	20	19	22	271	9
North-Western Provinces and Oudh.	226	208	9	12	18	211	15
Punjab ...	176	147	13	13	13	160	16
Central Provinces ...	77	63	5	4	5	67	10
Madras ...	170	152	7	10	13	156	14
Bombay ...	162	148	7	7	13	149	13
Burma ...	136	133	6	6	11	134	2
TOTAL ...	1,227	1,105	67	71	95	1,148	79

The normal number of Civilian recruits required annually comprises 44'66 the various Provinces excluding Burma, as explained in paragraph 12 above, and 4'40 for Burma as explained in paragraph 13, or 49 approximately in all.

The deficiencies which may be anticipated in the services of the different Provinces in July 1899 are very serious, but the extra recruitment which is needed to supply the deficiencies shown in the final column of the statement just given should not, we think, in any year exceed in any material degree 30 per cent of the normal annual recruitment. It is only by distributing the extra recruitment in this manner that the administrative difficulties resulting from the depletion of the service can, it seems to us, be removed without creating others which are almost as serious. We have accordingly arrived at the conclusion that 65 vacancies should be offered for competition at the Examination of 1898, and we would allot them as follows: Bengal and Assam 13, the Upper Provinces 28, Madras 10, Bombay 10, and Burma 4. These figures we intimated to Your Lordship in our telegram No. 73, dated the 7th instant.

This recruitment will have the effect of reducing the anticipated deficiency of the service as follows:—

	Normal recruitment.	Excess now proposed.	Deficiency estimated for 1899.	Probable deficiency in 1900.
Bengal and Assam ...	11'6	1'4	9	7'6
Upper Provinces ...	18'7	9'3	41	31'7
Madras ...	7'3	2'7	14	11'3
Bombay ...	7	3'0	13	10

15. Though we believe that additional recruitment in excess of the norm to about the same extent will be necessary for some years more, we do not propose to fix the recruitment for several years in advance, since, as we have stated in paragraph 12, we consider that the calculation should be made every year, so that the actual state of each service may be continually under comparison with the standard strength. The points to which we now ask Your Lordship's sanction are the scheme of recruitment as described in this Despatch, the enumeration of the superior appointments given in the appended Lists A to with the resulting total strength of the service in each Province, the normal recruitment as stated in paragraphs 12 and 13, and the special recruitment 65 candidates in 1898.

We have the honour to be,

MY LORD,

Your Lordship's most obedient, humble Servant

ELGIN.

G. S. WHITE.

J. WESTLAND.

M. D. CHALMERS.

E. H. H. COLLEN.

A. C. TREVOR.

C. M. RIVAZ.

INDIA OFFICE,
London, 14th July 1898.

Public.

No. 104.

To His Excellency The Right Honourable The Governor General of
India in Council.

MY LORD,

I have had under consideration in Council your Government's Public letter, No. 10, of the 10th of February last. Your Excellency in Council in this Despatch again reviews the principles which should regulate the recruitment of the Indian Civil Service, a subject which has been frequently under consideration in the course of the past twenty years.

2. The proposals of your Excellency's Government presumably have regard to the proposition which has on previous occasions been assumed in Despatches* of the Government of India that "a total strength of civil officers shall be fixed for the whole of British India, in certain proportions for (1) civilians recruited in England, (2) natives of India appointed under the Statutory Rules, (3) military officers attached to the frontier commissions." You accept as established the data first adopted in 1882, that the right percentage for officers on leave is 27.39, and for officers in training 10.58; and that the rate of recruitment should be 4.31 on the strength. And you now base your proposals on a dictum which was advanced in 1887† and again in 1895‡ that "it is requisite that there should be 100 superior to 50.3 inferior cadre posts and the latter proportion of inferior posts has to be established in order to secure the important object of properly regulating the supply of men to hold the superior posts."

3. I am aware of no reason for contending that these data, which have been carefully formulated by experts, are not theoretically correct. But, as applied in the Despatch of your Excellency's Government, they are used to support a very important increase of strength. I have endeavoured to compare the strength now proposed with that sanctioned in 1893, but, in fact, the two are not comparable, because the calculations of 1893, include all the three constituent parts of the Civil Service named in the proposition quoted above, whereas the strength now proposed by your Excellency's Government comprises only the first and the third of these constituent parts, and really includes no provision for the Provincial Service. If the recognized proportion of strength for men recruited in India were added as in the calculations of 1882 and 1893, a very important increase of strength above the present sanction would be found to result from your proposals.

4. The strength which you now propose is 1,227 for the first and third constituent parts of the service. I invite the attention of your Excellency in Council to paragraph 8 of the letter of your predecessor's Government, No. 14, of 24th February 1892, in which it is pointed out that "when the posts which Local Governments have proposed to eventually open to the Provincial Service have been thrown open to it, the result will approximately be 'that the strength of the service of Indian civilians and military officers' will be 1,034." I ask your Excellency in Council to satisfy me that the increase of strength which you propose is consistent with the fulfilment of the engagement implied in this passage, which presumably indicates that one-sixth of the total strength after deducting the military constituent will eventually be transferred to the Provincial Service.

5. The rate of recruitment which you now propose for the Indian Civil Service is 49 annually. Looking back to 1882, I observe that the recruitment in England was fixed in that year at 37.81, and remained at about that figure

until 1887, when it rose with the annexation of Burma and other needs to 43—48. In 1893 the proposal was to fix it at 54 for five years, but this figure included an extra recruitment of 12 to meet deficiencies, and the normal rate should be 42. In 1894—97 the rate has further risen to 60—66. Your Government now proposes a normal rate of 49, and an extra recruitment of 16, or 65 in all. I ask you to consider carefully whether a normal rate of 49 per annum is not too large. My apprehension is that, if the superior cadre is of the dimensions suggested by your Excellency's Government, the percentage thereon of 50·3 for the inferior cadre will give so large a body of officers recruited in England as compared with the posts to be filled, that insufficient room will be left for the employment of Provincial Service officers in that part of the public establishment which is best suited for their occupation. I regard this point, if it is substantial, as one of serious importance.

6. A review of the whole history of the subject during the past twenty years leads to the conclusion that the attempt to introduce a system of even and regular recruitment has met with very little success. Whether the causes are latent in the system itself, or are to be traced to irregular recruitment before 1882, or to the increase of early retirements from the Service,—the deficiencies of strength in various provinces which are shown by the figures given in your letter appear to have been constantly assuming a more serious aspect. In 1893 it was found necessary to sanction an extra recruitment of 12 yearly, and for the present year your Excellency in Council asks for an extra recruitment of 23 if 42 is taken as the normal figure, or of 16 if the normal figure is 49. This is a very unsatisfactory outcome of a protracted discussion, and seems to fore-shadow further difficulties in the future. I trust that your Excellency in Council, after considering the remarks which I have made, may be able to offer such explanations or modifications of the working of your scheme as may satisfy me that it ensures a strength and rate of recruitment which may be accepted as certain furnish an even and an adequate supply of civil servants, and that it does not involve a considerable increase of expense.

7. I have instructed the Civil Service Commissioners to select 65 candidates for the open competition this year. This will afford ample time for a full examination of this very important subject.

I have the honour to be,

My Lord,

Your Lordship's most obedient humble Servant,

(Signed) GEORGE HAMILTON.

No. 86.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

PUBLIC.

TO THE RIGHT HONOURABLE LORD GEORGE FRANCIS HAMILTON,
Her Majesty's Secretary of State for India.

Simla, the 10th November 1898.

MY LORD,

WE have considered Your Lordship's Public Despatch No. 104, dated the 14th July 1898, upon the subject of our recent proposals for the future recruitment of the Indian Civil Service.

2. Your Lordship presumes that our proposals have regard to the proposition which has on previous occasions been assumed,* *viz.*, that a total strength of civil officers should be fixed for the whole of British India in certain proportions for (1) civilians recruited in England, (2) natives of India appointed under the statutory rules and (3) military officers attached to the frontier commissions. Your Lordship observes, however, that the strength proposed by us cannot be compared with that sanctioned in 1893† because the calculations of that year included all the three constituent parts of the Civil Service named in the proposition quoted, whereas the strength proposed by us comprises only the first and the third of these constituent parts and really includes no provision for the Provincial Service.

3. The calculations in our Despatch of the 10th February last relate only to members of the Indian Civil Service recruited in England and to military officers. As stated in paragraph 6 of that Despatch the total number of superior appointments directly under the Government of India corresponds exactly with the total number of superior appointments listed in the different Provinces as open to the Provincial Service, and we have considered it convenient to base the recruitment for each Province on the total number of superior appointments in the Province on the assumption that the listed appointments counterbalance those under the Government of India. This arrangement whilst involving a departure from strict or apparent accuracy in recruiting will secure substantially the same result as the direct inclusion of the appointments under the Government of India in the number to be recruited for, and will avoid the present arbitrary distribution of them among the several Provinces. The change of arrangement is, however, as we observed in our previous Despatch, a minor one. It can be reconsidered hereafter, if necessary, when an alteration is made in the numbers of superior Government of India or listed posts.

4. The figures of 1893 included, as Your Lordship observes, the strength required for posts which have been made over to the Provincial Service. To compare the strength recommended under our proposals with the figures of 1893,

it is necessary to make deductions from those figures on account of the "listed" posts. This can be done as follows:—

PROVINCE.	Total number of all posts sanctioned in 1893, including those under the Government of India.*	Deduct all posts listed to the provincial Service.†	Difference = posts for members of the Indian Civil Service and Military Officers only.
Madras	117	15	102
Bombay	125	18	107
Bengal and Assam	212	20	192
North-Western Provinces and Oudh	178	21	157
Punjab	120	12	108
Central Provinces	56	7	49
Burma	90	...	90
TOTAL	898	93	805

* *Vide* Schedule to Government of India's Public Despatch No. 1, dated the 11th January 1893.

† *Vide* Government of India's Resolutions No. 9-Public, dated the 21st April 1892, and No. 7-Public, dated the 7th January 1893.

To find the strength required for the posts in the last column of the above table it is necessary to add 37·97 per cent, as determined in 1882.† The comparison between the figures of 1893 and those contained in our recent proposals can then be made as below:—

PROVINCE.	Strength of Indian Civilians and Military Officers sanctioned in 1893, i.e., 137·97 per cent of the last column of the above table.	Strength of Indian Civilians and Military Officers recently proposed by the Government of India, <i>vide</i> column 2 of table in paragraph 14 of Despatch of 10th February 1898.	Difference = increase of strength proposed in February 1898 over that sanctioned in 1893.
Madras	141	170	29
Bombay	148	162	14
Bengal and Assam	265	280	15
North-Western Provinces and Oudh	217	226	9
Punjab	149	176	27
Central Provinces	68	77	9
Burma	124	136	12
TOTAL	1,112	1,227	115

* Excluded from the Government of India's proposals, but is shown here to make the whole strength

The increases shown above are not entirely due to our proposals, as since 1893 there have been several additions sanctioned to the cadre of the service. The following table, which makes allowances for these additions, compares our recent proposals with the existing sanctioned strength:—

PROVINCE.	Strength of Indian Civilians and Military Officers as sanctioned at the present time.	Strength of Indian Civilians and Military Officers under the Government of India's recent proposals.	Difference, representing the increase over the existing sanctioned strength involved in the Government of India's recent proposals.
Madras	142	170	28
Bombay	149	162	13
Bengal and Assam	268	280	12
North-Western Provinces and Oudh	218	226	8
Punjab	149	176	27
Central Provinces	68	77	9
Burma	136	136	...
TOTAL	1,130	1,227	97

These are the total ultimate additions involved in the proposals put forward by us in February last.

5. In connection with a total strength of 1,227 Indian civilians and military officers proposed by us, Your Lordship in paragraph 4 of your Despatch invites our attention to paragraph 8 of the Despatch of Lord Lansdowne's Government of the 24th February 1892, in which it was stated that when the posts which the Local Governments had proposed to open eventually to the Provincial service had been thrown open to it, the result would approximately be that the strength of service of Indian civilians and military officers would be 1,034. We would point out, however, that the figures given in paragraph 8 of the Despatch of the 24th February 1892 were figures relating to the different Provinces only, and that they did not include provision for the posts directly under the Government of India. Those posts are 55 in number as stated in the schedule to the Despatch of the 24th February 1892. For 55 posts a strength of 76 officers is required, and this latter figure should be added to 1,034 before a comparison is made with our proposals of the 10th February last.

6. Those proposals do, however, involve a considerable addition to the strength in some Provinces as shown in the last table in paragraph 4 above, and we will now proceed to discuss them with reference to the claims of the Provincial service. Your Lordship apprehends that, if the superior cadre is of the dimensions suggested by us, the percentage thereon of 50·3 for the inferior cadre will give so large a body of officers recruited in England as compared with the posts to be filled that insufficient room will be left for the employment of Provincial Service officers in that part of the public service which is best suited for their occupation. Your Lordship regards this point, if it is substantial, as one of serious importance.

In our Home Secretary's letter of the 8th September 1895 to the Local Governments and Administrations, we put before them (*vide* Appendix II of that letter) the results aimed at under the proposed system of recruitment as compared with the results produced by the existing system. We asked each Local Government and Administration to consider what the actual administrative needs of the Province were in regard to the manning of inferior appointments by Indian civilians. Your Lordship will observe from the replies that the Local Governments and Administrations all considered that the additional members of the Indian Civil Service suggested by us for inferior appointments are administratively required. Thus the Madras Government stated:—"As regards the number of inferior appointments this Government are of opinion that

the provision by the Government of India for this Presidency is not excessive. The Indian Civil Service in Madras is at present undermanned and has been so for many years, and the greatest difficulty is experienced in finding officers to fill vacancies during the furlough season." The Bombay Government objected to the Government of India's proposals because they would provide too small a number of officers for inferior appointments, whereas, in the opinion of the Governor in Council, the number should be materially increased. The Lieutenant-Governor of Bengal considered that the number of inferior appointments proposed would be administratively sufficient only if there were an adequate recruitment of European Deputy Magistrates, as a certain proportion of the junior civilians is always likely to be composed of Natives. The Lieutenant-Governor and Chief Commissioner of the North-Western Provinces and Oudh was of opinion that the number of inferior appointments proposed would provide almost exactly the number of officers who can be usefully employed throughout the year. The Lieutenant-Governor of the Punjab wrote:—"It will be seen that the Government of India's calculation gives us as the number of inferior appointments 42.98 against a total of 42 appointments found to be actually necessary on an independent review of the administrative necessities of the Province which had been made before the receipt of the Government of India's letter." Sir Dennis Fitzpatrick added:—"The Punjab, owing to its ever-increasing limits to the westward and its martial and even turbulent population, requires an unusually large proportion of European officers in subordinate posts, especially on the frontier, which must, for some years to come, be the school for training of officers who may be required for special work on and across our present border." The Chief Commissioner of the Central Provinces thought that the number of inferior appointments would answer very well if two Settlement Officerships were provided for in the list of superior appointments; it corresponded closely with the number stated by Sir Antony MacDonnell in 1891 to be required for subdivisional appointments. The Chief Commissioner of Assam, who with the Government of Bombay, was not altogether disposed to accept the scheme, wrote:—"The service in Assam contains six officers, all in the lower grades, in excess of the number to which it would be entitled under the scheme put forward by the Government of India, and having regard to the maintenance of the subdivisional system which is the very basis and backbone of the administration of this Province, it is not possible for the Chief Commissioner to accept any reduction in the sanctioned cadre for inferior appointments."

None of the Local Governments and Administrations suggested that insufficient room would be left for the employment of officers of the Provincial Service. The appointments in the different Provinces which, with the approval of the Secretary of State in Council, were in Home Department Resolutions No. ^{9-Public} 1342-1152, dated the 21st April 1892, and No. ^{7-Public} 47-49, dated the 7th January 1893, for the present entered in the lists as open to the Provincial Service are in no way interfered with by our scheme. Promotion to all those appointments will be made from the Provincial Service under our proposals exactly as under the existing system. The appointments listed have not yet all been filled by statutory officers or members of the Provincial Service, and we have therefore no intention at present of recommending that the listed appointments published in 1892 and 1893 should be increased. When, however, the time does come to transfer more posts from the cadre of the Indian Civil Service to the Provincial Service the recruitment of the former service will be reduced in accordance with the number of posts transferred. Nor is it intended to diminish in any Province the present sanctioned number of Deputy Magistrate-Collectors or Extra Assistant Commissioners, as the increased number of members of the Indian Civil Service in inferior posts is administratively required in addition to the officers of the Provincial Services. The only effect of the scheme upon the latter would be that, when the full number of members of the Indian Civil Service are recruited, there would then be no officiating Deputy Magistrate-Collectors or Extra Assistant Commissioners such as those alluded to in paragraph 7 of the Punjab Government's letter of the 17th February 1897. But such officers would also be displaced under the existing system if the Indian Civil Service and the Commissions were recruited up to the full sanctioned strengths. They are only appointed to officiate consequence of deficiencies in the Imperial Services.

7. We desire here to observe that when appointments are transferred from the Imperial to the Provincial Service it is obvious that unless the right proportion of superior and inferior appointments in each Province is transferred the proportion between the superior and the inferior appointments left in the former service will be disarranged. This consideration was lost sight of when the present listed posts were transferred to the Provincial Service in the different Provinces as the following table will show:—

PROVINCE.	Number of superior posts actually listed.	Number of inferior posts actually listed.	Number of inferior posts which should have been listed to maintain the proper proportion, i.e., 50.3 per cent of column 2.	Difference, i.e., inferior posts transferred to the Provincial Service in excess of the proportion of 50.3 per cent.
Madras	8	7	4	+ 3
Bombay	7	11	3½	+ 7½
Bengal	11	9	5½	+ 3½
North-Western Provinces and Oudh ...	6	15	3	+ 12
Punjab	8	4	4	Nil.
Central Provinces	3*	6	1½	+ 4½
TOTAL	43	52	21½	+ 30½

* One additional superior appointment (a Judgeship) in the Central Provinces was listed in Home Department Public Resolution No. 561-3, dated the 15th July 1897, and a second District Officership was made over to the Provincial Service on the authority of Home Department letter No. 46 (Public), dated 7th January 1893.

This excessive transfer of inferior appointments has considerably accelerated the rate of promotion to superior posts amongst members of the Indian Civil Service and military officers in some Provinces. This is a matter which has been over-looked until now, though it is in our opinion of much importance.

8. In paragraph 3 of our previous Despatch we observed that both in 1882 when the question of recruitment was first fully treated in a systematic way and in 1890 when the figures were revised, the principle of arranging for a proper proportion of superior and inferior posts was overridden to some extent by other considerations. The following figures will make this observation clearer:—

PROVINCE.	ALL POSTS (INCLUDING THOSE UNDER THE GOVERNMENT OF INDIA) SANCTIONED IN 1881.			ALL POSTS (INCLUDING THOSE UNDER THE GOVERNMENT OF INDIA, and listed posts) SANCTIONED IN 1893.		
	Superior, i.e., over Rs. 1,000 a month.	Inferior, i.e., on Rs. 1,000 a month or less.	Percentage of inferior to superior.	Superior.	Inferior.	Percentage of superior to inferior.
Madras	88	28	31.8	84	33	39.3
Bombay	76	51	67.1	72	53	73.6
Bengal	124	50	40.3	127	52	40.9
Assam	18	14	77.7	20	13	65.0
North-Western Provinces and Oudh.	112	57	50.9	118	60	50.8
Punjab	82	22	26.8	91	29	31.9
Central Provinces	31	12	38.7	34	22	64.7
Burma	36	10	27.7	58	32	55.2
TOTAL	567	244	43.0	694	294	48.7

In fact although it was accepted in the discussions* of 1881 that the higher offices must be filled by trained men and that a sufficient complement of assistants must be provided to fill the places of absentee incumbents of those offices and that, in order to secure this, each civil servant should have a sufficient training before he succeeds to one of them, yet the provision of an adequate number of assistants in some Provinces was neglected.

It will be noticed that between 1881 and 1893 there was a general increase in the proportion of inferior to superior appointments. This increase was, however, more than counterbalanced by the excessive listing of inferior appointments to the Provincial Service. The following table compares the superior and inferior posts in the cadre for members of the Indian Civil Service and military officers at the present time:—

PROVINCE.	POSTS IN SANCTIONED CADRE IN 1893, INCLUDING GOVERNMENT OF INDIA POSTS, BUT EXCLUDING listed posts.		
	Superior.†	Inferior.	Percentage of inferior to superior.
Madras ...	76	27	35.5
Bombay ...	71	37	52.1
Bengal ...	112	48	42.9
Assam ...	19	15	78.9
North-Western Provinces and Oudh ...	113	45	39.8
Punjab ...	81	27	33.3
Central Provinces ...	33	16	48.5
Burma ...	60	39	65.0
TOTAL ...	565	254	45.0

† Under Secretaryships are not included as superior here.

These figures appear to us to show clearly that the proportion of inferior to superior posts for members of the Indian Civil Service and military officers in Madras and the Punjab at least is too small and must be increased in order that these officers may have sufficient training before being called upon to discharge the duties of the higher offices.

9. From the replies to our Home Secretary's circular letter of the 8th September 1896 it will be seen that our suggestion that the period of qualifying service after which a civilian should expect to be in practically permanent tenure of a superior appointment should be fixed at nine years was accepted as suitable by all the Local Governments and Administrations, except the Government of Bombay, which urged that in their Presidency it is necessary for officers to remain in subordinate posts for a longer period than that, and the Chief Commissioner of Assam, who suggested that the period of training for superior offices should be reduced from nine to seven years. We have again given anxious consideration to this part of the subject. It appears that when the system of recruitment was settled in 1882 it was considered† that an officer in Northern India should attain the "permanent officiating" charge of a district in from ten to twelve years after entering the service, or at from 31 to 33 years of age. Under the existing regulations which have considerably raised the age of candidates for the Indian Civil Service, we find that the average age on arrival in this country is about

24. This means that according to our proposals of February last an officer would attain to the permanent officiating charge of a superior appointment at about 33 years of age. In 1882 it was thought that he should do so at about 32 years of age on the average, and we are willing to accept this period as sufficient notwithstanding that the raising of the age of candidates gives us officers who at the commencement of their service are several years older than their predecessors recruited under the regulations which were in force from 1878 to 1891. Thus we will not object to the reduction of the period of training for superior offices from nine to eight years.

The table in paragraph 7 of our Despatch of the 10th February last will thus become:—

	On duty. (including privilege leave.)	On leave (including privilege leave.)	Total.
Men of over 8 years' service holding superior cadre appointments, i.e., appointments of over Rs. 1,000 a month pay ...	100	32.3	132.3
Men from the 3rd to 8th year of service inclusive holding inferior cadre appointments ...	42.5	5.0	47.5
Men of the 1st and 2nd year of service reckoned as in training ...	15.1	1.8	16.9
TOTAL ...	157.6	39.1	196.7

(These figures represent averages throughout the year, and are not for any particular time of the year.)

A total strength of 196.7 (instead of 207.4) is, therefore, required to supply officers to fill 100 appointments.

The numbers of superior and inferior appointments and the total strength of the service for members of the Indian Civil Service and military officers in each Province will then be as follows, instead of as in paragraph 12 of our former Despatch:—

	Bengal and Assam.	North-Western Provinces and Oudh.	Punjab.	Central Provinces.	Madras.	Bombay.
1. Number of superior appointments*	130	105	82	36	79	75 (80)†
2. Add 4 per cent for temporary appointments and deputations.	5	4	3	1	3	3 (3)
3. Total number of appointments to be filled by men on duty of over 8 years' service.	135	109	85	37	82	78 (83)
4. Add inferior appointments at the ratio of 42.5 to 100.	57	46	36	16	35	33 (35)
5. Total number of appointments	192	155	121	53	117	111 (118)
6. Total strength of service required, viz., 196.7 per each 100 in line 3.	266	214	167	73	161	153 (163)

* The total of line 1 is two in excess of the total of column 2 of superior posts (excluding Burma) in the second table in paragraph 8. This is due to the addition of two settlement officerships for the Central Provinces. Otherwise the variations between the Provinces may be ascribed to the proposal to set off the superior listed posts against the superior Government of India posts in place of the present distribution of Government of India posts amongst the provinces.

† For explanation of the figures in brackets under the heading Bombay see paragraphs 10 and 11 below.

The total strength of members of the Indian Civil Service and military officers required, including those for Burma (136), will accordingly be 1,170 as compared with 1,227 under our previous proposals.

The inferior posts under the above arrangement are thus compared with the inferior posts in the existing sanctioned cadre (*vide* column 3 of second table in paragraph 8), *vis.* :—

PROVINCE.	INFERIOR POSTS.		
	In the sanctioned cadre of 1898 including Government of India posts, but excluding listed posts.	Under the Government of India's present proposals as above.	Difference.
Madras	27	35	+8
Bombay	37	33	-4
Bengal	48	48	Nil.
Assam	63	57	-6
North-Western Provinces and Oudh ...	15	9	-6
Punjab	45	46	+1
Central Provinces	27	36	+9
	16	16	Nil.

This arrangement shows a net increase of 8 inferior posts. There is also an increase of 19 superior posts as shown in line 2 of the second table in this paragraph in consequence of the addition of 4 per cent for temporary appointments and deputations, which we have found it necessary to provide for in view of our experience of actual facts.

10. With reference to these results we desire to explain somewhat more fully than in our Despatch of the 10th February last the reasons which led us to adopt the classification of superior appointments in the different Provinces in lists A to F appended thereto. It is impossible to adopt a classification upon the lines that all charges equal to or superior to that of a district are superior whilst all others are inferior, because in Madras and Bombay the district charges are ordinarily much more important and highly paid appointments than in Northern India. Thus in Madras there are 22 Collectorships and the pay is arranged as follows :—3 appointments on Rs. 2,500 a month, 17 on Rs. 2,333, one on Rs. 2,000 and one on Rs. 1,800. In Bombay (excluding Sind) there are 12 Senior Collectorships on Rs. 2,325 a month and 9 on Rs. 1,800, the average pay being Rs. 2,100. In Northern India the average pay of the District officer-ships is as follows :—In Bengal and Assam Rs. 1,773 a month, in the North-Western Provinces and Oudh Rs. 1,902, in the Punjab Rs. 1,864, and in the Central Provinces Rs. 1,595. It seemed to us, therefore, that the fairest division would be one of pay and a pay of Rs. 1,000 appeared to be a suitable dividing line.

We accordingly included as superior appointments in Madras 15 Principal Assistantships and Sub-Collectorships carrying a pay of Rs. 1,166 each. These charges are as important as some of the smaller districts of Northern India, and it is evident that a Madras civilian cannot expect to be permanently officiating in an appointment the pay of which is Rs. 2,333 until long after nine years' service. The Madras Government have of late years generally been less deficient in their sanctioned strength of Indian civilians than other Local Governments and Administrations, and yet, as stated in the extract from their letter No. 1221 (Public), dated the 14th November 1896, quoted in paragraph 6 above, they have experienced the greatest difficulty in finding officers to fill vacancies during the furlough season. We are of opinion that the extra number (8) of inferior appointments for Indian civilians in Madras as shown in the previous paragraph, is not excessive and should be allowed.

To bring Bombay into the scheme it is necessary to treat it in a way similar that proposed for Madras, *vis.*, to include as superior appointments some of

the Assistant Collectorships. We propose to include one-fourth of the First Assistantships in Bombay as superior appointments. It is true that the pay of these appointments is Rs. 900 only, and that an exception will thus be made to our proposed dividing line, but the existing arrangement of the appointments in the Bombay cadre makes it impossible to adopt the line of Rs. 1,000. As the Governor in Council pointed out in his letter No. 10200, dated the 12th December 1896, there is a very wide gap between the pay of a junior Collector (Rs. 1,800) and that of a First Assistant (Rs. 900) and, though ordinarily an officer in Bombay cannot attain pay at the rate of Rs. 1,000 at nine years' service, on the other hand a few years later he attains a much higher salary. Including five First Assistant Collectorships as superior appointments, the Government of Bombay will have little more than the number (78+5=83) of superior appointments for which the remaining appointments (37-5=32) to be classed as inferior will be required. This will, we believe, remove the objections of the Governor in Council to the scheme, as it will give Bombay a slightly larger strength than that which was asked for in paragraph 9 of the letter quoted above, and was supported in paragraph 10 of our previous Despatch.

The figures at the end of paragraph 9 show that under our present proposals practically no increase of inferior appointments is involved in Bengal, the North-Western Provinces and Oudh, or the Central Provinces, whilst an addition of nine inferior posts for Indian civilians and military officers is required in the Punjab. A reference to the tables in paragraph 8 will show that the proportion of inferior appointments in the Punjab Commission was very small in 1881, and that it has increased little since then. A small proportion of such appointments was, perhaps, justifiable when the pay of the district officer-ships in the Punjab was low and when comparatively junior officers held them, but the pay has now been raised to the rates obtaining in the North-Western Provinces and in Bengal. We think, therefore, that the Punjab should be on the same level as these Provinces in respect of inferior appointments, and we urge that the additional number of these appointments now asked for be allowed. The question of Assam is under our separate consideration in connection with the question of improving the prospects of the members of that Commission.

11. Our proposals in the last paragraph in respect of Bombay will necessitate the alterations in the last column of the second table in paragraph 9 above which are indicated by the figures in brackets. The result is a further increase of strength of 10 officers making in all, including those for Burma, 1,180 as compared with 1,227 proposed in our Despatch of the 10th February last.

The annual recruitment for this total strength of members of the Indian Civil Service and military officers, at 4'31 per cent of the figures in line 6 of the second table in paragraph 9, will then be as follows, instead of as in paragraph 10 of our previous Despatch, *vis.* :—

	Bengal and As-sam.	North-Western Provinces and Oudh.	Punjab.	Central Provinces.	Madras.	Bombay.	Total.
Indian Civil Service ...	11'04	9'22	5'40	3'15	6'94	7'03	42'78
Military Officers ...	'42	...	1'80	...	...	...	2'22
Total ...	11'46	9'22	7'20	3'15	6'94	7'03	45'00

As stated in paragraph 13 of the Despatch of the 10th February last the normal annual recruitment for Burma is 4'40 for members of the Indian Civil Service and 1'46 for the Staff Corps. The total normal annual recruitment for members of the Indian Civil Service for the whole of India under our present

proposals will thus be $(42.78 + 4.40 =) 47.18$ or 47, instead of 43 under our previous proposals.

12. We have caused an examination to be made into the condition of the several Provinces with a view to show the probable state of the services (for Indian Civilians and military officers) on the 1st July 1900. The result is as follows :—

PROVINCE.	Standard strength as now recommended.	Actual strength on 1st July 1898.	ADDITIONS TO THE STRENGTH EXPECTED.		Estimated casualties at 431 per cent per annum for two years.	Estimated strength on 1st July 1900 (columns 3, 4, 5 less column 6).	Estimated excess or deficiency of strength on 1st July 1900.
			1898-99.	1899-1900.			
1	2	3	4	5	6	7	8
Bengal and Assam ...	266	259	18	14	22	269	+3
North-Western Provinces and Oudh.	214	207	12	13	18	214	Nil.
Punjab ...	167	149	13	12	13	161	-6
Central Provinces ...	73	65	4	6	6	69	-4
Madras ...	161	149	10	10	13	156	-5
Bombay ...	163	148	7	10	13	152	-11
Burma ...	136	131	6	6	11	132	-4
TOTAL ...	1,180	1,108	30	71	96	1,153	-27

For these deficiencies two extra military officers can be appointed in the Punjab, while one extra military officer can be appointed in Burma. For the remaining deficiencies (24) in the strength we recommend that additional recruits should be enlisted for the Indian Civil Service.

13. The scheme proposed by us does not interfere with any of the principles accepted in 1882 or adopted as the result of the Public Service Commission of 1886-87. It is merely intended to regulate the proportion of the appointments held by officers in the earlier years of their service strictly according to the number of higher appointments so as to ensure that the members of the service should have a sufficient training before succeeding to the higher offices and should throughout their service ordinarily have suitable salaries. The figures on which the calculations are based were taken from the actual results of a long period of years and, as we informed Your Lordship in our previous Despatch, we see no reason to doubt their substantial accuracy and suitability for the present time, though we intend on another occasion to bring those figures up to date. Indeed, on more than one recent occasion when we have compared them with the existing conditions of the service we have found the facts very closely consistent with the percentages deduced from the tables. We consider that, as the superior appointments are of much administrative importance, the inferior appointments should be regulated solely with reference to the supply of officers for the superior appointments. Unless this is insisted upon the importance of the consideration that the higher appointments must be adequately filled is apt to be overlooked when appointments are added to or taken from the cadre, as is shown above (paragraph 7) to have been the case when certain appointments were listed as open to the Provincial Service in 1892-1893. We do not claim for our present recommendations that, if adopted and observed since 1881, they would have obviated the deficiencies in the service.

years suffered, but they would have largely diminished them in two Provinces. The deficiencies in question are in our opinion mostly due to the irregular recruitment before 1882 in which year a regular rate of recruitment for a full service was first fixed; to the taking of officers from various Provinces for the administration of Upper Burma in and after 1886, and to the omission for a number of years, till 1893, to provide sufficient extra recruitment to bring the services in the different Provinces up to their sanctioned strength. Even now, although there has been large extra recruitment for the last four years, there was on the 1st July last a total deficiency of 22 members of the Indian Civil Service and military officers on the existing sanctioned strength throughout India, including Burma. The omission after 1882 to bring in sufficient extra recruits in addition to the fixed rate for full service will affect the state of the service for some time yet, and no change of system will reduce the service to what may be regarded as a theoretically normal service. Our present recommendations are designed to correct another factor which was also overlooked to some extent in the discussions of 1881 and for some years afterwards, *viz.*, the establishment of a proper proportion of superior and inferior appointments in the different Provinces, and we propose to effect this by basing the recruitment in future solely upon the requirements for the superior appointments and by testing each year in the manner shown in paragraph 12 above the actual and prospective conditions of the service as compared with the requirements tabulated in paragraph 9.

We have the honour to be,

MY LORD,

Your Lordship's most obedient, humble Servants,

ELGIN.

W. S. A. LOCKHART.

J. WESTLAND.

M. D. CHALMERS.

E. H. H. COLLEN.

A. C. TREVOR.

C. M. RIVAZ.

India Office,

London, 26th January 1899.

Public,

No. 13.

To His Excellency the Right Honourable the Governor General of India in Council.

MY LORD,

I HAVE considered in Council the letter of your Excellency's predecessor *Strength and recruitment of the Indian Civil Service.* No. 86, dated the 10th November, in which further explanations were given of the proposals for the future recruitment of the Indian Civil Service, contained in the previous letter No. 10 of the 10th February 1898.

2. In my previous Despatch No. 104, dated the 14th July last, I accepted as sufficiently established the data that (1) the percentage on sanctioned posts to be allowed for officers on leave should be 27·39, and (2) for officers in training 10·58; and also that the rate of annual recruitment should be 4·31 on the total strength. It was further proposed, as a factor in the calculation of the total strength required, that in order to ensure, on the one hand, sufficient practical experience in officers filling superior posts, and on the other a reasonable and proper rate of promotion, nine years should be taken as the average period which an officer should pass in inferior posts before he became permanently entitled to a salary exceeding Rs. 1,000 a month; and on this assumption it was calculated that for every 100 superior posts on the sanctioned cadre it was necessary to have 50·3 inferior posts, to be held by officers between the third and ninth years of service inclusive, in order to give a sufficient rate of promotion neither compelling the appointment to important offices of young and inexperienced men, nor keeping members of the service too long on a salary unsuited to their age and standing.

3. The present letter makes an important modification of the former proposal, in taking the end of the eighth instead of the ninth year as the time by which an officer should be permanently holding superior office; and by this modification the percentage holding inferior posts (*i.e.*, from the third to the eighth year of service) is reduced from 50·3 to 42·5. The result of applying these calculations to the service is that whereas in the letter of February it was estimated that for every 100 sanctioned superior posts a total strength of 207·4 officers was necessary, your Government now considers 196·7 to be sufficient; and you propose, as the strength of the Indian Civil Service and military officers required in future, including Burma (which province is, however, for special reasons treated on a different basis from the rest), a total of 1,180, instead of 1,227 under the former proposals, and of 1,130 as sanctioned at the present time.

4. I accept as sound the principles upon which the calculation proceeds. The superior posts entered in the lists transmitted with the letter of 10th February are all, with the exception noticed below, duly sanctioned posts, to which the Indian Civil Service has (save in three frontier provinces where a proportion of military officers is still maintained) always been held to be entitled. The total by excluding the superior posts directly under the Government of India for which the Civil Service is recruited, and including the superior posts thrown open in 1892-93 to the Provincial Service, which exactly balance one another, fulfils the engagements taken towards the latter service as a result of the deliberations of the Public Service Commission. The exception to which I have referred is the addition which has been made of 19 appointments to provide (approximately at the rate of 4 per cent on the superior cadre) for special appointments and deputations. With a total strength of 196·7 as the equivalent of 100

5. If the new strength is taken at 1,180, the annual rate of recruitment for this strength will be 50.85, and when the proportion of military officers for the frontier commissions is deducted, the normal annual recruitment for the Indian Civil Service alone will be 47. In paragraph 12 of the letter it is shown that, after crediting the services with the officers who will join during the present and the next official years, there will be a total deficiency of strength amounting to 27. You propose to appoint three military officers in addition to the usual recruitment, leaving a defect of 24 to be made good by extra recruitment for the Civil Service. I shall, doubtless, hear further how you propose to distribute this excess between the next and following years, and what number of posts you wish to be offered for competition in 1899.

GEORGE HAMILTON.

3. As to this matter we would, in the first instance, invite the schedule attached to the Government of India's Public Despatch of the 11th January 1893, which contains the cadre of the Indian Civil Service then sanctioned. That schedule includes the following as *vis.* :—Madras—2, Bombay—4, Bengal and Assam—5, the North-Western Provinces and Oudh—*nil*, the Punjab—1, and the Central Provinces—1. These posts were intended for temporary appointments and deputation posts were not included in the Lists A to F attached to the Despatch of February 1898, because no special pay was attached to them. It was impossible, therefore, to classify them as superior or inferior to regular posts. It was to replace these “reserve” appointments which were evidently made without making no provision for the North-Western Provinces and Oudh Provinces, that the Government of India proposed the addition of a certain percentage of the cadre of each Province for temporary ap-

4. We attach a statement, which has been prepared from the various Provincial Civil Lists, showing the numbers of superior and inferior temporary appointments and deputations actually held by officers in the different Provinces on the 1st January and July in 1897 and 1898. The figures in this statement are somewhat in excess of those provided for in the recent proposals. We trust that in view of this explanation Your Lordship in Council will now finally sanction the adoption of the scheme, so that we may circulate and explain it to the Local Governments and Administrations.

5. In the final paragraph of your Despatch Your Lordship asks how we propose to distribute the deficiency of 24 in the Indian Civil Service, which, as estimated in accordance with the Government of India's scheme, will exist in July 1900, and what number of posts we wish to be offered for competition in 1899. We think that an extra recruitment of about 30 per cent of the total deficiency, *vis.*, seven, will be sufficient this year, and we would allot the additional men as follows:—2 to Madras, 3 to Bombay and 2 to the Upper Provinces, an allotment as far as possible in accordance with the deficiencies there. We recommend the normal recruitment for Bengal and Assam, as the case of the reorganization of the Assam Commission is not yet settled, and we do not propose to make any extra recruitment for Burma as we have under consideration the question of reducing some of the inferior appointments in that Province. The vacancies which we recommend to be offered for competition in 1899 are thus:—

			Normal recruitment.	Extra recruitment.	Total.
Madras ...	...	...	7	2	9
Bombay	...	...	7	3	10
Lower Provinces	...	...	11	...	11
Upper Provinces	...	...	18	2	20
Burma...	...	...	4	...	4
			—	—	—
TOTAL	...	...	47	7	54
			—	—	—

We have the honour to be,

MY LORD,

Your Lordship's most obedient, humble Servants,

CURZON OF KEDLESTON.

W. S. A. LOCKHART.

J. WESTLAND.

M. D. CHALMERS.

E. H. H. COLLEN.

A. C. TREVOR.

C. M. RIVAZ.

Statement showing the number of superior and inferior appointments outside the ordinary cadre held by officers on deputation, etc., in the different Provinces and Commissions on the 1st January and July 1897, and 1st January and July 1898.

Province.	SUPERIOR.				INFERIOR.			
	1st January 1897.	1st July 1897.	1st January 1898.	1st July 1898.	1st January 1897.	1st July 1897.	1st January 1898.	1st July 1898.
Madras ...	2	3	5	1	1	2	2	1
Bombay ...	3	4	5	2	1	...	...	1
Bengal and Assam ...	2	5	5	5	6	5	10	3
North-Western Provinces and Oudh	4	5	8	4	1	1	2	2
Punjab ...	4	3	3	3	...	2	2	4
Central Provinces ...	4	4	4	4	...	...	2	...
TOTAL	19	24	30	19	9	10	18	11

Telegram dated the 9th January 1900.

From—Her Majesty's Secretary of State for India, London,

To—His Excellency the Viceroy, Calcutta.

Your telegram of 21st October last and your Public Despatch No. 20, 23rd March last. I sanction proposals regarding recruitment, Indian Civil Service.

No. 83 (Public), dated the 24th July 1903.

From—The Right Honourable LORD GEORGE HAMILTON, G.C.S.I., His Majesty's
Secretary of State for India,

To—His Excellency the Right Honourable the GOVERNOR GENERAL of India in
Council.

I observe from the Indian newspapers recently received in this Office that some apprehension appears to be felt that over-recruitment has been allowed to occur in the Indian Civil Service in some provinces, and that the prospects of men now entering the service may be detrimentally affected by a block in promotion.

2. I have not examined minutely the grounds alleged for these apprehensions, and indeed am not in a position to do so; but if they exist, they may tend to affect injuriously the quality of the men offering themselves as candidates for the service, and I would suggest, for Your Excellency's consideration, whether it is not desirable that some enquiry should be made into the matter in India.

3. I need not invite your attention to the correspondence, ending with my telegram of the 9th January 1900, regarding the recruitment of the Indian Civil Service, in which the arrangements necessary to secure such a rate of supply that the service, while kept fully up to strength, should offer a satisfactory prospect of promotion to its members, were exhaustively discussed. It was then laid down, with my concurrence, that the recruitment should be so regulated that eight years should be the average period to be passed by an officer before being permanently appointed to a superior post, that is, a post carrying a salary in excess of Rs. 1,000 a month.

4. I recognise, of course, that the prospects of junior officers of different years and different provinces must be expected to be unequal in consequence of several causes, such as the variations in the rate of mortality and the age of retirement among their seniors. But it is desirable that, as far as possible, this inequality of prospects should be kept within narrow limits by careful adjustment of the rate of recruitment, or by any other means that can conveniently be adopted. In the recent correspondence published in the Press it appears to be assumed that the prospects of members of the Indian Civil Service in two provinces at least, Madras and United Provinces, will diverge considerably from the average which has been accepted as suitable.

5. In paragraph 5 of my despatch No. 45, dated the 1st May 1903, regarding the number of recruits to be selected at this year's competition, I drew attention to the necessity for careful adherence to the established rate of recruitment, in order that future difficulties caused by a block in promotion might be avoided. It appears to me desirable that, with this object, a detailed examination of the state and prospects of the service in each province should be made by your Government at fixed intervals, which might perhaps be of five years, the result of the examination being reported to me. The recruitment would thus be kept in close correspondence with the actual conditions of the service from time to time, and any readjustment required could be made with a view to the future as well as to present requirements.

6. If Your Excellency concurs in this suggestion, I request that measures may be taken accordingly, the first statistical investigation being undertaken as soon as possible, and the result communicated to me in due course.

GOVERNMENT OF INDIA.
HOME DEPARTMENT.

ESTABLISHMENTS.

To

THE RIGHT HON'BLE ST. JOHN BRODRICK,
His Majesty's Secretary of State for India.

Smla, the 21st April 1904.

SIR,

WE have the honour to refer to the despatch no. 83-Public, dated the 24th July 1903, in which your predecessor requested us to examine the question of the prospects of a block in the promotion of officers of the Indian Civil Service in certain provinces.

2. We desire, in the first place, to invite your attention to the explanation contained in paragraph 4 of our despatch no. 42-Public, dated the 27th August last, of the method which we adopted in calculating the number of candidates to be selected at the open competition of 1903. Since the year 1898-99, when the present scheme of recruitment was formulated, the same method has been adopted in preparing our annual indents, and we propose to continue the practice in future. You will see that we adhere to the established rate of recruitment, unless a departure from it is necessary to remove an estimated excess or deficiency in the service of a province. Such slight variations from the moral rate are, however, indispensable unless we perpetuate the excess or deficiency which has resulted from differences in the casualty rate in any particular year or from the creation of new appointments. But our annual examination of the provincial figures deals with the total strength only, and not with the distribution of the services according to (1) length of service and (2) appointments held. We therefore accept your predecessor's suggestion that a quinquennial examination of the state and prospects of the service in each province should be made. The examination which we have now undertaken with this object is explained in the subsequent paragraphs.

3. In the scheme which was sanctioned in 1900, the following objects were kept in view, *viz.* :—

- (a) that the members of the service should have sufficient training in subordinate or inferior appointments before being called upon to discharge the duties of higher ones; and
- (b) that they should throughout the whole period of their service have sufficient salaries and sufficiently responsible duties.

In order to secure these two objects, the following principles were adopted:—

- (1) that, during the first two years of his service, an officer should learn his work as a recruit;
- (2) that from the third to the eighth year of service he should hold inferior cadre posts; and
- (3) that, after completing eight years of service, he should find himself officiating with practical permanency in at least the lowest of the superior appointments.

A superior appointment was broadly defined as one carrying a substantive pay in excess of Rs. 1,000 a month. In point of fact, however, the pay of the lowest superior appointment in the different provinces varies from

Rs. 900 to Rs. 1,500, a month. Thus in Bengal, Assam and the Central Provinces the minimum is Rs. 1,500, the pay of the 3rd grade Magistrate-Collectorships and Deputy Commissionerships. In Burma, the Under Secretaryship to Government to which a maximum salary of Rs. 1,200 a month is attached is the lowest paid superior appointment. In the Madras presidency, the lowest pay of a superior post is Rs. 1,166, the pay of a Sub-Collector. In the Punjab, (including the North-West Frontier Province) the lowest superior post carries a pay of Rs. 1,100 a month. In the United Provinces the Superintendentship, Dehra-Dun, on Rs. 1,000 a month is the lowest superior post. In the Bombay presidency, on the other hand, five First Assistant Collectorships on Rs. 900 a month are treated as superior posts.

4. To fill 100 superior posts in a regularly recruited service, it was calculated, after a careful examination of the statistics, that there should be either present on duty or on leave 132.3 men of over eight years' service, 47.5 men from the third to the eighth year of service, and 16.9 men of the first and second years of service; or a total of 196.7 men in all. In the following table this theoretical distribution is compared with the actual distribution on the 1st July 1903:—

PROVINCES.	Total sanctioned strength.	Total actual strength.	Excess or deficiency.	MEN OVER EIGHT YEARS' STANDING.			MEN FROM 3RD TO 8TH YEAR OF SERVICE.			MEN OF THE 1ST AND 2ND YEARS.		
				Theoretical number at 132.3 per cent.	Actual number.	Excess or deficiency.	Theoretical number at 47.5 per cent.	Actual number.	Excess or deficiency.	Theoretical number at 16.9 per cent.	Actual number.	Excess or deficiency.
Madras	163	166	+3	109.8	104	-5.8	39.4	50	+10.6	13.8	12	-1.8
Bombay	163	160	-3	109.8	100	-9.8	39.4	44	+4.6	14.0	16	+2.0
Bengal and Assam	267	269	0	181.2	165	-16.2	65.0	87	+22.0	23.1	17	-6.1
United Provinces	216	223	+7	145.5	146	+0.5	52.2	61	+8.8	18.6	16	-2.6
Punjab and North-West Frontier Provinces	178	172	-6	119.0	90	-29.0	42.7	68	+25.3	15.2	14	-1.2
Burma	138	136	-2	92.6	88	-4.6	33.2	33	-0.2	11.8	15	+3.2
Central Provinces	73	72	-1	48.9	40	-8.9	17.5	24	+6.5	6.2	8	+1.8
TOTAL	1,200	1,198	-2	806.8	733	-73.8	289.4	367	+77.6	102.7	93	-9.7

Except in Madras and the United Provinces, there was thus no excess in the total sanctioned strength of the service in any province. In Madras, while there was an excess of three officers in the total strength, there was a deficit of nearly six officers of over eight years' standing. In the United Provinces, although there was an excess of seven officers in the total, the actual number of officers of over eight years' standing almost exactly corresponded with the theoretical number. In all other provinces there was a deficit of officers of the same standing.

5. An examination of the civil lists of the same date leads to much the same conclusion. In the Madras Presidency the men of the ninth year of service who were present on duty, were all acting as Sub-Collectors and were drawing over Rs. 1,000. In the Bombay presidency, the officers of the same standing, who were not holding special posts on higher salaries, were all officiating continuously as First Assistants on Rs. 900 a month. As observed in paragraph 3, five of these First Assistantships are superior posts. In Bengal and Assam, all the officers of the year 1894 were officiating either as district officers or Judges. In fact the officiating promotion in these provinces had extended to most of the men of the year 1897. In the United Provinces, with the exception of two junior men of the year 1894 who were acting as Joint Magistrates of the 1st class (pay Rs. 1,000) and one officer who is Under Secretary to Government on Rs. 1,000, all the men of the year 1894 present on duty were officiating either as Deputy Commissioners or Judges. It may be added that some ten officers of the years 1895-97 were drawing a salary of over Rs. 1,000 a month. In the

Punjab, all the officers of the year 1894 who were present on duty were acting either as Deputy Commissioners, or as District Judges or Settlement officers and were drawing a salary of Rs. 1,300 a month and over. Indeed 34 men of the third to the eighth year of service in that province were officiating in superior posts and drawing a salary of Rs. 1,000 and over. In Burma, of the four men of the year 1894, three were officiating as Deputy Commissioners of the 3rd grade and were drawing a salary of Rs. 1,200 a month. One officer was officiating as an Assistant Commissioner of the 1st grade the pay of which is Rs. 1,000 a month. On the other hand, 13 officers of the years 1895-97 were officiating in superior posts. In the Central Provinces, not only were all the men of the year 1894 officiating as Deputy Commissioners and drawing Rs. 1,233 as salary, but seven men below that standing were also officiating in superior appointments. We have also caused an examination to be made of the position as it stood on the 1st January 1903, at a time of the year when the greatest number of officers are present on duty, and which is therefore the most unfavourable for officiating promotion. We find that, except for a slight difference in the case of the United Provinces where some of the men of the year 1894 were not drawing a salary of Rs. 1,000 a month or over, the position was practically the same as on the 1st July.

6. We are inclined to infer from these observations that there is no immediate danger of a block in promotion in any province. In all provinces but one there are deficiencies of men with more than eight years' service, who alone are entitled to superior posts, and even in the United Provinces, where the number of men of this standing is almost theoretically correct, the promotion is at present also practically normal. At the same time, we recognise that there is a probability of a block in some of the provinces where the promotion of junior men is now very rapid, and we should be inclined to anticipate that this will occur in those provinces where there is an excess of men with from three to eight years' service. These are Bengal and Assam, the Punjab and Frontier Province, and in a minor degree the Central Provinces and Madras. It would seem that in five years' time, when all officers of this standing are entitled to occupy superior posts, there will not be enough superior posts to satisfy the claims of them all, in which event a block must ensue. We attribute these phenomena, however, not to our present method of recruitment, which is based on scientific principles, but to the serious under-recruitment which took place for some years previous to 1882. You will, however, observe from paragraph 13 of the despatch of Lord Elgin's Government, no. 86, dated the 10th November 1898, that the data on which our present scheme has been worked out are the statistics of the service accepted in 1882, and that it was intended to bring them up to date on a convenient occasion with a view to ascertaining whether they are substantially correct at the present time. We have now placed Mr. O. T. Barrow, Officiating Comptroller General, on special duty for the purpose. When his investigation has been completed, we propose to re-examine the state of the services with reference to the new data which will be available, and we shall then send you a further report upon the question.

We have the honour to be,

SIR,

Your most obedient, humble servants,

CURZON.

E. FG. LAW.

E. R. ELLES.

A. T. ARUNDEL.

DENZIL IBBETSON.

H. E. RICHARDS.

GOVERNMENT OF INDIA.
HOME DEPARTMENT.

ESTABLISHMENTS.

To

THE RIGHT HONOURABLE JOHN MORLEY, O.M.,
His Majesty's Secretary of State for India.

Simla, the 24th May 1906.

SIR,

WE have the honour to refer to the correspondence ending with the despatch of Lord Curzon's Government, No. 2, dated the 21st April 1904, regarding the statistical examination of the state and prospects of the Indian Civil Service.

2. In his despatch No. 83 (Public), dated the 24th July 1903, Lord George Hamilton drew attention to the prospects of a block in the promotion of officers of the Indian Civil Service resulting from apparent over-recruitment, and suggested that a detailed examination of the state and prospects of the service in each province should be made at intervals of five years, and the results of such examination communicated to him. His Lordship requested that the first investigation should be undertaken as soon as possible. This was accordingly done, and the results of the examination instituted by the Government of Lord Curzon were reported to the Secretary of State in their despatch of the 21st April 1904. Lord Curzon's Government informed Mr. Brodrick that for the present they did not apprehend a block, but that as the data on which the standard calculations were based were several years old they proposed to place an officer on special duty for the purpose of revising them. Mr. O. T. Barrow, I.C.S., then officiating Comptroller General, was placed on special duty for the purpose, and we have now the honour to forward for your information a copy of his report dated the 10th September 1904, containing the results of his investigation.

3. You will observe that Mr. Barrow examined the statistics of the service for the fifty years from the 1st April 1854 to 1st April 1904. His conclusions are embodied in tables A and B appended to his report. They confirm in a remarkable manner the results obtained by Sir David Barbour twenty-five years ago. Mr. Barrow shows that a service of 23,949 officers (and not 23,176 as calculated by Sir David Barbour) can now be maintained by an annual supply of 1,000 men, giving a casualty rate of 4.17 per cent of strength as compared with the percentage of 4.31 deduced by Sir David Barbour; and that to fill 100 superior posts a strength of 194.5 officers will now be required and not 196.7. Mr. Barrow's percentage of 19.72 for absences on leave is practically identical with Sir David Barbour's, which was 19.78. We have accepted Mr. Barrow's actuarial results, and we propose to adopt his tables A and B in calculating the future cadres, strength and recruitment of the Indian Civil Service. We enclose for your information copies of the letters which we have addressed to local Governments regarding the application of these percentages to the existing cadres

of the service in each province: and we shall communicate to you the results of his reference in due course.

4 Paragraph 9 of Mr. Barrow's report and tables E to L attached thereto deal with the actual state of the service on the 1st April 1904, as compared with the theoretically correct strength. They confirm the conclusion to which the Government of Lord Curzon came, *viz.*, that there is at present no block in any province; and that on the contrary a number of officers are now receiving very rapid promotion. There is however some risk in the future of promotion being retarded in Bengal, the United Provinces, the Punjab (including the North-West Frontier Province) and the Central Provinces (including Berar), but this does not call for any immediate action. We expect that the increase of a number of superior appointments consequent on the creation of the new province will mitigate the danger of a block in Bengal; and that the rearrangement of the superior appointments under the Government of India, which we are suggesting to the local Governments, and the addition of a few superior appointments to the provincial cadres of the other provinces which has been made during the last two years, are likely to minimize the prospects of a block in any province which necessitates the adoption of special measures at once; but if hereafter a serious block should arise anywhere we think that the proper method of meeting it will be by the grant of personal allowances, and not by disturbing the present system of recruitment, to which, as our letter to local Governments shows, we propose to adhere. We agree with the remark made in the despatch of Lord Curzon's Government, dated the 21st April 1904, that if a block occurs it must be ascribed to the unscientific recruitment of the past and not to the present system which is based on scientific principles.

W have the honour to be,

SIR,

Your most obedient, humble servants,

MINTO.

KITCHENER.

A. T. ARUNDEL.

DENZIL IBBETSON.

H. E. RICHARDS.

E. N. BAKER.

C. H. SCOTT.

C. L. TUPPER.

Report by Mr. O. T. Barrow, I.C.S., dated the 10th September 1904.

1. I submit herewith the results of the calculations upon which I have been engaged for the purpose of ascertaining the annual rate of decrement in the India Civil Service, and the average leave absences in that service at different stages of service. From the result arrived at for each of these factors, I have prepared the attached service Table A and from that service table the percentage of officers in service on duty, and in training respectively in a regularly constituted service is also worked out and presented in the accompanying Table B. From these results I have also prepared tables for each of the different provinces on the same lines as those followed by Sir J. Westland. See Tables E to L accompanying. It will be understood that Table A is to take the place of Sir David Barbour's table prepared in 1881. See pages 32 and 33 of the proceedings of January 1883, Nos. 7 to 62. Table B takes the place of the table in paragraph 9 of the despatch No. 86 of 10th November 1898 to the Secretary of State and tables E to L are the result of the examination of existing facts on the lines followed by Sir J. Westland in his minute contained in the proceedings 893, 896 of December 1894. In submitting these results I would make the following observations.

2 In preparing the decrement tables I had to decide what period of time I should take into consideration for working purposes and also upon what plan to proceed in arriving at the percentage of withdrawals. For the latter I had no doubt from the beginning that the best plan was to start with a certain given year of service, take all the officers in the service at the beginning of that year under all the officers who entered the service from that date to the present date and by scrutinizing and tabulating the withdrawals year by year arrive at the percentage of withdrawals "in each year of service" to the total number of men passing through that year of service. This is, I understand, the plan followed by insurance actuaries in preparing mortality statistics and by taking all the men in the service at the beginning of the period of observation we obviously obtain a far larger number of cases "under observation" than by merely beginning with the *entrants* in the earliest year.

Now it is not known exactly what plan Sir D. Barbour followed although I think it is almost certain that he worked upon the same plan. At all events in the absence of his working tables it would have been impossible to attempt to add his results to my own, and simply begin where he left off, *viz.*, in the year 1880. Moreover, there are other reasons why this could not be done, namely, the absence of certain information as to whether he adopted the crude figures for each year as they came out, or weighted, or adjusted, them by grouping years together which is the more scientific plan, and if, as seems almost certain, he did do the latter what system of grouping he employed. I may also mention here the fact that Sir David Barbour only used the withdrawals of the Bengal Civil Service as data, whereas his figures have always been applied to the service as a whole including Madras and Bombay, and is obviously preferable if the figures are to be so applied that the withdrawals of these services should enter into the calculations. On the consideration then that Sir David Barbour's figures could not be used except for purposes of comparison the question had to be decided how far it was desirable or possible to go back in the new calculations of withdrawals. I found from enquiries made as to the existing records upon which we are dependent for extracting the withdrawal statistics that it was comparatively easy to get complete statistics back to 1850 or 1854, that it was not quite so easy but still practicable to get them back for another 10 years, that the difficulty would be greatly enhanced with each further period of 10 years proceeding backwards, but that without actual working it was impossible to say how far back complete statistics could be obtained, *probably* I think that it is doubtful whether completely reliable statistics could be obtained for periods much before the forties, but as I have not actually attempted it I cannot speak positively on the point. The reason why I did not attempt it, is that looking at the case from every point, *i.e.*, the fact that we *know* the results of

the years 1835 to 1880; that it is extremely unlikely that those results are not absolutely accurate and that the more we use the results of the earlier years in our present calculation the more we weight the figures of years where more modern conditions prevail with those of years when they did not prevail. I arrived at the conclusion, which, I trust, will be agreed with, that it was better to use the figures of *new* years as far as possible and to make those new years as weighty as possible in the final results. I may say at once that I was chiefly guided in this by the theory (a) that modern conditions differed greatly from old and were likely to considerably influence the result, and (b) what we want to get at, is what the annual decrement is likely to be now, and not what it was in the earlier part of the century. At the same time it was of course absolutely necessary to take in a certain number of the old years in order to get a sufficient number of withdrawals to work upon. I therefore as a medium date, which would be likely to give us sufficient numbers for satisfactory results, fixed upon the year 1854 and have taken the withdrawals for 50 years April 1st, 1854,* to April 1st, 1904, as against the 45 years taken by Sir David Barbour, 1835—80. We thus get the most recent 50 years, and can compare them with the result he obtained.

The result so brought out, I may remark, shows that although my preconceived opinion regarding modern conditions largely affecting the results was to some extent correct it is so to a less extent than I had imagined.

The general result is that the figures of the last 50 years bring out on the whole "a rate of decrement" which differs very little indeed from that obtained by Sir D. Barbour. In fact the difference in the "percentage" of decrement is so small that as far as that is concerned the enquiry has only had the effect of confirming Sir David Barbour's result, and thus completely justifying the "rate" for recruitment purposes, which we have now adopted for so many years, the percentage of decrement ascertained by me being for the whole of India 4.17 per cent on the total strength of the service as against 4.31 arrived at by Sir David Barbour.

3. Table A then in the "in service" column shows that a service of 23,949 men can be regularly recruited by the addition of 1,000 men annually. In other words the rate of decrement is 4.17 per cent per annum on the strength. It is when we come to the comparative periods of seniority at which withdrawals occur that we find the greatest difference between the more modern and the older statistics. A reference to the year by year decrements of Table A will show conclusively that on the whole the casualties (retirements plus deaths) up to the 30th year of service are much lower now than they were for the earlier period, in fact they are a little lower for all years from the 4th up to the 26th inclusive (the largest difference occurring from about the 21st to the 27th year of service), after which they begin to increase. This result was not unexpected. It was anticipated that it would be shown that withdrawals occur rather later now than formerly (see Mr. Jacob's opinion at question 10,329 of the report of the Indian Expenditure Commission), although it is not known that there was any direct evidence of the fact. The exact reason of this change I cannot state with certainty, but I imagine that perhaps retirements have been affected by the alterations in the rules of the Annuity Fund. Under the old rules prior to 1871 members of the service had to subscribe a certain proportion of their annuities themselves. If they retired before their subscription was complete they had to make it up themselves to the required amount. This would apparently act in both directions. On the one hand the member who had completed his service but not completed his subscription would remain on to do so. On the other hand a member who was in bad health would know that even by waiting to 21 years' residence he would still not get his full annuity of £1,000. I can only imagine† that the latter effect has been greater than the former and that the result of the concession of 1871 to the effect that all members would be given £1,000 a year independently of what they subscribed as soon as they

had completed 21 years' residence has been to make members wait on longer than they used to do in order to secure that benefit. It is also possible and indeed very probable that the depreciation of the rupee and the consequent considerable reduction of salaries which followed thereon affected the means of members of the service to such an extent as to retard retirement. The leave rules are also now more favourable than they used to be.

4. I would now then ask a reference to the year by year decrements of Table A and would observe that these decrements do not for the earlier years of service exactly represent the actual casualties of *each particular year*. I would explain that it would not be a fair principle to make them do so. The results would be more or less uneven if that plan were adopted and it is generally considered that the adoption of original unadjusted figures in such cases gives a somewhat unfair result, as it would only be by obtaining a number of withdrawals enormously outnumbering those which are available that it would be possible to get an approximately accurate result year by year. Thus in years which are not affected by other conditions which altogether overweigh the *natural* results it is only possible to get a fair year to year decrement by a system of "grouping" or adjusting by groups. That is the system which is followed in preparing mortality tables for insurance purposes and it is the system which gives the nearest possible approach to accuracy in dealing with all those earlier years of service in which "the conditions from year to year are similar". It is not, I think it will be understood, possible to apply it to the later years in which the conditions are *not* similar. The increase in the possibility and desire of retirement in the later years and the preference for certain years for retirement are so great as to overweigh the general average and it is therefore necessary to allow each of the later years to stand on its own basis and adopt the crude figures of withdrawal as they stand. For the earlier years however up to the 20th year of service I have for the above reasons adopted the plan of examining quinquennial groups and working out an average year by year decrement on that basis. The adjustments have been made according to the principle followed in preparing mortality statistics and the calculations have been made upon the plan described by Mr. Woolhouse in the Institute of Actuaries Life Tables. "Tables deduced from the mortality experience of Life Assurance Companies", 1872, pages lxxxvii to xciii.* The only other point I have to mention in this connection is that I have not applied "adjusted" figures to the first two years of service as those years are affected by a rate of casualty peculiar to themselves and I think it better to leave the original figures alone. I would also add that it is not known definitely whether Sir D. Barbour used crude or "adjusted" figures, but his figures themselves give reason to believe that he "adjusted" them as I have done and in all probability on much the same system. (This explanation runs to some length, but it will, I hope, be understood that it is for the benefit of future workers in order that the plan on which the present figures have been worked out may be on record and not a matter of doubt as hitherto.)

5. I would next invite attention to the leave statistics embodied in paragraph 6 below showing the average percentage of absences in each province separately and for the whole of India taken together and their application to the service table A. The following explanation is here required.

Sir David Barbour, as explained by him, applied the figures by groups of years, *i.e.*, he worked out the percentage by groups of years and then applied them to the "Service" table in order to arrive at the number of men on duty. He rightly decided to apply the figures by groups and he has explained his groups in his note and his reasons for them. While agreeing generally that these groups are not theoretically unsound, I think it is preferable to alter them somewhat on the basis of actual facts. I have therefore slightly altered the grouping of the years while maintaining the same principle. My grouping is based upon a curve which I have had prepared from the statistics and I have divided the groups according to periods of high average absences, and low average absences, respectively. This is just the same principle as Sir David Barbour's, only I have carried it a little further.

* The rule of compulsory retirement after 35 years' service was also first introduced in the year 1854. It applied to officers who completed their service in the year 1859 and later.
† The retirements in the earlier years which have been examined seem to point to this.

* The calculations have been made by Babu Bhupendra Nath Mitra.

In Table C I give the curve for reference. Taking about 24 per cent as an approximate division between high and low averages, I have grouped the years as nearly as possible though not exactly accordingly.

My groups are as follows:—

First 2 years.

Next 6 "

Next 4 "

Next 4 "

Next 4 "

Next 4 "

Next 3 "

Next 3 "

Last 5 "

Against Sir
David Barbour's

First 8.

Next 4.

Next 5.

Next 10.

Next 8.

I think it is at all events important to separate the first 2 years, or training period, and I prefer on the whole my grouping which with rather more numerous groups approaches more nearly to accuracy. The difference in results is not of serious importance. The following shows the percentages according to my system and the percentages which would be arrived at with our new figures under Sir David Barbour's groups.

New plan period.	Percentage of absence.	Sir David Barbour's period.	Percentage of absence.
First 2 years.	...	First 8 years ...	12'23
Next 6 "	...	Next 4 " ...	29'07
" 4 "	...	" 5 " ...	23'97
" 4 "	...	" 10 " ...	24'75
" 4 "	...	" 8 " ...	18'20
" 3 "	...	Whole period ...	19'72
" 3 "	...		
" 5 "	...		
Whole period:	...		

6. I would next explain the periods which have been taken into account for these leave absences. I had, in the first place, leave statistics prepared for two periods of 3 years each, namely, 1898—1901 and 1901—1904, and compared the two. The result by provinces for the whole period is given in the following table:—

	Experience of 1878—1881.	PRESENT EXPERIENCE.						
		1898-99.	1899-00.	1900-01.	Average of 3 years.	1901-02.	1902-03.	1903-04.
Central Provinces	19'11.	22'40	17'34	16'13	18'51	20'48	14'34	18'36
Burma	10'98	16'15	17'90	21'69	18'69	24'21	23'40	22'62
Bengal and Assam	20'57	18'17	19'38	19'37	19'00	19'30	18'02	17'17
United Provinces...	20'66	21'57	19'99	20'17	20'56	19'26	19'72	19'34
Punjab and N.W. F. P.	18'42	21'50	19'00	19'43	19'94	18'46	17'50	17'52
Madras	Not collected	21'96	21'29	18'96	20'70	21'58	22'86	20'50
Bombay	Do.	22'46	21'59	19'52	21'16	26'50	21'58	21'72
India	16'00	Distributed among the Provinces from which taken.						
Total	19'78	20'53	19'82	19'47	19'93	21'05	19'76	19'34

From this table the following peculiarities are noticeable.

In the first place, it will be seen that the absences in the year 1898-99 are higher than the average.

This is no doubt directly attributable to the fact of the famine which prevailed in a large part of India in the years 1896-98 and to the Government of India having in the year 1897 issued general instructions regarding the restriction of leave. When the famine was over there was naturally a rush to go on leave and this raised the average.

Secondly, the figures for Burma are at first sight curious, the absences for later years largely exceeding those for the earlier years. This is however explainable, I think, from the fact that the province was previously very irregularly recruited, a large number of officers coming from other provinces and returning there again. The province first began to be regularly recruited from home in the early nineties and when these early recruits began to reach the stage of 8 or 9 years' service their first furloughs fell in and this increased the previously prevailing average. In other words the absences of earlier years contained comparatively few first furloughs.

Thirdly, it will be noticed that the absences in the Central Provinces and Bombay in 1901-02, exceeded the ordinary average. This was due to the same cause as that affecting 1898-99, viz., the famine which prevailed in the preceding years in those provinces. All leave was stopped in Bombay by orders issued in September 1899. It was partially re-opened in August 1900 and though not fully opened till 1902, a large number of officers found it possible under the orders of August 1900 to leave in the year 1901-02. The resultant rush accounts for the high figure.

Fourthly, it will be seen that the general average is very low in the Central Provinces and very high in Madras and Bombay. The exact reason for this I do not know, but I suspect that the smaller number of well paid appointments and perhaps the slowness of promotion in the Central Provinces has affected the figures of that province while the proximity of Bombay to England probably induces more leave being taken than in the east of India. On the whole, after a consideration of the figures of both the triennial periods I see no reason against adopting the average of the latest period 1900-01 to 1903-04 (with the slight modification noticed below). It is the period which nearly exactly corresponds with the introduction of the new leave rules and is therefore for the future a better guide than the average of the preceding period. I may here bring to notice that it will be seen that in Bengal and Assam, the United Provinces, Central Provinces and Punjab the average of the later period is lower than that of the earlier. This is what might be expected from the introduction of the new leave rules for while all privilege leave is now taken, less furlough will be taken and on the whole I have no doubt there will be a reduction.* It is true that Bombay and Madras do not as yet shew this reduction, but Bombay at all events has been affected by peculiar causes and I quite expect both these provinces to show it later. I may further point out that the general average which is now worked out for the reasons given below at 19'72 † although only slightly lower than Sir David Barbour's result, would have been very much lower had not Sir David Barbour omitted Bombay and Madras altogether from his calculations. In concluding the remarks on this question of the leave averages I would now mention that in working out the average I have felt it right to exclude the extraordinary figure for the year 1901-02 in Bombay, and have taken the average of that province for two years only instead of three. I feel sure that this is desirable. The year was undoubtedly most largely affected by the abnormal conditions referred to above and to include it would certainly produce an unfair result. I have not thought it necessary to make any other exceptions. The figure for 1901-02 in the Central Provinces was unduly high, but it was followed by a corresponding drop in 1902-03. Moreover, the number of the members of the service in that province is comparatively small. Taking then the figures for Bombay for two years only instead of for three years the percentage for

* While combined leave is not likely to greatly exceed the long leave previously taken the period of privilege leave taken separately is much diminished.

† Instead of 20'04 shown in the table.

Bombay shewn in the table above as 23.24 becomes 21.65 and the total percentage shewn in the table as 20.04 becomes 19.72.*

Lastly, it will be seen from the following percentages of absences on different descriptions of leave which are the result of the figures of the years 1901-02 to 1903-04, viz. :—

Absence on furlough.			Percentage
Extraordinary leave, leave on medical certificate, etc.	...	...	12.84
Absence on privilege leave	...	...	5.81
Absence on joining time	...	...	1.07
Total	...	...	19.72

[N.B.—I have not thought it necessary to separate extraordinary leave from other long leave; or, subsidiary leave from privilege leave.]

that compared with the period examined by Sir David Barbour (*see* proceedings of 1883) the percentage of absence on privilege leave has increased, on long leave has decreased and on joining time has decreased.

This is exactly what might have been expected. All privilege leave is now taken under the new rules while the tendency will be to take less furlough, e.g., the officer who wished to go for one year formerly took one year's furlough, he now takes the same year, of privilege leave *plus* furlough.

Joining time decreases because

(a) there are fewer transfers;

(b) the means of communication are more rapid in many parts of the country than they were in 1881.

7. I next invite a reference to Table B shewing the percentage as arrived at from the present figures, of officers in service, on leave and on duty, respectively, in a regularly recruited service in the three different main periods of service, viz., first two years or training period, 3rd to 8th year of service inclusive, and above 8 years' service. This table differs from that hitherto used (paragraph 9 of the despatch of 10th November 1898), owing to the fact noticed above that casualties are on the whole later than they used to be. And it may here be remarked that as that fact of greater average seniority before withdrawal is more marked as we get on later from about the 10th year of service it must necessarily follow that the promotion of Civilians in the upper grades of the service, i.e., after they have passed the 8th complete year of service will inevitably be slower than it used to be, even if we continue to recruit on the scientific plan hitherto adopted. For this I can see no remedy. We have hitherto recruited solely with a view to allowing civilians to reach a certain pay at a certain stage of service, and whatever pay or whatever stage we assume (up to the present it has been Rs. 1,000 per mensem and 8 complete years) we cannot from the nature of the case provide for what may happen after that stage.

8. In connection then with this branch of the subject I would here invite attention to the table given below constructed on the principle of the table contained in paragraph 9 of despatch No. 86 of the 10th November 1898 to the Secretary of State, showing the necessary total strength of the service in each province and for the whole of India calculated upon the new percentages indicated by Table B, the total of which is as will be seen 194.5 of the superior posts instead of 196.7, as hitherto used. The number of superior appointments for each province has been taken from lists furnished to me by the Home Department. These are attached. I have adopted the figures in these lists (subject to the remarks made below) except in the case of Bombay the number of which I have reduced by one as the Legal Remembrancer has obviously been entered by mistake, the appointment being included among the 1st Grade Judgeships. I would also here make the following explanation.

* This percentage of 19.72 is the actual percentage of recent absences: it would become 20.44 in the case of a...

It has hitherto been the practice (*vide* paragraph 6 of the despatch to the Secretary of State, No. 10 of the 10th February 1898) in calculating the number of superior posts existing in each province to neglect on the one hand all appointments listed as open to the Provincial Civil Service and on the other hand all superior posts under the Government of India for which officers have to be provided from the various provinces. This was done on the ground that the two were on the whole equal (*vide* List G attached to the despatch of the 10th February 1898), but they are no longer equal. The number of listed posts is now 45 as shown in List H attached, while the number of superior posts under the Government of India is now or will be 52, as shown also in List H.

I think therefore that the time has come when the provision for these superior posts should be divided proportionately over the different provinces and the proportion which I would propose for adoption would be the percentage which the strength of the service in each province bears to the whole service making a slight exception in the case of Burma as below. The percentages are as follows :—

Bengal	...	...	...	23 or 12 out of 52
United Provinces	...	...	...	18 " 9 " 52
Punjab	...	...	...	12 " 6 " 52
Central Provinces and Berar	...	...	...	8 " 4 " 52
Bombay	...	...	...	13 " 7 " 52
Madras	...	...	...	13 " 7 " 52
Burma	...	...	...	13 " 7 " 52
Total	...	...	...	100 52

It will however probably be considered that the proportion for Burma should be somewhat reduced as it rarely supplies many officers, for the superior posts under the Government of India. If so, the number for that province might perhaps be reduced to 4 and the difference divided between Bengal and the United Provinces, raising the figures for those provinces by one and two respectively.

The figures then become—

Bengal	...	...	...	13
United Provinces	...	...	...	11
Punjab	...	...	...	6
Central Provinces and Berar	...	...	...	4
Bombay	...	...	...	7
Madras	...	...	...	7
Burma	...	...	...	4
Total	...	...	...	52

If this is considered too arbitrary it rests with Government to alter it. I have adopted it in the following table which can be altered in this respect as considered necessary. The superior appointments then become—

	Superior.	Listed.	Government of India.	Net.
Bengal	132	— 11	+ 13	134
United Provinces	106	— 6	+ 11	111
Punjab	75	— 8	+ 6	73
Central Provinces and Berar	46	— 3	+ 4	47
Bombay	74	— 7	+ 7	74
Madras	79	— 8	+ 7	78
Burma	76	— 2	+ 4	78

and the table is as follows:—

	Bengal and Assam.	Agra and Oudh.	Punjab.	Central Provinces & Berar.	Madras.	Bombay.	Burma.
	1	2	3	4	5	6	7
1. Number of superior appointments ...	134	111	73	47	78	(79) 74	78
2. Add 4 per cent. for temporary appointments and deputations ...	5	4	3	2	3	(3) 3	3
3. Total number of appointments ...	139	115	76	49	81	(82) 77	81
4. Add inferior appointment at 39.0 to 100 ...	54	45	30	19	32	(32) 30	32
5. Total number of appointments ...	193	160	106	68	113	(114) 107	113
6. Total strength of service required at 194.5 per cent. on 3 ...	270	224	148	95	157	(159) 150	157
7. Annual recruitment being 4.17 per cent. on 6 ...	11	9	6	4	7	(7) 6	7

The figures in brackets for Bombay represent inclusion of 5 First Assistantships which have hitherto been treated as superior, *vide* the despatch of 10th November 1898. The result as regards Bombay will be that the total strength of the service will be decreased from 163 to 159. This is partly due to the reduction of 1 in the superior appointments following the reorganisation of the Bombay Judicial Department and partly to the new multiplier 194.5 instead of 196.7. The reduction due to the former cause can, if desired, be rectified by treating an additional First Assistantship as a superior appointment. This seems justifiable. Under the old orders, the following were treated as superior:—

- 3 Joint Judges, *i.e.*, First Assistants receiving a local allowance of Rs. 200.
- 5 First Assistants who did not receive any local allowance.

Total ... 8

Two Assistant Judges have now become District Judges, and the Joint Judges have lost their local allowance but if the same numbers are to be retained on the whole, 6 First Assistants instead of 5 must be treated as "superior", *i.e.*, 3 Joint Judges plus 3 First Assistants plus 2 new District Judges or total 8 against the old 8. I would advise this being done.*

* It will be understood that I make this suggestion and also the assumption that Government agrees with it merely because I must have a fixed figure for working purposes. It will rest with Government to make any alterations necessary if they do not agree.

If so, the Bombay figures become:—

Superior ...	80
4 per cent for deputations ...	3
Total ...	83
Inferior ...	32
Total Appointments ...	115
Strength of service at 194.5 ...	161
Annual recruitment at 4.17 per cent ...	7

The general result is that the total strength of the Civil Service becomes 1,212 against 1,180 mentioned in the despatch of November 1898 (*i.e.*, 1,170 + 10 additional for Bombay). The chief reasons of this increase are as follows:—

- (a) Recruitment of officers for a larger number of superior posts appertaining to Berar.

Formerly only 3 such posts were recruited for, now there will be 9, the difference due to this cause is therefore about 12.*

* *i.e.*, 6 × 196.7.

- (b) Increase in superior posts under the Government of India from 40 (old List G, excluding Berar) to 52 new List H, *minus* allowance for 2 posts since "listed" in Burma, net increase of 10. Total increase due to this cause about 19.

- (c) Increase of 19 in Burma, due partly to an increase in the number of superior posts (*see* List F) and partly to the calculations now being made for that province on the scientific plan instead of the service, being merely calculated at 136 as a whole as in the despatch of 1898.

- (d) Increase of 2 superior posts in Bengal and Assam, 1 in the United Provinces and 2 in the Central Provinces (including one in margin allowed for temporary appointments) and a decrease of 7 in the Punjab, net decrease 2. Total decrease due to this cause about 4.

Net grand total of increase 46, *viz.*, 12 + 19 + 19 - 4, but against this increase there is a decrease of about 14 owing to the percentage being now 194.5 instead of 196.7. So the net increase is 32 as shown above, *viz.*, 1,212 - 1,180.

In other words if it had not been for the large increase in superior posts since made our present figures would have admitted of a reduction of about 14. As it is we shall have to ask for a total service of 1,212 members.

9. The only other point remaining to be dealt with is the preparation of tables on the lines followed by Sir J. Westland in 1894, showing the actual state of the service in each province on the 1st April 1904 compared with the theoretical strength as it should be in a regularly recruited service at each stage of service. In preparing these I have divided the service into the "classes" suggested by Secretary in his note of 1st January 1894, that is to say, I have confined Class XII to the first and second years of service only, all the others, except Class I, including 3-years groups.

The following table prepared from the figures in the service Table A shows the distribution of the service which would be required to fill 100 superior cadre appointments. It corresponds with Sir J. Westland's Table No. 1.

Year of service.	NUMBER OF MEN IN SERVICE.		NUMBER OF MEN ON DUTY.	
	—	Progressive.	—	Progressive.
Over 35	...	...	...	...
35	...	...	...	...
34	...	...	...	...
33	...	...	...	...
32	...	...	...	...
31	...	...	...	...
30	...	...	...	...
29	...	...	...	...
28	...	...	...	...
27	...	...	...	...
26	...	...	...	...
25	...	...	...	...
24	...	...	...	...
23	...	...	...	...
22	...	...	...	...
21	...	...	...	...
20	...	...	...	...
19	...	...	...	...
18	...	...	...	...
17	...	...	...	...
16	...	...	...	...
15	...	...	...	...
14	...	...	...	...
13	...	...	...	...
12	...	...	...	...
11	...	...	...	...
10	...	...	...	...
9	...	...	...	...
8	...	...	...	...
7	...	...	...	...
6	...	...	...	...
5	...	...	...	...

Year of service.	NUMBER OF MEN IN SERVICE.		NUMBER OF MEN ON DUTY.	
	—	Progressive.	—	Progressive.
4	...	...	...	...
3	...	...	...	...
2	...	...	...	...
1	...	...	...	...

Dividing this into classes, as indicated above, the following is the standard table for 100 superior posts, which corresponds with Sir J. Westland's Table No. 3 :—

Class by standing./	Year of service.	NUMBER OF AVAILABLE SERVICE.		NUMBER ON DUTY.	
		—	Progressive.	—	Progressive.
I	Over 32	4.4	4.4	3.7	3.7
II	30—32	6.4	10.8	5.2	8.9
III	27—29	10.5	21.3	8.1	17.0
IV	24—26	15.4	36.7	11.4	28.4
V	21—23	17.0	53.7	13.4	41.8
VI	18—20	18.2	71.9	13.4	55.2
VII	15—17	19.3	91.2	14.6	69.8
VIII	12—14	20.2	111.4	15.1	84.9
IX	9—11	21.3	132.7	15.1	100.0
X	6—8	22.3	155.0	19.1	119.1
XI	3—5	23.4	178.4	19.9	139.0
XII	1—2	16.1	194.5	15.5	154.5

Proceeding upon the figures contained in Table No. 2, I attach tables for each Province E to L, showing the comparison between the actual state and the theoretical state at each stage. The actual numbers have been given upon exactly the same principles as those followed by Sir J. Westland, except in the following respects. The names of men serving under the Government of India have been included, not excluded, and the number of Provincial Service officers holding superior posts have been excluded, not included, for the reasons given in paragraph 8 above. As regards Statutory Civilians, however, those who merely occupy superior posts listed as open to the Provincial Service have been excluded as they are merely in the same position as Provincial Service officers, while those who occupy superior posts in excess of the number listed have been included. Remarks regarding the actual state of each Province are attached to the tables themselves.

10. Finally I may remark that, as stated above in paragraph 8, I have adopted the Home Department lists of superior appointments without alteration except as regards the Legal Rememberancership in Bombay, which, I

believe, the Home Department admits was wrongly included ; but the following entries in these lists appear to me to be open to question :—

(1) *Bengal*.—The following appointments, of which the status appears to be superior, are now held by Civilians :—

	Rs.
1. Chief Presidency Magistrate, Calcutta ...	1,800—2,000
2. Deputy Chairman, Calcutta Municipality ...	1,200

On the other hand the number of High Court Judgeships actually held

This is the number taken by Sir J. Westland in his minute recorded in A Proceedings, December 1894, Nos. 893—96, by members of the Indian Civil Service is 5 and not 6 as given in List C (Messrs. Rampini, Brett, Pratt, Geidt and Pargiter).

(2) *Agra and Oudh*.—It is for consideration whether all District officers employed in hill districts should not be classed as superior though drawing a pay not exceeding Rs. 1,000 in accordance with the principle mentioned in paragraph 8 of Despatch dated 10th February 1898, *e.g.*, the Deputy Commissioner, Almora, pay Rs. 1,000, (actual holder Mr. Sherring, 14 years' service) and the Deputy Commissioner, Garhwal, pay Rs. 800 (actual holder Mr. Allen, 8 years' service), or whether the former but not the latter should be so classed. It seems to me that the former at least should be classified as superior in the same way as the Superintendent, Dehra Dun.

(3) *Madras*.—

(a) The number of High Court Judgeships actually held by Civilians is 3, not 2 (Messrs. Davies, Benson and Moore).

(b) The Deputy Commissionership, Revenue Settlement, is vacant, and I do not know whether it is likely to be ever filled up. The future status of the appointment should be cleared up.

(c) Of the 15 appointments of Sub-Collectors shown in List A one has been *transferred* to the Provincial Civil Service (Rs. 700 grade of Deputy Collector). It is not a "listed" appointment, and it is apparently wrong to include it in List A and show it as "listed" in List H.

(4) "*Listed*" *Appointments*.—In Madras 2 appointments of Sub-Collectors are shown as "listed". The Civil Lists, however, show one such appointment only as transferred to the Provincial Civil Service and none as "listed". The matter should be cleared up as the entry 2 should apparently be *nil*.

(5) "*India*" *Appointments*.—These have been taken at 52 as in the Home Department List. This list does not include the Director of the Central Criminal Investigation Department, but I have not changed the list as it is possible that the Additional Member of Council may not be a member of the Indian Civil Service.

II. I would like to add that the larger portion of the work connected with this enquiry has fallen upon Babu Bhupendra Nath Mitra of the Comptroller General's office, to whom I am greatly indebted.

O. T. BARROW.

10th September 1904.

TABLE A.

Years of service.	Number of men in service.	Number of men on duty.	Year of service.	Number of men in service.	Number of men on duty.
1 ...	1,000	962	20 ...	738	543
2 ...	986	949	21 ...	719	565
3 ...	972	830	22 ...	697	547
4 ...	960	820	23 ...	674	529
5 ...	946	808	24 ...	658	517
6 ...	932	796	25 ...	642	464
7 ...	917	783	26 ...	592	428
8 ...	901	769	27 ...	505	365
9 ...	886	629	28 ...	426	341
10 ...	872	619	29 ...	364	291
11 ...	858	609	30 ...	313	250
12 ...	844	599	31 ...	256	213
13 ...	830	637	32 ...	217	180
14 ...	817	627	33 ...	184	153
15 ...	804	617	34 ...	160	133
16 ...	790	607	35 ...	135	112
17 ...	777	572	Over 35	64	53
18 ...	763	561	Total ...	23,949	19,030
19 ...	750	552			

TABLE B.

	On duty.	On leave.	Total.
1. Men of over 8 years' service holding "superior" cadre appointments ...	100.0	32.7	132.7
2. Men from the 3rd to the 8th year of service inclusive holding "inferior" cadre appointments ...	39.0	6.7	45.7
3. Men of the 1st and 2nd year of service reckoned as in training ...	15.5	.6	16.1
Total of service ...	154.5	40.0	194.5

14
TABLE C.
Not reproduced.

No. 25.
GOVERNMENT OF INDIA.
HOME DEPARTMENT.
ESTABLISHMENTS.

To

THE RIGHT HONOURABLE VISCOUNT MORLEY
OF BLACKBURN, O.M.,
His Majesty's Secretary of State for India.

Simla, the 24th June 1909.

MY LORD,

We have the honour to refer to our despatch no. 20 (Estabts.), dated the 24th May 1906, with which we forwarded a copy of the report by Mr. O. T. Barrow, I.C.S., who was placed on special duty for the purpose of revising the data on which the Indian Civil Service is constituted, and copies of the letters which we addressed to local Governments regarding the application of the revised data to the cadres in each province. We informed Your Lordship that we accepted Mr. Barrow's actuarial results and that we would communicate to you in due course the results of the reference made to local Governments. We now transmit for your consideration copies of their replies, together with our views on the various matters discussed in the correspondence.

2. Mr. Barrow examined the statistics of the service for the fifty years from 1st April 1854 to the 1st April 1904, and the conclusions to which the examination of these statistics led him are embodied in tables A and B appended to his report. Table B, which expresses in a condensed form the results of table A, has now taken the place of the first table in paragraph 9 of the despatch of Lord Elgin's Government, No. 86 (Public), dated the 10th November 1898, and is reproduced here for ready reference :—

	On duty.	On leave.	Total.
1. Men of over eight years' service holding "superior" cadre appointments.	100·0	32·7	132·7
2. Men from the third to the eighth year of service inclusive holding "inferior" cadre appointments.	39·0	6·7	45·7
3. Men of the first and second year of service reckoned as in training.	15·5	·6	16·1
Total of service ...	154·5	40·0	194·5

A comparison of the two tables shows that in order to fill 100 superior appointments a strength of 194·5 officers is required instead of 196·7, the figure formerly accepted, and that the number of inferior cadre appointments,

corresponding to the number of men from the third to the eighth year of service present on duty, should be 39 per cent of the number of superior appointments and not 42.5 per cent. The latter change involves a reduction of 3.5 in the number of inferior cadre posts required for every 100 superior posts. The effect of these changes on promotion is discussed in paragraph 7 of Mr. Barrow's report and his conclusion is that as casualties occur on the whole later in the service than used to be the case, it necessarily follows that promotion in the upper grades of the service, i.e., of officers who have passed the eighth complete year of service, is now slower than it used to be. For this he can suggest no remedy.

3. In our Home Secretary's letter, dated the 17th May 1906, which formed enclosure No. 2 of our despatch of the 24th May 1906, we explained to the local Governments the main results of Mr. Barrow's inquiry, and informed them that we accepted his actuarial conclusions and that his table B should now be adopted as the standard for calculating the future cadres, strength and recruitment of the Indian Civil Service and Commissions. We considered that the result of the inquiry justified the continuance of the scientific system of recruitment which has been in force for some years; and we accordingly decided to adhere to it, with such modifications as had been shown to be necessary by Mr. Barrow's actuarial calculations. We pointed out that the first step in the application of the new percentages was to determine afresh the number of superior appointments in each presidency or province. A list of such appointments for each province was provisionally framed, and each local Government was asked to scrutinize it and to correct it, if necessary, after reference to the accounts officers. On the basis of these lists and of the new data, cadres of the various provinces were tentatively drawn up and the local Governments were invited to express their views thereon.

4. It is satisfactory to find that, with the exception of the Governments of Bombay and Bengal, all the local Governments have accepted our proposals with very slight modifications. We propose in this letter to deal with these minor modifications first. In list A appended to our Home Secretary's letter dated the 17th May 1906 the number of superior appointments in the Madras presidency was taken at 82, but that list did not take into account the proposals which were then under our consideration for the redistribution of districts and sub-divisions in that presidency. We have now arrived at a decision on those proposals and we communicated our views to Your Lordship in our Financial despatch No. 141, dated the 17th June 1909. The revised list A* now prepared shows 87 superior appointments in that presidency and embodies the conclusions arrived at in the despatch just referred to. For the United Provinces has pointed out that the two Deputy Commissionerships of Garhwal and Almora and the Deputy Directorship of Land Records should be included in the number. The exclusion of the latter appointment from list D appended to the Home Department letter of the 17th May 1906 was accidental. As the Deputy Directorship of Land Records is analogous to a settlement appointment, which is always treated as superior, the former should also, in our opinion, be treated as superior. The pay of the Deputy Commissionerships of Almora and Garhwal is only Rs. 1,000 a month, and in the correspondence ending with Mr. Brodrick's despatch no. 69 (Public), dated the 26th May 1905, it was expressly decided that the Deputy Commissionership of Garhwal should continue to be treated as an "inferior" appointment. We therefore saw no reason for discriminating in treatment between the two appointments. But as the local Government now explains that both the appointments are ordinarily held by officers of over eight years' service, and as the powers of these officers are the same as those of Collectors in the plains, we are now prepared to recommend that they should be treated as superior appointments. The number of superior posts in the United Provinces thus becomes 110. For the Punjab the number of superior posts was estimated at 77, which number included the two quasi-permanent appointments of Colonization Officer, Jhelum and Chenab Canal Colonies. One of these appointments was abolished on the 1st April 1907 and the other on the 1st May 1909. In despatch No. 21 (Judicial), dated the 7th May 1909, Your Lordship sanctioned the creation of four Divisional Judgeships in that province. The number of superior appointments in the Punjab is thus 79. In the letter of

* Enclosure no. 13.

† Enclosure no. 1.

the 17th May 1906, the number of superior appointments in Burma was taken at 79. Since then an appointment of Collector of Rangoon and a Divisional Judgeship have been sanctioned, and in your despatch no. 24 (Public), dated the 5th February 1909, Your Lordship sanctioned the addition of two settlement appointments to the existing cadre and the exclusion of the senior Under Secretaryship to Government from the list of superior appointments. The Government of Burma has also proposed* that the appointment of Inspector-General of Police, which is a superior appointment, should be included in the cadre of the Commission. As such posts in other provinces are held by members of the Indian Civil Service or of a Commission, we support the local Government's recommendation. The number of superior posts in Burma thus comes to 83. For Eastern Bengal and Assam, the number was estimated at 63. Since then Your Lordship has sanctioned a separate appointment of Director of Agriculture for that province; and in your Judicial despatch no. 9, dated the 12th February 1909, you sanctioned the creation of an additional appointment of District and Sessions Judge. The local Government has also asked† that a third settlement officer may be added to the list; and for the reasons given in its letter dated the 22nd September 1906, we accept this proposal and recommend it for Your Lordship's sanction. The number of superior appointments in that province will thus become 66. In the letter of the 17th May 1906, the number of superior appointments in the Central Provinces and Berar was reckoned at 48, which included the appointments of second Additional Judicial Commissioner and third Secretary to the Chief Commissioner. Since then Your Lordship has sanctioned the creation of an appointment of Financial Commissioner for that province, but we have on the other hand accepted the Chief Commissioner's recommendation‡ that the Registrarship of Co-operative Credit Societies should not be provided for as a separate appointment, since the duties of the post can for the present be combined with those of the Director of Agriculture. In his letter dated the 6th December 1906 the Chief Commissioner however has recommended that two additional settlement officerships should be provided in the cadre. We consider that these appointments are necessary and ask Your Lordship's sanction to their creation. If this is accorded, the total number of superior posts will be 50.

* Enclosure no. 4.

† Enclosure no. 6.

‡ Enclosure no. 7.

§ Enclosure no. 2.

5. We now turn to the more important modifications of our proposals, which have been suggested by the Governments of Bombay and Bengal. In our Home Secretary's letter dated the 17th May 1906, the number of superior appointments in the Bombay presidency was taken at 81, which included five assistant collectorships of the first grade, the inclusion of the latter appointments being in accordance with the practice adopted in 1898.¶ In their letter dated the 27th June 1907 the Government of Bombay pointed out two inaccuracies in our lists, which we accepted. Allowing for these corrections, the net number of superior posts became 83, the number of superior and inferior charges 120, and the strength of the service 167. The Bombay Government observed, however, that 120 officers on duty above the stage of training and a total strength of 167 officers are not sufficient for the administrative requirements of the presidency. They urged that the number of charges, both superior and inferior, to be filled by members of the Indian Civil Service should be 132 and that the strength of the service should be 183. We examined their proposals and arguments very carefully and explained our conclusions in our Home Secretary's letter no. 594, dated the 4th June 1908, to which we invite Your Lordship's attention. You will observe that we agreed to the number of superior appointments being increased to 86, the number of charges, both superior and inferior, to 124 and the strength of the service to 173. In their letter dated the 17th September 1908 the Bombay Government accepted generally our proposals; but they still claim that five appointments should be provided for under the head "political" instead of three, and that the number of appointments of assistant and joint judges should be seven instead of three. They also contend that an extra officer is required for the supervision of the Salsette building sites. We have further considered the matter, but find ourselves unable to alter the decision communicated in our Home Secretary's letter of the 4th June 1908. We do not think that the Government of Bombay had adequately met the arguments put forward in paragraph

¶ Vide paragraph 10 of the Government of India's despatch no. 86, dated the 10th November 1898.

† Enclosure no. 10.

** Enclosure no. 11.

†† Enclosure no. 12.

3 of that letter with regard to the political appointments; and we consider that the officers required to fill two of the five appointments mentioned in their letter of the 17th September 1908 should be provided either from the reserve for temporary appointments and deputations or from the Bombay political service. We also consider that the 35 appointments provided for assistant collectors and assistant or joint judges should be sufficient to meet the combined requirements of both the judicial and revenue branches, including the officer required for the Salsette appointment. The Bombay Government will be at liberty to employ these 35 officers on judicial or revenue duties as they may think best; and if more than 35 officers are required they should be provided by the creation of additional appointments either in the executive or judicial branch of the provincial service. We would here explain that the 86 superior appointments to which we agreed in our Home Secretary's letter dated the 4th June 1908 included eight appointments under the Government of India, but excluded six listed posts. Without these adjustments, which will be dealt with in paragraph 7 below, the number of superior appointments in the presidency is only 84.

6. In the letter of the 17th May 1906 the number of superior appointments for Bengal was calculated at 87. In its letter of the 20th* February 1907, the Government of Bengal proposed to add two more superior posts—one on account of an extra district magistrate required in view of the contemplated partition of the Midnapore district, and the other for the Orissa settlement. We have not considered it expedient at present to recommend to Your Lordship the scheme for the sub-division of the district of Midnapore, but we have found it necessary to sanction, for a period of two years in the first instance, an appointment of additional magistrate for that district. We think that it is practically certain that an additional officer will always be needed to assist the Collector, if the district is not divided, and we therefore propose that an additional superior appointment should be provided on this account. We also agree with the local Government that a settlement officer is required in Orissa for a number of years and that one appointment should be added on this account to the list of superior appointments. We would further explain that in our letter of the 17th May 1906 the Deputy Chairmanship of the Calcutta Corporation was treated as an inferior appointment, on the ground that the pay of the post was Rs. 1,000 a month; but as the present pay is Rs. 1,300 and the appointment is held by an officer of over eight years' service and is unlikely to be held in the future by an officer of junior rank, we consider that it should properly be counted as a superior post. The number of superior posts thus becomes 90. On the basis of 90 superior posts the number of inferior charges is 37 and the strength of the service 183. The Government of Bengal represents that 37 inferior posts and a total of 183 officers are not sufficient for the administrative requirements of the province, and it asks for 49 inferior posts (exclusive of the Deputy Chairmanship, Calcutta Corporation, referred to above) and for a service strength of 200. It estimates that the following inferior charges should be filled by members of the Indian Civil Service:—

(a) Sub-divisional charges	...	...	18
(b) Assistants at head-quarters of districts	...	...	15
(c) Assistants Settlement Officers	...	...	6
(d) Officers holding temporary appointments and deputations	...	...	2
(e) Under Secretaries to Government	...	...	3
(f) Officers required for inferior appointments under the Government of India	...	...	3
(g) Private Secretary to the Lieutenant-Governor	...	...	1
(h) Deputy Commissioner, Angul	...	...	1
Total	...	...	49

We accept the local Government's estimate under heads (a) to (d). As regards (e) we would observe that one of the three Under Secretaryships to Government has been listed as open to the provincial service and is now held by an

Indian gentleman. We cannot admit that all three Under Secretaryships should always be held by members of the Indian Civil Service and we have accordingly reduced the estimate under this head by one. Item (f) is a theoretical figure, and as a matter of fact the Government of India will not require the Government of Bengal to supply, as a rule, more than two officers to fill inferior appointments under them. We therefore think that it would be sufficient if two appointments were allowed under this head. The Private Secretaryship to the Lieutenant-Governor (item g) is often held by a military officer and is at present so held. It is moreover opposed to the rule contained in article 83, Civil Service Regulations, to make provision in the cadre for this appointment. We have therefore omitted it. As Your Lordship has refused* to sanction our proposal to place a junior civilian of the grade of joint magistrate in charge of the Angul district, we

* Vide your Political despatch no. 72, dated the 21st June 1907.

have omitted item (h) from the present calculation. According to our estimate, therefore, the number of inferior charges amounts to 45. As, however, the number according to the scientific method of reckoning is only 37, the theoretical calculation cannot be made to accord with the administrative requirements of the province. In such a case it is clear that administrative necessity must be the criterion, rather than actuarial calculations. We therefore propose to meet the difficulty in Bengal by creating eight inferior appointments in excess of the standard scale, as a temporary measure and on the understanding that they will be absorbed as new superior appointments are created hereafter, that is to say that whenever a superior appointment is created in the future, up to a maximum of eight, no inferior appointment will on that account be added, as is the usual practice, to the cadre.

7. In accordance with the views which we have explained in the foregoing paragraphs the number of superior appointments in the different provinces will be as follows:—

Madras	...	...	...	...	...	87
Bombay	...	...	...	...	...	84
Bengal	...	...	...	...	...	90
United Provinces...	...	...	...	...	...	110
Punjab	...	...	...	...	...	79
Burma	...	...	...	...	...	83
Eastern Bengal and Assam	...	...	...	...	...	66
Central Provinces	...	...	...	...	...	50

These appointments are detailed in the revised list† A to H appended to this despatch; but before we proceed to formulate the cadres and strengths based on the above figures we desire to explain an important modification of the procedure hitherto adopted.

Your Lordship will observe from the correspondence of 1898† that it has hitherto been the practice, in calculating the number of superior appointments, to neglect on the one hand the number of appointments which are listed as open to the provincial service and on the other hand all superior appointments under the Government of India, to provide for which we have been in the habit of withdrawing officers from the various provinces. This practice was adopted as a matter of convenience, inasmuch as the number of superior appointments under the Government of India and the number of superior listed posts were formerly equal, as will be seen from list G attached to the despatch of the 10th February 1898. Such equality is no longer maintained. Local Governments are now required to provide officers for 62 superior posts under the Government of India, while lists I and J attached to this despatch show that there are only 50 superior posts which can be filled from the provincial service. We have accordingly decided to adopt the suggestion made in paragraph 8 of Mr. Barrow's report, that the provision for the superior appointments under the Government of India should be distributed more or less proportionately according to service strength among the different provinces, after deducting the number of listed appointments. We have therefore decided that the number of superior appointments in the various provinces

† Vide despatch no. 86, dated the 10th November 1898, paragraph 3, and despatch no. 10, dated the 10th February 1898, paragraph 6.

† Enclosure

shall, for the purpose of arriving at the requisite strength of the services, be adjusted as follows:—

Provinces.	Number of superior appointments in the province.	Deduct the number of superior listed appointments.	Add the number of superior appointments under the Government of India.	Net number of superior appointments.
1	2	3	4	5
Madras	87	— 8	+ 8	87
Bombay	84	— 6	+ 8	86
Bengal	90	— 8	+ 9	91
United Provinces	110	— 6	+ 11	115
Punjab	79	— 10	+ 8	77
Burma	83	— 5	+ 7	85
Eastern Bengal and Assam	66	— 4	+ 6	68
Central Provinces (and Berar)	50	— 3	+ 5	52
Total	649	— 50	+ 62	661

We would explain that column 4 of the above table is an arbitrary allotment for purposes of recruitment and is not intended to limit or to guarantee the number of posts under the Government of India which may at any time be filled from a particular province; but that we shall endeavour to adhere to these figures as nearly as possible in the future.

8. On taking the number of superior appointments shown in the fifth column of the foregoing table and applying the revised percentages deduced by Mr. Barrow, the number of cadre appointments and the strength of the service in each province will stand as in the subjoined statement:—

	Madras.	Bombay.	Bengal.	United Provinces.	Punjab.	Burma.	Eastern Bengal and Assam.	Central Provinces.	Total.
(1) Number of superior posts	87	86	91	115	77	85	68	52	661
(2) Add 4 per cent for temporary appointments and deputations	3	3	4	5	3	3	3	2	26
(3) Total number of superior posts.	90	89	95	120	80	88	71	54	687
(4) Add inferior appointments at 39 per cent of line (3).	35	35	37	47	31	34	28	21	268
(5) Total number of appointments, superior and inferior.	125	124	132	167	111	122	99	75	955
(6) Total strength of service required at 194.5 per cent of line (3).	175	173	185	233	156	171	138	105	1,336
(7) Annual normal recruitment at 4.17 per cent of line (6).	7.3	7.2	7.7	9.7	6.5	Civil 5.4 Mily. 1.7	5.7	4.3	Civil 53.8 Mily. 1.7

On the basis of the number of superior posts, the strength of the service and the normal annual rate of recruitment for Bengal are 185 and 7.7 respectively. In

paragraph 6 above we have proposed a temporary addition of eight inferior posts. This will raise the total strength of the service to 193 and the rate of recruitment to eight officers a year.

The net result will be an increase of 44 officers in the present sanctioned strength (1,300) of the service in the various provinces; but Your Lordship will observe that this increase is mainly due to the creation of new appointments which are justified on independent grounds. We would also explain, with reference to your despatch No. 72 (Revenue), dated the 29th May 1908, that the appointments of Registrar of Co-operative Credit Societies in all the provinces (except the Central Provinces) have been added to the respective cadres provisionally only, and that if they are not sanctioned permanently the strength of the service will be readjusted.

9. In paragraph 9 of our Home Secretary's letter of the 17th May 1906, we asked local Governments to consider whether the time has not come for separating the listed superior posts from the general cadre of appointments available for members of the Indian Civil Service and reserving them for officers of the provincial services. We were inclined to favour this course, on the ground that it would render the cadres of both services complete in themselves and self-contained and would define clearly the prospects open to the members of both. Also, since the inferior appointments in the Indian Civil Service bear a fixed percentage to the number of superior posts and the percentage for inferior appointments has been reduced, we informed local Governments that any inferior appointments which had not been already transferred to the provincial services need no longer be transferred, inasmuch as any diminution of their number would merely have to be made good in the Indian Civil Service cadre in order to maintain the fixed ratio. Your Lordship will observe from their replies that, with the exception of the Governments of Bombay, the Punjab and Burma, the local Governments are averse from any change in the existing practice under which members of the provincial services

*Vide paragraph 3 of the Home Department letter nos. 1535-1543, dated the 27th-28th May 1892, forwarded to the Secretary of State with despatch no. 39 (Public), dated the 7th June 1892.

appointed to listed posts receive* promotion *pari passu* with their contemporaries in the Indian Civil Service or the Commission. They point out that

most of these posts are held and for some time will be held by statutory civilians, and that so long as they are held by these officers they cannot be transferred to the provincial service cadres; that the proposal will involve a revision of the rates of pay of the listed posts; and that the change is not desirable either in the interests of administration or of the officers of the provincial service. On reconsideration we agree with the local Governments who are opposed to the change that the suggestion should not be carried out. No local Government has raised any objection to our decision with regard to inferior listed posts; such special posts, however, as those of Under or Assistant Secretary which are listed as open to the provincial service will actually be transferred to that service and not included in the inferior appointments in the cadre of the Indian Civil Service. The effect of this order will be that the provincial services will be organized so as to include appointments corresponding to the listed posts, while the junior ranks of the Indian Civil Service will be graded in such a way as will give a reasonable rate of promotion. The listed posts will henceforth be confined to (a) posts which are treated as superior for the purpose of recruitment and (b) special inferior posts such as Under or Assistant Secretaryships. We have already given effect to this decision in the case of the provincial services in the United Provinces and the Punjab.

10. The next point to which we invite Your Lordship's attention is the criticism by the Government of the United Provinces of Mr. Barrow's leave percentage. In paragraph 5 of its letter† dated the 25th June 1906, that Government points out that on the 1st July in each of the ten years 1896 to 1905 (with the exception of the year 1897 when leave was stopped) the average number of officers absent on leave ranged from 19.29 to 24.4 per cent of the total strength; and it observes that Mr. Barrow has apparently overlooked the provisions of article 309, Civil Service Regulations, under which furlough alone may be granted up to a maximum of 20 per cent of the strength. The

†Encl.

local Government accordingly thinks that the allowance for leave vacancies should be fixed at 23 per cent of the strength. We find ourselves unable to accept this view. Your Lordship will observe from paragraph 6 of Mr. Barrow's report and the explanation given in the foot-note under it that although the actual percentage of recent absences was 19.72 it would have been 20.54 (which however we think should more properly be 20.56) in a regularly recruited service. This latter percentage has been adopted in his table B, and consequently the cadre of each province has been calculated on the higher percentage. It will also be observed that the United Provinces Government has compiled its figures for one particular date only, at a time of year when the number of absentees on leave is invariably greatest. We cannot therefore accept its calculations; for the purpose of actuarial calculation we must take the average for the whole year. Nor do we think that the provisions of article 309, Civil Service Regulations, conflict with Mr. Barrow's result, the object of that article being to prevent the simultaneous absence of too many officers. The Government of the Punjab has also alluded to this question, but it admits that the percentage is based on the average absence throughout the year. The Punjab Government has further questioned the adequacy of the reserve of 4 per cent provided for temporary appointments and deputations. This percentage was fixed in the correspondence of 1898-1900 on the basis of five years' statistics, and we have not considered it necessary to examine it further.

11. Finally, we would invite a reference to paragraphs 11-13 of the letter from the Government of Bengal, dated the 20th February 1907, in which it proposed a reversal of the accepted method of determining the cadre of the service, and the creation of a new grade of joint magistrates on Rs. 1,200, with the object of making the present system of recruitment square with the administrative needs of the province. Instead of making the strength of the service dependent on the number of superior posts it would estimate the number of inferior posts required, and then increase the superior posts by converting some of the inferior posts into superior so as to provide, according to the usual method of calculation, the requisite strength of the service as a whole. We are unable to accept this suggestion, and we think that the creation of a new grade of superior posts must be justified, if at all, on other grounds. We will however consider the latter question further in connection with the quinquennial examination of the state and prospects of the service in each province.

12. We now solicit Your Lordship's approval of the scheme as set forth above,

We have the honour to be,

MY LORD,

Your Lordship's most obedient, humble Servants,

MINTO,

KITCHENER,

H. ADAMSON,

J. O. MILLER,

W. L. HARVEY,

G. F. WILSON,

S. P. SINHA.

India Office, London,

4th February 1910.

Public.

No. 9.

To His Excellency the Right Honourable the Governor General of India in Council.

MY LORD,

I HAVE given careful consideration to your Government's letter no. 25, dated 24th June last, on the subject of the revision of the cadres and strengths of the Indian Civil Service.

2. In transmitting to me the report of Mr. O. T. Barrow, Indian Civil Service, who had been placed on special duty for the purpose of revising the data on which the Indian Civil Service is constituted, Your Excellency in Council in your letter of 24th May 1906 informed me that you had accepted his actuarial results, and were forwarding the report for the opinions of the various local Governments. You now send for my consideration, copies of their replies together with your own views on the various matters discussed in the correspondence.

3. The results of the reference to the local Governments may, on the whole, be considered satisfactory. With the exception of the Governments of Bombay and Bengal, all the local Governments have accepted your proposals with very slight modifications, which have been satisfactorily arranged. In paragraphs 5 and 6 Your Excellency in Council explains the important modifications of your proposals suggested by the Governments of Bombay and Bengal. These modifications have been the subject of prolonged and careful consideration by your Government in communication with the responsible local Governments. I see no reason for questioning the conclusions eventually arrived at by Your Excellency in Council.

4. The main conclusion of Mr. Barrow's report is that over-recruitment has resulted from the orders of Lord Elgin's Government of 1896. The chief features of his method of calculation of the Indian Civil Service are: (1) the adoption of 20.56 per cent of the total number of the cadre instead of a previous percentage of 19.78 as the allowance to be made for officers on leave of all kinds; (2) the calculation of the required numbers of the inferior appointments on a ratio of 39 to 100 superior appointments instead of the previous ratio of 42.5 to 100; (3) as a result of (1) and (2) the calculations of total numbers at the rate of 194.5 to 100 superior appointments instead of 196.7 as hitherto. The reduction in the present numbers of the service which would be effected by these proposals has, mainly owing to two causes, been turned into the large increase of 44 officers in the scheme now submitted to me by Your Excellency in Council. The two causes are (1) the addition of large numbers of new appointments to the class of "superior appointments" which it has been held is justified on independent grounds; and (2) the new method of introducing into computation the numbers of appointments listed for the provincial service on the one hand and the number of appointments allowed of officers for service under the Government of India on the other.

5. With regard to the former, several of the new superior appointments and of appointments hitherto not classed as superior, are now submitted for my sanction for the first time. I see no reason for withholding my sanction to your proposals regarding these appointments, but I consider that it would be more appropriate and convenient that proposals regarding individual appointments should be submitted separately instead of being included in a despatch.

2
dealing with the general question of the strength and recruitment of the services and I request that in future this may be done.

6. With regard to the second cause above mentioned, it has been, as Your Excellency points out in paragraph 7 of your letter, the practice in calculating the number of superior appointments to neglect on the one hand the number of superior posts listed as open to the provincial service, and on the other the number of appointments under the Government of India held by officers withdrawn from the various provinces. The practice was adopted for convenience, as the numbers of the two classes of appointments were practically equal and balanced one another. This condition, however, no longer exists, as the Government of India now require officers to fill 62 superior posts, while the number of superior posts listed for the provincial service is only 50. Your Excellency in Council has now decided that the numbers of the two classes of appointments should be separately taken into the calculation of the number of superior appointments for each province. This is no doubt theoretically the correct method of dealing with the question.

7. I approve your general proposals, and I give my sanction to the addition to the list of superior appointments of the new appointments and the appointments hitherto not classed as "superior," referred to in your letter.

I have the honour to be,

My Lord,

Your Lordship's most obedient, humble servant,

MORLEY OF BLACKBURN.

340
No. 9.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

ESTABLISHMENTS.

To

THE RIGHT HONOURABLE VISCOUNT MORLEY
OF BLACKBURN, O.M.,

His Majesty's Secretary of State for India.

Calcutta, the 31st March 1910.

MY LORD,

WE have the honour to refer to the correspondence ending with Your Lordship's Public despatch no. 103, dated the 17th July 1908, and to report, as promised in our Home Department despatch no. 20, dated the 21st May 1908, the result of our quinquennial examination of the state and prospects of the Indian Civil Service which has been made in accordance with the instructions conveyed in Lord George Hamilton's despatch no. 83 (Public), dated the 24th July 1903. The result of the first examination of the state of the service made pursuant to these orders was reported in the despatch of Lord Curzon's Government No. 2 (Establishments), dated the 21st April 1904, and related to the position as it stood on the 1st July 1903. The second examination should have been undertaken as soon as the Civil Lists of the 1st July 1908 had been received; but, after the despatch of the 21st April 1904, had been issued, the data on which the recruitment of the Indian Civil Service was based, underwent revision at the hands of Mr. O. T. Barrow, C.S.I., and we considered it proper to postpone the submission of the second quinquennial examination until we should have laid before Your Lordship our final proposals for the constitution of the service arrived at, in consultation with local Governments, upon the basis of Mr. Barrow's revised calculations. These proposals took time to mature, and were finally submitted to you in our Establishments despatch no. 25, dated the 24th June 1909, to which Your Lordship has now communicated sanction in your Public despatch no. 9, dated the 4th February 1910.

2. It thus happens that the examination of which we now report the results, relates to the state of the service as it stood in the year 1909 instead of 1908, and we must here explain, further, that in regard to actual strengths and the emoluments drawn by officers, we have on this occasion adopted the statistics furnished by the Civil Lists of the 1st April 1909 instead of those of the 1st July. We consider that the former date more correctly exhibits the permanent position which officers have reached, since, on the latter date the number of officers absent on leave and holding officiating appointments is abnormally large and tends to obscure the true position.

3. In making the present examination we have borne in mind the principles and objects with reference to which the Indian Civil Service is recruited, as laid down in paragraph 3 of the despatch of Lord Curzon's Government, dated the 21st April 1904, but the task has been rendered somewhat complicated by the fact that, for the reasons given in our despatch of the 24th June 1909, we have found it necessary to propose considerable increases in the cadres of some provinces. We have therefore thought it desirable to base our calculations not only upon the state of the service as it stood on the 1st April 1909, but as it will stand on the basis of the proposals which have just been sanctioned. We have accordingly caused two tables (marked A and B) to be prepared, the former showing the calculations based on the sanctioned strength as it stood on the 1st

April 1909 and the latter showing similar figures based on the strength which has now been sanctioned by Your Lordship. We need only add that Mr. Barrow's calculations have shown that to 100 superior posts it is now required that there should be either present on duty or on leave 132.7 men of over eight years' service, 45.7 men between the third and eight years, and 16.1 men of the first and second years of service, making 194.5 men in all. The tables are as follows:—

Table A.

Provinces.	Total sanctioned strength on 1st April 1909.	Total actual strength on 1st April 1909.	Excess or deficiency.	MEN OVER 8 YEARS' SERVICE.			MEN FROM THE 3RD TO THE 8TH YEARS' SERVICE.			MEN OF THE 1ST AND 2ND YEARS.		
				Theoretical strength at 132.7 per cent of superior posts.	Actual number on 1st April 1909.	Excess or deficiency.	Theoretical strength at 45.7 per cent of superior posts.	Actual number on 1st April 1909.	Excess or deficiency.	Theoretical strength at 16.1 per cent of superior posts.	Actual number on 1st April 1909.	Excess or deficiency.
1	2	3	4	5	6	7	8	9	10	11	12	13
Madras	165	172	+7	112.8	129	+16.2	38.8	32	-6.8	13.6	11	-2.6
Bombay	167	(a) 178	+11	114.1	118	+3.9	39.3	47	+7.7	13.8	13	-.8
Bengal	175	178	+3	119.4	125	+5.6	41.1	34	-7.1	14.5	19	+4.5
United Provinces	231	(b) 236	+5	157.9	172	+14.1	54.3	44	-10.3	19.1	20	+9
Punjab	156	(c) 163	+7	106.1	109	+2.9	36.5	(d) 40	+3.5	12.9	14	+1.1
Burma	159	171	+12	115.4	99	-16.4	39.7	51	+11.3	13.9	21	+7.1
Eastern Bengal and Assam.	136	129	-7	92.8	89	-3.8	31.9	24	-7.9	11.2	16	+4.8
Central Provinces and Berar.	101	97	-4	69.0	67	-2.0	23.7	22	-1.7	8.3	8	-.3
TOTAL	1,300	1,324	+24	887.5	908	+20.5	305.3	294	-11.3	107.3	122	+14.7

(a) Excluding Mr. Robertson, permanently transferred to the Central Provinces, but including Messrs. Mules and Mackenzie, members of the Sind Commission.
 (b) Including Mr. Roberts, a member of the Oudh Commission.
 (c) Excluding Messrs. G. C. Walker, Assistant Financial Minister to His Highness the Nizam of Hyderabad, W. S. Talbot, Settlement Commissioner, Kashmir, and Colonel Dunlop-Smith, Private Secretary to His Excellency the Viceroy, who are not holding any cadre appointments; and five officers recruited for the North-West Frontier Province, but at present borne on the Punjab Civil List.
 (d) Excluding five officers recruited for the North-West Frontier Province.

Table B.

Provinces.	Total strength proposed in despatch no. 25, dated 24th June 1909, sanctioned in despatch no. 9, dated 4th February 1910.	Total actual strength on 1st April 1909.	Excess or deficiency.	MEN OVER 8 YEARS' SERVICE.			MEN FROM THE 3RD TO THE 8TH YEARS' SERVICE.			MEN OF THE 1ST AND 2ND YEARS.		
				Theoretical strength at 132.7 per cent.	Actual number on 1st April 1909.	Excess or deficiency.	Theoretical strength at 45.7 per cent.	Actual number on 1st April 1909.	Excess or deficiency.	Theoretical strength at 16.1 per cent.	Actual number on 1st April 1909.	Excess or deficiency.
1	2	3 (b)	4	5	6 (b)	7	8	9 (b)	10	11	12 (b)	13
Madras	175	172	-3	119.4	129	+9.6	41.1	33	-9.1	14.5	11	-3.5
Bombay	173	178	+5	118.1	118	-.1	40.7	47	+6.3	14.4	13	-1.4
Bengal	(a) 193	178	-15	126.0	125	-1.0	(c) 50.8	34	-16.8	(c) 15.8	19	+3.2
United Provinces	233	236	+3	159.2	172	+12.8	54.8	44	-10.8	19.3	20	+7
Punjab	156	163	+7	106.1	109	+2.9	36.5	40	+3.5	12.9	14	+1.1
Burma	171	171	...	116.7	99	-17.7	40.2	51	+10.8	14.1	21	+6.9
Eastern Bengal and Assam.	128	129	+1	94.2	89	-5.2	32.4	24	-8.4	11.4	16	+4.6
Central Provinces and Berar.	105	97	-8	71.6	67	-4.6	24.9	22	-2.7	8.7	8	-.7
TOTAL	1,344	1,324	-20	911.3	908	-3.3	321.2	294	-27.2	111.1	122	+10.9

(a) Including 8 inferior appointments added arbitrarily in paragraph 6 of despatch no. 25, dated 24th June 1909.
 (b) The figures in these columns are the same as in the same columns in table A.
 (c) Of the 8 inferior appointments added arbitrarily in paragraph 6 of despatch no. 25, dated 24th June 1909, of the 1st and 2nd years.

Table A shows that on the 1st April 1909 there was a total excess of 24 in a sanctioned establishment of 1,300. This is barely 2 per cent, and by the 1st July 1909 it had been reduced to 14, or one per cent. This comparatively slight error will be partially corrected by the adoption of the lower rate of decrement which has now been approved, and its practical effect will be nullified by the increase of establishment which has just been sanctioned, converting an excess of 24 into a deficit of 20. More important than the total excess is the excess in men of more than eight years' service, since this indicates the extent to which normal expectations of promotion are likely to be disappointed. Regarded from this point of view, the question is one which demands examination province by province, and with respect rather to the emoluments actually drawn than to the numerical distribution.

4. Treating the subject from this standpoint the actual facts as shown in the Civil Lists are briefly as follows:—

(i) In the Madras Presidency of the officers of over eight years' service (*i.e.*, those who arrived in 1900 and earlier years) present on duty, 11 officers, who should normally draw more than Rs. 1,000 a month, were actually drawing less than that sum, indicating that promotion there was unduly retarded. When effect is given to the reorganization of the Madras service, which was sanctioned in Your Lordship's despatch no. 156 (Public), dated the 26th November 1909, the position will be greatly improved, but it is possible that some officers of over eight years' standing may still draw a salary of less than Rs. 1,000. We propose, however, to defer, until the effect of the contemplated reorganization is apparent, the consideration of the need for any special measure of relief.

(ii) In the Bombay Presidency the officers of the ninth year of service who were present on duty were all acting as first assistants and were drawing a salary of Rs. 900 or less. Your Lordship will observe that in this Presidency five appointments of first assistant, the pay of which is Rs. 900, are treated as superior posts—an arrangement which is in itself anomalous. The material point for consideration in the case of the Bombay Presidency is therefore how far officers of the ninth year and over were worse off in the matter of emoluments than their contemporaries in other provinces. Judging from this standpoint, the Civil List, dated the 1st April 1909, showed that 11 officers of over eight years' service were drawing a salary of less than Rs. 1,000, but that, on the other hand, 6 officers below that standing were in receipt of more than Rs. 1,000. Thus in this Presidency a good case exists for raising the emoluments of five officers to the extent of the normal salary obtainable in other provinces. We think that the disadvantage from which they are suffering is due to the present anomalous arrangement under which five assistant collectorships of the first grade are treated for purposes of recruitment as superior posts. We would therefore be inclined, if the Government of Bombay desire it, to recommend to Your Lordship the creation of a special grade of assistant collectorships on Rs. 1,200 a month corresponding to the first grade of sub-collectors recently sanctioned for the Madras Presidency.

(iii) In Bengal of the officers over eight years' service present on duty 7 officers were on 1st April 1909 drawing less than Rs. 1,000 but as 2 officers below that standing were in receipt of more than that sum, the net result is that there were only 5 officers of over eight years' service who were necessarily drawing less than the normal salary. This condition coincides with the result arrived at in column 7 of table A, but a reference to the same column of table B will show that it will disappear when the Bengal cadre is revised in the manner approved in your despatch no. 9 (Public), dated the 4th February 1910. No special measure is therefore called for in

Bengal so far as promotion of officers to superior posts is concerned. We have, however, already proposed in the scheme which you have now approved in your Public despatch above cited to create eight more inferior appointments as a temporary measure, on the understanding that they shall be absorbed gradually as superior appointments are added to the cadre of this province. It becomes necessary, therefore, to provide for these inferior appointments in the existing grades of joint magistrates and we are making separate recommendations regarding the manner in which this should be carried into effect.

- (iv) In the United Provinces 13 officers over eight years' standing were drawing Rs. 1,000 or less on the given date, but of these two officers were holding the deputy commissionerships of Garhwal and Almora, which are treated as superior posts, and two officers of less than eight years' service were drawing over Rs. 1,000. The net number of officers, therefore, who ought to have been drawing superior rates of salary, but who were actually drawing less, was 9. There is, however, a deficit of 11 officers in three to eight years' period. The situation is thus much the same as in the Madras Presidency. We have carefully considered the question of affording relief by the grant of a certain number of personal allowances or other means, but upon consultation with the Lieutenant-Governor and in view of the opinion which was expressed in Mr. Holms' letter no. 1229,* dated the 21st May 1908, 18th March 1908, when the state of promotion in that province was much worse than it was on the 1st April 1909, we have decided that it is unnecessary to recommend any special measures of relief. We may add that none of the junior officers who are affected by the retardation of promotion are willing to accept a transfer to Eastern Bengal and Assam where promotion is exceptionally rapid.

- (v) In the Punjab six officers of over eight years' service were drawing less than Rs. 1,000 a month, and a reference to columns 7 and 10 of table A or B will show that the number both of men of over eight years' service and men of three to eight years' service was in excess of the normal, and that the position therefore is not likely to improve. We also forward, for Your Lordship's information, a copy of a letter from the Government of the Punjab, no. 269-S., dated the 25th May 1908, in which that Government has urged upon us the unsatisfactory state of promotion among the junior officers. Although we are unable to admit all the arguments contained in that letter, we nevertheless agree in the conclusion of the local Government that in respect of substantive pay some of the assistant commissioners are considerably worse placed than officers of similar standing in other provinces and we are addressing you separately on this subject.

- (vi) In Burma, not only were all the officers above eight years' standing drawing at least Rs. 1,233½ a month, but 16 officers below that standing were drawing more than Rs. 1,000 a month; the promotion in that province was thus better than the normal. It will be seen that the figures disclose an excess of 11 officers of three to eight years' service against a deficit of 18 officers of over eight years' service (columns 10 and 7 of table B). The present considerable deficiency in men of the latter standing is due to the creation in recent years of a considerable number of superior appointments owing to the rapid development of the province which, in turn, necessitated a correspondingly rapid increase to the number of men of junior standing. We recognize that the present rapidity of promotion will tend in future to decrease and will be followed by a period of comparatively slow promotion as the men of three to

eight years' service attain higher standing, but we do not apprehend any serious difficulty from this circumstance, as the deficit in men over eight years' standing is greater than the excess among those below eight and above three years' service.

- (vii) In Eastern Bengal and Assam no officer of the ninth or higher years of service was drawing less than Rs. 1,233½ a month while 12 officers below that standing were drawing Rs. 1,000 or more. The position thus is better than the normal.
- (viii) In the Central Provinces of the officers of over eight years' service, only two were drawing Rs. 1,000 or less. The position here is thus practically normal.

5. Your Lordship will observe from the above examination of the actual state of the Indian Civil Service in the various provinces and the rate of promotion received by officers in that service that on the whole our present system of recruitment has, so far, proved satisfactory. Further experience of its working is necessary before a final opinion can be reached, but a study of the tables in paragraph 3 of this despatch shows, we think, that the actual state of the cadres in most provinces corresponds fairly accurately with what they should be theoretically. Occasional excesses or deficiencies are of course apparent, due to the fact that the actual rate of decrement varies from the normal which is based upon the averages of a long period of years. It must also be remembered that prior to the introduction of the present method grave anomalies had occurred in several provinces, the effects of which are still felt. We see no reason to condemn the system on account of such variations as are now brought to light. Holding this view, we do not propose to discuss the question of a time-scale, which was suggested in Mr. Dewar's memorial forwarded to Your Lordship with our despatch no 20 (Establishments), dated the 21st May 1908. We are not convinced that a time-scale would solve the difficulties caused by uneven promotion and the matter is in any case one that would require very careful examination.

We have the honour to be,

MY LORD,

Your Lordship's most obedient, humble servants,

MINTO.

O'M. CREAGH.

H. ADAMSON.

J. O. MILLER.

G. FLEETWOOD WILSON.

S. P. SINHA.

B. ROBERTSON.

No. 106.

GOVERNMENT OF INDIA.

FINANCE DEPARTMENT.

SALARIES, ESTABLISHMENTS, Etc.,
Administration.

To

THE RIGHT HONOURABLE VISCOUNT MORLEY OF BLACKBURN, O.M.,

*His Majesty's Secretary of State for India.**Simla, the 5th May 1910.*

MY LORD,

WE have the honour to invite reference to our Home Department despatch No. 9 (Estabts.), dated the 31st March 1910, on the subject of the quinquennial examination of the state and prospects of the Indian Civil Service. In paragraph 4 (iii) of that despatch we informed Your Lordship that while no special measure appeared necessary in Bengal so far as promotion of officers to superior posts was concerned, we proposed to make a separate recommendation regarding the manner of distributing among the different grades of Joint Magistrates the eight inferior appointments, the creation of which was approved as a temporary measure in your Public despatch No. 9, dated the 4th February 1910.

2. In submitting for your consideration the following proposal with the above object, we desire also to take the opportunity to recommend that a slight defect in the existing grades of Joint Magistrates in Bengal should be corrected. Your Lordship will observe from line (4) of the table in paragraph 8 of our despatch dated the 24th June 1909, that, while theoretically the Bengal service should have 37 inferior cadre appointments (*i.e.*, Joint Magistrates, first and second grades, and special inferior posts such as those of the Under Secretaries) it has in fact only 35 such appointments, *viz.*, 3 Under Secretaries on Rs. 1,000, 20 Joint Magistrates, 1st grade, on Rs. 900, and 12 Joint Magistrates, 2nd grade, on Rs. 700. The number of appointments in the 1st grade of Joint Magistrates, being already considerably in excess of the proportion allowed in other provinces, we recommend that the two appointments required to rectify the present defective grading should be added to the second grade and that the eight temporary appointments should also be added to the same grade, the latter appointments being absorbed gradually as new superior appointments are created. With reference to paragraph 11 of our despatch dated the 24th June 1909 we would observe that, as no necessity has been established for creating new superior appointments, we see no reason to introduce a special grade

of Joint Magistrates on Rs. 1,200 as proposed in paragraph 13 of the letter from the Government of Bengal, No. 1354-A., dated the 20th February 1907 which formed enclosure No. 9 of our despatch No. 25, dated the 24th June 1909. The financial effect of our proposals as shown in the enclosed proposition statement is an increased expenditure of Rs. 6,000 a month of which only Rs. 400 a month is permanent and Rs. 5,600 a month temporary. We trust that these proposals will meet with Your Lordship's approval.

We have the honour to be,

MY LORD,

Your Lordship's most obedient, humble Servants,

(Signed) MINTO.

" O'M. CREAGH.

" H. ADAMSON.

" J. O. MILLER.

" S. P. SINHA.

" B. ROBERTSON.

No 107.

GOVERNMENT OF INDIA.

FINANCE DEPARTMENT.

SALARIES, ESTABLISHMENTS, Etc.
Administration.

To

THE RIGHT HONOURABLE VISCOUNT MORLEY OF BLACKBURN, O.M.,

His Majesty's Secretary of State for India.

Simla, the 5th May 1910.

MY LORD,

IN paragraph 4 (v) of our despatch in the Home Department, No. 9 (Estabts.), dated the 31st March 1910, regarding the quinquennial examination of the state and prospects of the Indian Civil Service, we informed Your Lordship that the state of promotion among junior members of the Punjab Commission was unsatisfactory and that we would address you separately with a view to improving their position, which is considerably worse than that of officers of similar standing in other provinces. We have now the honour to submit for Your Lordship's consideration the following proposals on the subject.

2. In its letter No. 269-S., dated the 25th May 1908, a copy of which was forwarded to Your Lordship with our despatch of the 31st March 1910 above referred to, the Government of the Punjab, in order to remedy the existing unsatisfactory state of promotion in the commission suggested (1) that officers of over eight years' standing other than those holding Secretariat posts who are ordinarily drawing less than Rs. 1,166½ a month should be granted personal allowances to bring their salaries up to the above figure, and (2) that the number of assistant commissionerships of the first grade should be increased by two. We do not agree with the local Government that the existing state of officiating promotion to superior posts is so abnormal as to call for the grant of personal allowances. On the other hand, having regard to the present defective grading of the assistant commissioners, we think that its proposal to increase the number of the assistant commissionerships of the first grade by two only fails entirely to meet the requirements of the case. Your Lordship will observe from line (4) of the table in paragraph 8 of our despatch, dated the 24th June 1909, that the theoretical number of inferior cadre posts in the Punjab, *i.e.*, the number of assistant commissionerships of the first two grades and of inferior Secretariat posts, should be 31. The actual number of such posts is now only 22* as shown on the margin. This deficiency among the assistant commissioners of the higher grades tells heavily upon the junior members of the service and we propose to remedy it by substituting nine assistant commissionerships of the first two grades in the place of an equal number of assistant commissionerships of the third grade; and we recommend that as the existing

	Rs.
* 2 Under Secretaries on ...	1,000
8 Assistant Commissioners, 1st grade, on ...	900
12 Assistant Commissioners, 2nd grade, on ...	700

grading is much less liberal than in other provinces, these nine posts should be placed in the proportion of six in the first and three in the second grade. The number of assistant commissioners of the first and second grades will then become 14 and 15 respectively. The extra cost involved in the proposal is Rs. 3,000 a month or Rs. 36,000 a year as shown in the enclosed proposition statement. We solicit Your Lordship's approval of this proposal.

We have the honour to be,

MY LORD,

Your Lordship's most obedient, humble Servants,

(Signed) MINTO.

„ O'MOORE CREAGH.

„ H. ADAMSON.

„ J. O. MILLER.

„ S. P. SINHA.

„ B. ROBERTSON.

India Office, London,

29th July 1910.

Public,

No. 90.

To His Excellency the Right Honourable the Governor-General of India in Council.

MY LORD,

I have considered in Council the letter of Your Excellency's Government in the Home Department, No. 9, dated 31st March 1910, in which you report the result of the second quinquennial examination of the state and prospects of the Indian Civil Service, and the further letters of Your Excellency's Government in the Finance Department, Nos. 106—107, in which you submit recommendations in regard to the cadre of the service in Bengal and the Punjab respectively.

2. Taking the 1st April as the test date, since the state of the service at that time is less affected by the absence of officers on leave and the consequent officiating arrangements than is the case on 1st July, the date on which the previous examination was based, you have considered the position in each province, and have arrived at the conclusion that in five provinces, *viz.*, Madras, the United Provinces, Burma, Eastern Bengal and Assam, and the Central Provinces, no special measures of relief are called for. I agree with Your Excellency that this result indicates that the present system of recruitment is on the whole satisfactory, and that proposals for the introduction of a time scale of pay need not be further considered at present.

3. Turning now to the remaining provinces, in which the position is not so satisfactory, I notice that you are prepared to consider favourably the creation of a new grade of Assistant Collectors in the Bombay Presidency. I trust that, if you decide to submit such a proposal, you will furnish me with full information to enable me to judge whether the evils to be remedied are of a permanent and serious character. As regards Bengal, the main question to be decided is the manner of distributing among the different grades of Joint Magistrates the eight inferior appointments which were sanctioned, to meet immediate administrative requirements, in my Despatch, No. 9 (Public), of 4th February 1910. In your letter, No. 106, of 5th May, you propose to include them in the lower grade of Joint Magistrates on Rs. 700 a month. I accept your recommendation in this respect, and I also agree to the transfer of two posts of Assistant Magistrate on Rs. 500 a month to the grade of Joint Magistrate on Rs. 700 a month, as being in accord with the actuarial calculations on which the Civil Service cadres are organised.

4. As regards the Punjab, you point out, in your letter, no. 107, of the 5th May last, that whereas, according to the accepted method of calculation, there should be in the commission 31 inferior cadre posts (Assistant Commissionerships, first and second grade, and Under Secretaryships), there are actually only 22. This deficiency leaves the junior members of the service in an

360

2

unsatisfactory position as regards promotion, and you propose to remedy it by substituting six Assistant Commissionerships of the first grade and three of the second grade for nine of those at present existing in the third grade. I accept this proposal, which is in accordance with the standard principles for regulating the strength of the Service.

I have the honour to be,

MY LORD,

Your Lordship's most obedient, humble Servant,

MORLEY OF BLACKBURN.

361

No. 108.

GOVERNMENT OF INDIA.

FINANCE DEPARTMENT.

SALARIES, ETC.
Indian and Provincial Civil Services.

To

THE MOST HONOURABLE THE MARQUIS OF CREWE, K.G.,

His Majesty's Secretary of State for India.

Simla, the 9th May 1912.

MY LORD MARQUIS,

IN paragraph 4 (ii) of their despatch No. 9-Est., dated the 31st March 1910, Lord Minto's Government commented on the unfavourable situation, with regard to promotion, of junior officers of the Indian Civil Service in Bombay, and Lord Morley, in his despatch No. 90-Public, dated the 29th July 1910 asked to be furnished with full details of any scheme which might be designed to improve their prospects. We have now the honour to submit to Your Lordship, in continuation of this correspondence, our proposals for the constitution of a new grade of Assistant Collectors on Rs. 1,200 in that Presidency.

2. Under the system of recruitment for the Indian Civil Service on a scientific basis, which was sanctioned in Lord Morley's despatch No. 9-Public, dated the 4th February 1910, the number of inferior posts in Bombay should be 35, as set out in paragraph 8 of the despatch of Lord Minto's Government, No. 25, dated the 24th June 1909; and, as there are no special inferior cadre appointments in that province, the number of First and Second Assistantships, ranking as inferior appointments, should be the same. On this assumption, recruitment has proceeded, but in fact two serious anomalies exist in the constitution of the cadre, which have very materially affected the prospects of promotion of the junior members of the service.

3. In the first place, in accordance with a practice which originated in 1898, as explained in paragraph 10 of the Government of India's despatch No. 86, dated the 10th November 1898, five appointments of First Assistants are treated, for purposes of recruitment, as 'superior' posts, although the pay attached to them is only Rs. 900. Secondly, of the 35 existing appointments, only 32 are held by members of the Indian Civil Service, whilst the remaining three represent listed posts of Assistant Judge, which are held permanently by members of the Provincial Civil Service. As a consequence the Indian Civil Service has in Bombay eight fewer inferior cadre appointments than would normally be the case.

4. The fundamental principle, upon which the present system of recruitment is based, is that, after eight years' service, an officer should be drawing permanently a salary of over Rs. 1,000, but the statement given in the local Government's letter of the 29th May 1911 regarding the salaries drawn at the beginning of each quarter by officers of over and under eight years' service, who were present on duty, shows how far facts have become divorced from theory, in this respect, in the Bombay Presidency. It appears also that during the period from 1901 to 1910 eleven officers on an average drew pay of only Rs. 500 a month, although in accordance with the accepted standards, they should have officiated in inferior appointments as Second or First Assistants. Your Lordship will further observe from a perusal of the Bombay Civil List dated the 1st January 1912, that there are officers, who have completed ten years' service, but who have not yet received permanent appointments as Second Assistants on Rs. 700 a month, being still ranked as Assistant Collectors in the Rs. 500 grade, and drawing salaries, including acting allowance, of Rs. 765 a month. We think that any comment on these figures is unnecessary, and that it is proved that the evil to be remedied is both serious and permanent, since it is due not to transitory causes, such as over-recruitment in the past, or the failure of senior men to retire, but to permanent defects in the constitution of the cadre.

5. In their letter No. 5144, dated the 29th May 1911, and their telegram No. 2844, dated the 20th March 1912, of which we enclose copies, the Bombay Government have submitted their proposals for rectifying these anomalies and placing the service on a proper footing. They recommend that the five appointments of First Assistant Collector, which are, by a fiction, counted both amongst the 89 'superior' and the 35 'inferior' posts of the cadre, should now in fact be made really 'superior' by the constitution of a new grade of five First Assistants on Rs. 1,200 a month, such as Your Lordship sanctioned in 1909 for the Madras Presidency. They recommend further that this reform should be carried out without diminution in the real number, 35, of inferior appointments of Assistant Collector on Rs. 900 and Rs. 700 a month, to be held by members of the Indian Civil Service, to which they are entitled in accordance with the accepted ratio of 39 per cent. In other words, whilst on the one hand a fresh grade on Rs. 1,200 would be formed, on the other, the three posts of Assistant Judge reserved for the Provincial Civil Service, would be in addition to the 35 inferior posts to be held by the Indian Civil Service and would be added to the new grades of Second and Third (now styled First and Second) Assistants, in order that the pay of the incumbents may be regulated on the same basis as at present. These recommendations have our full support, and we would also maintain the existing rule regarding these listed posts, which provides that an Assistant Judge shall be appointed at the bottom of the present grade of Second Assistants and shall rise with his contemporaries of the Indian Civil Service, but that not more than two such officers shall be included in the First (proposed Second) grade at any one time.

6. It follows, if these proposals commend themselves to Your Lordship, that the new grades of Second and Third Assistant Collectors should contain 3 appointments in all, inclusive of the three listed posts, which may suitably be provided for by the addition of two posts to the present number in the Rs. 900 grade, and of one to the grade on Rs. 700. One of these 38 appointments

will be held by a Statutory Civilian, Mr. N. B. Divatia, until his retirement. The present and proposed cadres of inferior posts will then compare as follows:—

<i>Present.</i>		<i>Proposed.</i>	
	Rs.		Rs.
17* First Assistant Collectors on	900	5 First Assistant Collectors on	1,200
18* Second Assistant Collectors on	700	19* Second Assistant Collectors on	900
5 Assistant Collectors on	500	19* Third Assistant Collectors on	700

* Includ-
ed pos-
ant Judge

The additional cost involved in the scheme will amount to Rs. 59,292 a year, as shown in the proposition statement attached. The expenditure will be met by the local Government without any Imperial subvention, and we trust that these proposals may receive Your Lordship's approval.

We have the honour to be,

MY LORD MARQUIS,

Your Lordship's most obedient, humble Servants,

(Signed) HARDINGE OF PENSHURST.

" O'MOORE CREAGH.

" G. FLEETWOOD WILSON.

" R. W. CARLYLE.

" HARCOURT BUTLER.

" S. A. IMAM.

" W. H. CLARK.

" R. H. CRADDOCK.

FROM

THE HON'BLE MR. M. W. FENTON, C.S.I., I.C.S.,

Chief Secretary to Government,

Punjab and its Dependencies

TO

THE SECRETARY TO THE GOVERNMENT OF INDIA,

HOME DEPARTMENT

Dated Simla, 20th September 1911

Home.

Gazette.

SIR,

I AM directed by the Lieutenant-Governor to forward, for the favourable consideration of the Government of India, the memorials detailed in the annexed list which have been submitted by members of the Indian Civil Service and Military Officers serving in the Punjab Commission. The majority of these memorials assert—

- (1) that officers serving in the Punjab Commission receive on the average smaller salaries than members of the Indian Civil Service holding corresponding appointments in other Provinces of India;
- (2) that owing to the effects of plague, the rapid extension of the Canal Colonies, increased army recruiting and a general rise of prices, and other causes, the cost of living has immensely increased since the present rates of pay were fixed; and
- (3) that owing to the method of recruitment adopted in the past there is a severe block of promotion; and that this block must become more and more intense because for some years very few officers may, or must, retire; the estimated number of compulsory retirements in the next seven years being 11 only.

The prayer of the memorialists is that something be done to improve the pay and prospects of members of the service.

2. It will be seen from the annexed list that the officers who have submitted these memorials are not only those of junior rank who have failed to reach superior appointments in the normal time and are thus suffering from a block of promotion. The list also includes some officers of senior standing who hold superior posts who can hardly be said to have suffered as yet from any block in promotion. Their complaint is that the pay of these posts is insufficient and less than that of similar posts in other provinces.

3. Now, memorials of this nature proceeding from members of the Indian Civil Service belonging to one Province may be founded on grievances some of which are common to the Covenanted Civil Service throughout India, and there is always the risk that any representation of such grievances emanating from a single Province may meet with rejection on the ground that in the absence of similar representations from other Provinces evidence is wanting

that the grievances are so substantial as to call for redress. Sir Louis Dane is not aware whether the pressure and embarrassments caused by the increased cost of living, rise in wages and prices, enhancement of steamer passage fares to Europe, and of railway fares in India which make transfers so costly, and other similar developments, have led to representations from the Civil Service of other Provinces. Such causes however have, he understands, necessitated the introduction of measures for the improvement of the pay, pensions and prospects of the Military, Public Works, Police, Education, Forest and other services; and the recent adoption of a time scale scheme of pay for the Political Department has, His Honour believes, been found necessary in consequence of the same adverse conditions. Assuming that the original assignment to the Indian Civil Service of pay and salary, fixed in consideration of the greater importance of its duties at rates substantially higher than those of the services mentioned, has not ceased to be justifiable, the logic of the situation requires that the measures of relief found necessary for the well-being of the other services should, in so far as they have been necessitated by causes equally affecting the Indian Civil Service, be extended to that service, not only as a measure of justice but also to secure that the original recognition of its superior importance shall be maintained and its attractiveness from the recruiting point of view continue undiminished. Beyond mentioning these general considerations the Lieutenant-Governor does not propose to dwell on such causes of the discontent manifested in the present memorials as are common to the service as a whole throughout India. He would only indicate as possible remedies which could be made applicable to the whole of the Civil Service—

- (1) the introduction of a time scale as in the Political Department;
- (2) the adoption, in the case of transfers, of rates of travelling allowance which would save officers from the heavy loss which under existing regulations is so often entailed in such cases;
- (3) the abolition of the 4 per cent deduction which is made from the salary of members of the Indian Civil Service and not, it is believed, from the salaries of any other service. In this connection His Honour would refer to the following extract from the letter of the Secretary to the Government of India, Financial Department, No. 2229, dated 29th December 1881:—

"13. A fourth improvement, which may be easily effected in the course of a general re-gradation of emoluments, is the abolition of the system of deducting 4 per cent from the salaries of all Covenanted Civilians as a contribution towards pension. This deduction was necessary as long as the several services maintained semi-private Annuity funds under a contract with the State, but has ceased to have use or meaning since these Funds and their obligations were taken over by Government in 1875 and 1876. The deductions are now an unnecessary complication in the accounts, while the system continues to have the evil effect of unduly swelling the nominal amount of civil salaries, and misleading the general public, who almost universally suppose that a Covenanted Civilian gets a pension of £1,000 a year in addition to the full salary shown opposite his name in the Civil Lists. The measure has already been applied by the Secretary of State in the case of Members of Council and Judges of the High Courts, and His Excellency the Governor-General in Council considers that an excellent opportunity is now offered for its general application."

Now that pensions are payable after 25 years' service to the Forest, Public Works and many other services, and an improved scale of pensions for the Army with smaller pensions for even shorter periods of service is under consideration, while the Police are petitioning for a full pension after 25 years' service, it is clear that the Indian Civilian, who is older than men of most other departments when he enters the service after a much more expensive training, is not only no longer much better off as regards pension than they are, but, allowing for the deductions from his salary and his expectation of life on retirement, may even be not so well off. The grounds therefore for a remission of this 4 per cent deduction are much stronger now than when the above letter was written in 1881.

4. Coming now to the grievances contained in the present memorials which are special to the Punjab, the Lieutenant-Governor understands that the unsatisfactory position as regards pay and prospects of the Civilians in this Province is considered by the memorialists as due to—

- (1) salary rates having been fixed below the scale in force elsewhere;
- (2) over-recruitment;
- (3) specially high cost of living in the Punjab.

The case of the Military officers in the Punjab Commission who have submitted memorials need not be separately treated, as they have always been accorded the same treatment as Civilian members of the Commission, and inasmuch as no deduction for pension is made from their salaries, they are in a sense more highly paid.

5. That the financial position and prospects of certain ranks in the Punjab Commission are unsatisfactory is easily demonstrated. The Government of India in the correspondence of 1898 have enunciated, and the Secretary of State has accepted, the principle that an officer after he has completed eight years of service should find himself officiating with practical permanency in a 'superior' appointment, a superior appointment being defined as one which carries pay in excess of Rs. 1,000. Applying this test to the Punjab Commission as it stood on 1st April 1911, which may be regarded as the date on which conditions of tenure of appointments are most normal, it will be found that there were no less than 10 officers with over eight years of completed service whose pay fell short of or did not exceed Rs. 1,000. In Madras, Bengal, Eastern Bengal, Burma and the North-West Frontier Province all Civilians of eight years' service and upwards, excluding those on leave, were on 1st April 1911 drawing pay in excess of Rs. 1,000. In Bombay, the United Provinces and the Central Provinces there were seven, nine and three officers respectively of over eight years' service whose pay did not exceed the above figure. In no Province therefore were the conditions so unfavourable as in the Punjab. Such a position is admittedly unsatisfactory, and accounts for the discontent which prevails not only among the officers who have failed to attain to the standard referred to above, but also among their juniors, who foresee a gradually diminishing prospect of reaching it.

6. There is also discontent among another class of officers—those who, having reached superior posts, either on a permanent or a quasi-permanent tenure, find that the emoluments of such posts are substantially below those attached to similar posts, with similar duties and responsibilities, in other parts of India, which are held by officers of the same service recruited in the same way, mostly contemporaries or juniors, without any apparent title to a position of preference over their *confrères* in the Punjab.

7. It is doubtless the case that the Government of India have never expressly committed themselves to the principle that rates of pay and salary shall be the same in each Province, but it is obvious that there are distinct advantages in equality of conditions and that inequality inevitably, and not unnaturally, results in discontent. In all other Indian services, His Honour understands, the principle of equality as between the salaries at aching to similar posts in several Provinces has in the main been observed. The arguments for equality in the case of the ordinary grades of the Civil Service have been well set forth in the following passage from a minute by Sir Theodore Hope, dated 16th November 1881, which is reproduced here for facility of reference. These arguments are no less cogent now than 30 years ago:—

"30. No arguments are necessary in advocacy of such graduation as will ensure regular promotion. The case in favour of similar pay for similar duty in different Provinces is equally good, though not so clear on the surface, because a similar official designation does not always imply exactly similar work or responsibility. For instance, Collectors in Madras and Bombay have a very different position from Collectors in Bengal working the permanent settlement, and a Bombay Commissioner fills the position elsewhere occupied by the Commissioner and the Board of Revenue combined. It may, no doubt, be held that our salaries in different Provinces should each be considered as a distinct group, and that as long as a man passing through one group during his Indian career is, on the whole, about as well off in the end as a man passing through another group, there is

...done, and no need for assimilation of pay to duty throughout. This is mathematically true, but practically unsatisfactory, for the man in one group who, at a particular stage, gets less than a man doing similar work in another group, believes himself to be aggrieved. As a matter of fact, however, no such equality exists between our several provincial groups, but differences, which are, in some cases, glaring. It has also been contended that, admitting these differences, they are justified by the different advantages as to climate, advancement, &c., which the Provinces present, and the recognition of these advantages by the labour market, evidenced, for instance, by the selection of the Punjab by recruits, notwithstanding the lower salaries it offers. I venture to think, however, that the differences of climate, &c., are overrated, and the drawback of lower emoluments imperfectly understood. Since the development of railway communication, the difference between good and bad stations has been greatly reduced; it is also debateable whether the officer stationed at Lahore or Multan, with the Himalayas in view, is much better off than the officer in Bombay, who can reach them in three days, or get either to his own hills, or on boardship for England, in 24 hours; and as to emoluments, we have no lack of complaints on that score from officers in the Punjab. Be all this as it may, however, a new element, destructive of the group theory in its entirety, has appeared in the authoritative ruling of the Secretary of State (see paragraph 6, clause 6th), that an officer is bound to serve wherever the Government at any period of his career requires him to go. An officer, consequently, who has been passing through ill-paid stages of the 'group' of one Province may, just as he is reaching the good stages to which he has been looking forward, be summarily transferred to the ill-paid stages of another group. Interprovincial transfers are rapidly becoming common; and the Government of India have now before them the memorial of one officer who shows very material loss experienced through a transfer of this kind. What I submit therefore is that similar pay should now be given for similar work in all the ordinary grades—say up to, and including, a Collectorate and a Judgeship. Above that, equalisation will be more difficult, owing to the differences of administrative organization to which I have referred; but it will also be less necessary, since a balance of advantages can be secured more easily than in the mass of appointments below. As to cost of graduation and equalisation, several circumstances, such as the reorganisations imminent in Madras, the Punjab, and Oudh, combine at the present moment to render it inconsiderable. Regarding objections likely to be made by officers concerned, I beg to refer to the remarks further on in paragraph 37. There is, I consider, no practical difficulty in the general and equitable application of the two measures, provided a sufficient knowledge and a careful consideration of Provincial circumstances be brought to bear."

8. Sir Louis Dane believes that if the history of the lower salary scales, which have always prevailed in the Punjab, be traced it will be found that owing to the fact that at Annexation the Commissionerships and headships of districts were filled by the transfer of comparatively junior men from the Civil Service of the Agra Province, and by the recruitment of Military Officers, the assignment to these posts of salaries materially lower than those attached to the corresponding appointments of the Regulation Provinces involved at the time no disadvantages to the officers selected to hold them. On the contrary, the rates of pay attached to the new posts meant substantial promotion for the officers in question. The terms "Regulation" and "Non-Regulation" applied to Provinces nowadays possess none of their original connotation. The Punjab no less than the United Provinces and Bengal is subject to statutory law, and the recruitment of Military and Uncovenanted officers for the Punjab Commission has now been stopped for some years. In any case, there is no justification for making use of the term "Non-Regulation" as a pretext for denying to Civil Service officers appointed to the Punjab treatment in the matter of pay and prospects equal to that enjoyed by members of the service appointed to the so-called Regulation Provinces.

9. It would overload the present reference to attempt a comparison of rates of pay with those in force in all the other Provinces of India. It is not contended that the other Non-Regulation Provinces—Burma and the Central Provinces—possess any substantial advantage over the Punjab, though at the present time the block in promotion is in them not so severe. Their services, equally with those of this Province, and doubtless for similar historical reasons, have suffered from low rates of pay and from the Non-Regulation stigma which seems to have operated to maintain such inferiority. It is with the United Provinces of Agra and Oudh that the comparison in the case of the Punjab should be made, and this for several reasons. Those provinces adjoin the Punjab, and local conditions are therefore more approximate than those of other parts of India. Both belong to the Bengal Presidency. The Punjab Commission, as above stated, was originally recruited from the Agra Province. But especially does the case for

equality of treatment rest on the circumstance that in the distribution of the successful Indian Civil Service competitors among the several Presidencies and Provinces of India, the Punjab and the United Provinces are with the Central Provinces included in one block, and it is often very much a matter of luck or accident to which of the first two a candidate is ultimately assigned.

10. The Lieutenant-Governor does not in the present reference propose to advocate any general measures affecting the Judicial branch of the service in this Province. There have recently been made to the Government of India proposals for a reorganization of appointments in that branch, which if sanctioned will fix a salary rate of Rs. 1,666½ per mensem as the lowest rate of substantive pay attaching to a Judgeship in substitution for the rate of Rs. 1,500 at present obtaining. This substitution will benefit not only the existing District Judges but also officiating officers who have heretofore drawn officiating pay calculated on the lower rate above mentioned. The Judicial branch moreover includes in the ordinary line two grades, of Rs. 2,750 and Rs. 2,500 respectively, which compare favourably with the rate of Rs. 2,250 for 1st grade Deputy Commissioners. For the reasons mentioned in paragraph 12 following the Judicial branch of the service is not in need of any betterment in its higher grades. Hereafter it may be found desirable to carry out a re-grading of the several grades with a view to equalise more nearly the number in each grade, in accordance with the system in force in other Provinces; and if the proposal made in this letter to alter the pay of the Rs. 1,800 executive grade to Rs. 1,833½ is sanctioned, the corresponding judicial grade might for the sake of symmetry be similarly treated. But in His Honour's opinion the Executive branch of the Commission and the general line below the rank of Deputy Commissioner and Judge have the first claim on any funds which may be available for relief measures. The proposals in the present letter accordingly leave the Judicial branch untouched except in the matter of the small increase in the pay of the Rs. 1,800 grade above adverted to.

11. The disadvantage at which Civilians in the Executive branch in the Punjab stand as compared with their contemporaries in the United Provinces is twofold. Firstly, the proportion of appointments in the higher grades in the case of the headships of districts is much larger in the latter Provinces. The numbers are—

Grade.						United Provinces.	Punjab.
1st Grade	...	...	...	...	...	19	10
2nd Grade*	...	...	...	...	...	21	11
3rd Grade†	...	...	...	...	...	10	13

* Includes in the United Provinces Deputy Commissioners, 1st Grade.

† There are no Collectors or Deputy Commissioners, 3rd Grade, in the United Provinces, where this grade consists of Deputy Commissioners, 2nd Grade.

This disadvantage affects not only the permanent incumbents of the three grades, but is even more markedly prejudicial to the interests of officiating officers. If the percentage of appointments in each grade were assimilated to the United Provinces figures the grading in the Punjab would be—

1st Grade	...	...	...	...	...	13
2nd Grade	...	...	...	...	...	14
3rd Grade	...	...	...	...	...	7

The following table exhibits the rates of pay enjoyed by Civilians in the two Provinces in those cases in which differences exist. Perhaps the most serious disadvantage under which Punjab Civilians labour is that indicated by the entry in the table of officiating appointments relating to Assistant Collectors, 2nd Grade, officiating as Magistrates and Collectors, and Grade. On 1st July

1911 there were in the United Provinces 11 officers so officiating on a salary of Rs. 1,455-8-10. There were on that date no Assistant Commissioners of the 2nd Grade in the Punjab officiating in the 2nd Grade of Deputy Commissioner, nor does it ever happen that Assistant Commissioners of the 2nd Grade officiate in a higher grade of Deputy Commissioner than the 3rd. It may therefore be said that the Civilian in the United Provinces in the Rs. 700 grade—the grade in which the effects of the present block of promotion in the Punjab are at the present time most felt—draws on the average Rs. 220 per mensem more than his contemporary in the Punjab when officiating in a district charge:—

Table showing the difference in the rates of pay for corresponding appointments in the United Provinces and in the Punjab respectively.

Nature of appointment.	PAY OF APPOINTMENT.	
	United Provinces.	Punjab.
I.—PERMANENT APPOINTMENTS.		
Commissioner	Rs. A. P.	Rs. A. P.
Collector, 2nd Grade, and Deputy Commissioner, 1st Grade	2,916 10 8	2,750 0 0
Deputy Commissioner, 2nd Grade	1,833 5 4	1,800 0 0
Deputy Commissioner, 2nd Grade	1,666 10 8	1,500 0 0
" " 3rd "	1,000 0 0	900 0 0
Joint Magistrate, 1st Grade	800 0 0	No corresponding grade.
Assistant Commissioner, 1st Grade... ..	3,500 0 0	3,450 0 0
Assistant Commissioner, 1st Grade... ..	2,833 5 4	2,750 0 0
II.—OFFICIATING APPOINTMENTS.		
Commissioner, officiating in Board of Revenue	1,555 8 10	1,500 0 0
Collector or Deputy Commissioner, 1st Grade, officiating as Commissioner,	1,444 7 1	1,300 0 0
Joint Magistrate, 1st Grade, officiating as Collector, 2nd Grade, or as Deputy Commissioner, 1st Grade	1,455 8 10	Does not occur.
Assistant Commissioner, 1st Grade, officiating as Deputy Commissioner, 2nd Grade	1,344 7 1	1,233 5 4
Joint Magistrate, 1st Grade, officiating as Deputy Commissioner, 2nd Grade		
Assistant Commissioner, 1st Grade, officiating as Deputy Commissioner, 3rd Grade		
Assistant Collector, 2nd Grade, officiating as Collector, 2nd Grade.		
Assistant Collector or Assistant Commissioner, 2nd Grade, officiating as Deputy Commissioner.		
Assistant Commissioner or Collector, 3rd Grade officiating as Deputy Commissioner.		

12. With regard to the inferiority in the rate of pay of Punjab Commissioners, as compared with those in force in the United Provinces, and in the Regulation Provinces generally, His Honour can only refer to what he has

* *Vide* Punjab Government letters Nos. 570-S., dated 6th June 1908, 2879-S., dated 21st September 1908, 2602-S., dated 26th September 1910 (paragraph 14), and 116, dated 31st January 1911.

already said on the occasions* on which he has endeavoured to induce the Government of India to remedy this regrettable and glaring inequality. It is particularly

requested that this correspondence may be referred to in the present connection and be read with this letter. One point, however, was not prominently brought to notice in the correspondence. The pay of the 1st Grade of Divisional Judge in the Punjab is now the same as that of Commissioners. It would be out of the question to reduce the pay of the Judicial officers, which is below the pay of the corresponding grade in the United Provinces, Bengal, Eastern Bengal and Madras. But it is just as essential now as it was in 1884 that the pay of Commissioners should exceed that of the 1st Grade of Divisional Judges. The following extract from this Government's letter No. 59 S., dated 12th April 1884, gives the opinion of Sir Charles Aitchison on this question, an opinion which was concurred in at the time by the Governor-General in Council and which led to the fixation of Commissioners' pay at a rate somewhat above that of the 1st Grade of Divisional Judges as then sanctioned:—

"5. * * * * It was never the intention either of the Committee or of the Lieutenant-Governor that Judges and Commissioners should be paid at the same rate; and with a scale of pay at the rate of Rs. 2,500 for Judges it is in his opinion absolutely essential that the pay of Commissioners should be raised. The Commissioners are practically the representatives of Government within their Divisions. Their expenses are necessarily much heavier than those of Judges, who have not the same social and miscellaneous calls upon them. Unless the pay of the Commissioners is raised the Lieutenant-Governor foresees very serious inconvenience to the Administration."

Sir Louis Dane has already pointed out that these reasons for paying a Commissioner at a higher rate than a Divisional Judge still hold good, and he trusts that on a review of the broader issues raised in this reference the question of the rate of salary of Commissioners in the Punjab may be reconsidered, and that this reform which he has so often advocated may at length be sanctioned.

13. Coming now to Deputy Commissioners it will be seen that in order to equalise conditions with those which obtain in the United Provinces it will be necessary—

- (1) to raise the pay of 2nd Grade Deputy Commissioners from Rs. 1,800 to Rs. 1,833½;
- (2) to raise the pay of 3rd Grade Deputy Commissioners from Rs. 1,500 to Rs. 1,666⅔;
- (3) to effect a redistribution of the numbers in each grade.

14. The above alterations in the pay rates are recommended by the Lieutenant-Governor for sanction. The monthly rates work out to the round sums of Rs. 22,000 and Rs. 20,000 per annum. The rate of Rs. 1,666⅔ per mensem for 3rd Grade Deputy Commissioners will moreover correspond with the same rate already proposed to the Government of India as the salary for the lowest grade of District and Sessions Judge. Equality in this direction is for many reasons desirable.

15. As to redistribution of numbers within the grades, if the Government of India are indisposed to adopt the United Provinces percentages, it is hoped that at least some amelioration of the present unfavourable position may be sanctioned. The United Provinces percentages, as already noted, would give a grading of 13, 14 and 7 for the 34 Punjab Deputy Commissioners. In the Lieutenant-Governor's opinion the numbers should be not less favourable than

16. If remedial measures on the above lines are approved, His Honour will not press for the substitution of Rs. 1,000 for Rs. 900 for the 1st Grade of Assistant Commissioners, or for the introduction of a grade of Rs. 800 as in the United Provinces. The Rs. 1,000 grade, it is believed, does not exist in any other Province in India except the United Provinces.

17. The present reference is concerned only with the question of ameliorating the position of members of the Punjab Commission as a whole, and attention is therefore focussed on the pay and prospects of what may be called the ordinary line. Many extraneous conditions affect the numerous special appointments which are found in every Province. It would be inappropriate in the present letter to make proposals for altering the pay rates of such appointments in the Punjab without entering into full details regarding the special conditions of each. To attempt to do so would unduly overburden this reference. At the same time it is relevant to the general question to mention that the disadvantages of the Punjab Commission in the matter of pay and prospects are no less conspicuous in the matter of special appointments than they are in the case of the ordinary line. Just one instance may be given—that of Secretaries to Government. The present rates of salary are—

	Punjab.	United Provinces	Bengal.	Eastern Bengal.	Madras.	Bombay.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Chief Secretary ...	3,000	3,000	3,333	3,000	3,750	3,750
Other Secretaries ...	1,800	2,250	2,750	2,250	3,125 & 2,500	3,125 & 2,500

Even in Burma and the Central Provinces the pay of the Secretaries to Government exceeds that of the Punjab Secretaries. As in the Punjab, Secretaries are graded in the ordinary line, but in the two first-mentioned Provinces local allowances varying from Rs. 150 to Rs. 400 are granted. They are not allowed to Secretaries in the Punjab.

18. In paragraph 4 above the second of the causes which have produced the unfavourable conditions complained of by the Punjab Civilian was said to be over-recruitment. The Lieutenant-Governor has no intention of traversing Mr. Barrow's actuarial calculations which form the basis of the present scientific method of determining the number of officers to be added yearly to the service in each Province. But His Honour observes that in reckoning the number of superior appointments existing in this Province credit is taken for six Settlement Collectorships. Two of these may be neglected as being listed appointments; but in the future the attainment of a rate of pay exceeding Rs. 1,000 by Settlement Collectors will become less and less common; and it seems probable that at the next quinquennial review the number of 'superior' appointments in the Punjab Commission will have to be reduced by at least two, with the result that the total strength of the Commission on the basis of the calculation given in paragraph 8 of the Government of India's despatch No. 25, dated 24th June 1909, will be reduced to 151 as compared with 156, the number fixed last year. As the strength of the Commission is at present 162, there is some basis for the complaint that over-recruitment has taken place in the past. Another cause of the Punjab Commission selected for employment under the Government of India has of recent years been short of the estimated number of eight which has been adopted for the purpose of the recruitment scale. At the present time, omitting officers who entered the North-West Frontier service, there are only five Punjab officers holding 'superior' appointments under the Government of India.

19. The Lieutenant-Governor understands that the Government of India are fully alive to the fact that the system of recruitment which at present obtains involves the recurrence from time to time of what are called blocks, and he believes that to remedy blocks it is usually held to be sufficient, when a remedy has to be applied, to adopt measures of a temporary character such as the time scale expedient. When, however, a block is due not to the ordinary operation of the recruitment scale but to an over-estimate in the number of 'superior' appointments, such as has been shown in the last paragraph to have occurred, then the case for remedial measures becomes in equity a much stronger one. But even if remedial measures of a temporary character are adopted in the case of the block at present existing in the Punjab, such measures will not remove the more permanent causes of the grievances which have given rise to the memorials now submitted. Those causes have been indicated in paragraphs 6 to 17 above, and nothing short of a permanent increase in salary rates and a regrading such as has been recommended will remove them. The block question is one which affects the Civil Service in more Provinces than one, and will no doubt be dealt with by the Government of India as a general one. It is referred to here in order to emphasise the fact that the unfavourable conditions in the Punjab, which call for the special relief recommended in paragraphs 12 to 15 above, are aggravated by the existence of the block.

20. They are also aggravated by another circumstance referred to in paragraph 4 above, viz., the specially high cost of living in the Punjab, which was prominently brought to notice in the correspondence dealing with the increase of the pay of Commissioners. His Honour has no doubt that the inquiry into prices now in progress under the orders of the Government of India will attest the fact that in so far as the cost of living depends upon prices the Punjab is peculiarly disadvantaged at the present time. For the purpose of the present reference His Honour has not directed any special inquiry to be made, but he has every reason to regard as well founded the following statement of the case which is presented in the memorial of Mr. W. Renouf, who as Director of Agriculture had special facilities for investigating such matters. In fact what Mr. Renouf says is a corroboration of what was said in Mr. MacLagan's letter No. 2879 S., dated 21st September 1908, in connection with the question of the expenses of Commissioners in the Punjab. Mr. Renouf, it will be seen, says:—

"Comparing the Punjab wages census of 1909 with the last wages census of the United Provinces the wages of unskilled labourers and artisans in the Punjab are almost double what they are in the United Provinces. As is to be expected, servants, produce, rent, etc., are also much more expensive in the Punjab, the total difference for a married house-hold being at least Rs. 50 per mensem. . . . Since your memorialist joined the Indian Civil Service 21 years ago the cost of the necessities of life has increased all round by about 50 per cent. The wages of servants have gone up 50 per cent. The recent wages census shows that the wages of unskilled labourers and artisans have doubled in the last 20 years, and this is reflected in the cost of all articles produced locally. Taking the articles which are matters of daily expenditure, fowls have trebled in price, milk has nearly trebled, eggs have doubled and grains have gone up 30 per cent. House rent has advanced 50 per cent. . . . As matters are now it is impossible for an officer to maintain a suitable official position and at the same time to save an adequate sum for his retirement and for his children."

21. Sir Louis Dane can sympathise with the members of the Commission who are suffering from an actual or prospective block, as he was himself an officer whose promotion was badly blocked, and, had it not been for the reorganisation of the Punjab Commission in 1884, would have had to serve for 25 years before he became a Deputy Commissioner on Rs. 1,333, the then existing rate of pay. Owing to the reorganisation of the Commission consequent on the report of the Public Services Commission he actually did become a Deputy Commissioner of the 3rd Grade on Rs. 1,500 per mensem in 16 years' service. It is clear, however, that the effects of that reorganisation are now passing away, and, as in 1884, something should now be done to allay the feeling of reasonable dissatisfaction with their prospects which is felt by many junior officers of the Commission, a dissatisfaction which is deepened when they contemplate the case of their more immediate predecessors who benefited by an unusually rapid run in promotion. Personal cases have shown the Lieutenant-Governor that officers

who have attained even high positions save nothing before they retire, while others in the service have to resort to shifts and expedients which are entirely contrary to the traditions of the service and which must in time tend to undermine its position and destroy its influence. This very unfortunate state of things must largely be due to the fact that the increased cost of living is not balanced by the improvement effected in salaries and promotion.

22. The cost of the proposals made in this letter amounts to Rs. 55,800 per annum (*vide* statement attached). In the Lieutenant-Governors's opinion that is not too high a price to pay for the removal of the more pressing of the grievances of the Civilians in this Province—that is to say, the grievances which are connected with the inferior rates of pay allowed to officers in the ordinary lines as compared with the rates allowed in the Regulation Provinces. It is true that these proposals directly affect only the incumbents of 'superior' appointments. The regrading of Assistant Commissioners' appointments has only recently been carried out, and though the distribution of appointments between the three grades is not as favourable as in the adjoining Provinces, His Honour is not prepared to propose a reopening of that case. Assistant Commissioners will, however, greatly benefit if the present proposals are carried into effect, as some of them have already reached, and all of them will ultimately reach, the stage of officiating in superior appointments. The rates of officiating allowance will be materially enhanced if the present proposals are sanctioned. There will of course remain the question of the block. That, as already observed, is a question affecting several other Provinces. His Honour need only say that whatever general remedial measures may approve themselves to the Government of India will not any the less be required in the Punjab by reason of its Commission having been in other respects raised, under the present proposals if sanctioned, to a footing of equality with the Civil Service of other Provinces.

I have the honour to be,

SIR,

Your most obedient Servant,

M. W. FENTON,

Chief Secretary to Government, Punjab.

CENTRAL PROVINCES ADMINISTRATION.

Appointments Department.

FROM

W. N. MAW, ESQ., I. C. S.,
CHIEF SECRETARY TO THE CHIEF COMMISSIONER,
Central Provinces,

TO

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT,

Simla.

Nagpur, the 2nd August 1912.

SIR,

I am directed to submit, for the orders of the Government of India, memorials addressed to the Chief Commissioner by the marginally noted officers of the Central Province Commission, in which they represent certain grievances relating to their rate of pay and prospects of promotion, and pray for various measures of relief. Of the 37 officers in the Commission now serving in the Province, with service from seven to seventeen years inclusive, 27 have submitted memorials: five of the remainder are on leave or have recently returned to duty.

2. Apart from special grievances which are personal to particular office the grounds of complaint may be divided into those which are common to the Imperial Civil Service throughout India and those which are peculiar to the Central Provinces.

The first are—

- (1) That the cost of living has risen enormously in recent years.
- (2) That in recognition of the rise in the cost of living the Government of India have been compelled to grant increases of pay and other concessions to other services one after another, with the result that the proportionate advantage held by the I. C. S. has steadily diminished.
- (3) That irregularities in promotion, leading to great disparity in the position and prospects of men of the same service in different Provinces, are inherent in any system of graded appointments.
- (4) That these irregularities lead to perpetual uncertainty as to amount of salary due.
- (5) That the raising of the age of entry in 1893 has accentuated present difficulties, since older men may fairly expect, service, higher emoluments.

And the second are—

- (6) That whatever may have been the case in the past, there is now no reason for paying officers who serve in the Central Provinces on a lower scale than their confreres in other Provinces.
- (7) That officers in the Central Provinces are drawing salaries substantially below the scale recognised by the Government of India as fair, as indicated in Article 754 of the Civil Service Regulations and in published resolutions, particularly in Foreign Department Resolution No. 2485-Est.-A., dated the 1st September 1911.
- (8) That the pay compares unfavourably with that of other services in the Central Provinces.
- (9) That the prospects of permanent promotion are in most cases remote.
- (10) That the present conditions, bad as they are, threaten to become worse owing to additions to the number of "listed" appointments.

3. The Chief Commissioner believes that it is unnecessary to labour the argument as to the increased cost of living. At the time when he entered the service, in 1882, house-rent was little more than half of what it is now, the wages of servants and of hired labour have risen almost in the same proportion; and the price of horseflesh has more than doubled. The public and private calls on officers holding responsible positions have grown with the advance of administrative and social standards. The Central Provinces can no longer be called a cheap place of residence, and Mr. Fox-Strangways believes that there are few officers nowadays who succeed even by the end of their service in putting by any substantial savings. What is true of the Central Provinces is no doubt true, in greater or less degree, of all Provinces.

4. The special reasons which have led to the present block in the Central Provinces Commission will be discussed later, but that a graded service, even with the most scientific system of recruitment, must suffer at times from irregularities of promotion cannot be denied. It may be said that irregularities of promotion cut both ways, and that temporary blocks are compensated by runs of rapid promotion. These compensations, however, do not always work equality within the career of any given officer; the disparity in the circumstances of different commissions creates a sense of grievance which is very detrimental to the interests of the public service, while the uncertainty of prospects from year to year, and even from month to month, is apt to cause financial difficulties which detract from an officer's efficiency. It is clear also that these irregularities must be more embarrassing in the case of men who have begun their service at 24 or 25 and find themselves at 35 or 40 still near the bottom of the ladder.

5. In Mr. de Brett's letter No. 1212, dated the 3rd July 1911, it was clearly shown not only that the reasons, arising out of the history of the Province, for placing the officers of the Central Provinces Commission on a lower scale of pay and grading than that which applies to members of the same service elsewhere no longer exist, but that the Secretary of State and the Government of India have repeatedly affirmed the principle of equality of pay throughout the service, and have recognised that the Central Provinces must cease to be an exception to the rule. The Chief Commissioner can add nothing to the arguments so forcibly urged by Sir Reginald Craddock in that letter for granting what he described as "not generosity but justice" to the officers of the Central Provinces Commission. Since that letter was written the Secretary of State (Foreign Department Resolution No. 2485-Est.-A., dated the 1st September 1911) has sanctioned a time-scale of pay for the Political Department, which is avowedly calculated at a rate which will give to civilians serving in the Political Department "approximately the emoluments which they might expect to draw in the Provinces." The accompanying statement shows that the salaries of the officers of 7—17 years' service in the Central Provinces are substantially below both this standard and the "assumed" scale of Article 754 of the Civil Service Regulations. The total salary drawn is in fact 13 per cent below the scale of the Civil Service Regulations and 21 per cent below the Political time-scale.

6. If the actual salaries drawn by officers on duty on the 1st April last be compared for the Indian Civil Service...

Central Provinces with those which would be drawn under the scales given in Article 754, the figures work out as follows:—

Department of service.	For officers of 7—17 years' service.			For officers of 2—17 years' service.		
	Average salary drawn.	Standard.	+ or — per cent.	Average salary drawn.	Standard.	+ or — per cent.
1	2	3	4	5	6	7
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Public Works Department ...	852	833	+ 2½	740	678	+ 9
Police ...	904	891	+ 1½	711	650	+ 9
Forests ...	879	823	+ 6	805	743	+ 8
Education ...	1,200	850	+ 41	800	520	+ 54
Indian Civil Service ...	1,233	1,413	— 13	1,090	1,195	— 9

Thus while officers of other services are all drawing salaries in excess, and in some cases in large excess, of the scale assumed as a standard in the Civil Service Regulations, the middle ranks of the Commission are drawing substantially less than the standard, which is itself a less favourable scale than what has been recently recognised by the Government of India as representing what an Indian Civilian may fairly expect. And the situation is aggravated by the fact that the Indian Civilian is now in most cases, though he was not formerly, an older man than his official contemporaries in other services. An instance of what may happen under present conditions is given in the memorial of Mr. Trench, whose salary, apart from the Settlement allowance which he will shortly lose, is the same as that of the District Superintendent of Police, who is 7 years his junior in age and 5 years in service.

7. That the conditions are getting worse and not better is shown by an examination which has been made of the actual salary drawn throughout the whole period of service in three typical cases—Sir Arthur Blennerhassett, Mr. G. A. Khan, and Mr. Trench. For the first 8 years of their service these officers drew, respectively, Rs. 76 more and Rs. 25 and Rs. 18 less per mensem than what they would have been entitled to under the recently sanctioned Political Department scale; during their subsequent service their monthly loss has been Rs. 161, Rs. 271 and Rs. 125.

8. In their despatch No. 2 (Establishments), dated the 21st April 1904, the Government of India foretold the probability of a block in the Central Provinces Commission, and attributed it to the serious under-recruitment that took place for some years previous to 1882. For the next 5 years (1883—88) the recruitment (14) just kept pace with the casualties (13). In the next year (1889) began the exodus of the Military Civilians, and during the years 1889—98 there were 38 casualties, of which 23 were due to retirement of Military Civilians. Against this there were 48 recruitments, but the strength of the Commission had meanwhile risen considerably. The system of recruitment followed, scientific as it undoubtedly is, was not calculated to maintain a steady flow of promotion in a service suddenly depleted by the almost simultaneous exit of a large class of Military officers recruited in the years following the mutiny, and a serious block, such as has now occurred, was inevitable. Forecasts of future promotion are at the best uncertain, but judging from the present state of the higher ranks of the Commission, and the probabilities of retirements in the near future, it seems to the Chief Commissioner that the memorialists have very good grounds for their gloomy anticipations, and that there are certainly

several among them who can hardly expect, under present conditions, to rise to the first class of Deputy Commissioners before completing their service for pension. Any increase in the number of "listed" posts will, of course, still further reduce their chances.

9. The Chief Commissioner believes that the time has come when it must be recognized that the general rise in the standard and cost of living, which has been held in one case after another to justify revision of the rates of remuneration of practically all other branches of the Government service, has seriously reduced the attractions of the Indian Civil Service, and will inevitably affect recruitment, unless some remedy is applied. The general aspect of the question has no doubt already been brought to the notice of the Government of India. In the Central Provinces the middle ranks of the Commission have undoubtedly very special causes of complaint. The scheme of re-grading which was submitted in Mr. de Brett's letter referred to above would have partially, but only partially, removed these causes, and Mr. Fox-Strangways understands that it has not received the assent of the Secretary of State. In these circumstances he trusts that the memorials now submitted may receive the sympathetic consideration of the Government of India, and that something may be done to remove the discontent which undoubtedly exists and which must in time re-act on the efficiency of the service.

10. The principal prayer of the memorialists is that the time-scale system, which has been applied to the Political Department, should be extended with modifications to the Indian Civil Service as a whole. Pending the introduction of such a measure they ask for personal allowances. A radical alteration of the system of pay of an Imperial Service can obviously not be considered with reference to a single Province, and at this stage it would be premature for the Chief Commissioner to express any opinion on it. But he is seriously impressed both with the strength of the claims for consideration put forward by individual memorialists, and with the risk of injury to the efficiency and to the future recruitment of the service, on which the good government of India still mainly depends, involved in allowing well founded dissatisfaction with the conditions of service to spread and grow during the long period that must probably elapse before any general measure of relief can be introduced. The grant of personal allowances on a substantial scale, though not necessarily on the scale asked for by the memorialists, seems to him to be amply justified by the facts set forth in the memorials and in this letter, and if the Government of India accept this view, he will be glad to submit definite proposals.

11. The suggestion put forward in some of the memorials, that the pay of Commissioners in the Central Provinces should be fixed at Rs. 35,000 per annum, goes somewhat beyond the recommendations submitted in Mr. de Brett's letter No. 1212, dated the 3rd July 1911, on which the orders of the Government of India are awaited. Mr. Fox-Strangways is not aware of any reason why Commissioners in the Central Provinces should be paid on a lower scale than those in the United Provinces, but all that has been asked for hitherto is that the Central Provinces should be put on an equal footing in this respect with the Punjab.

12. The memorialists further ask for certain subsidiary measures of relief, such as improvements in the travelling allowance rules, special allowances for expensive charges, concessions in regard to steamer passages, increase of furlough pay and of retiring and family pension, and for a stricter application of the rule of promotion by selection to the higher appointments. Except the last these are all matters which concern the service as a whole, and some of them other services as well. Some arguments advanced in Mr. Batchelor's memorial, in favour of giving relief by indirect rather than direct methods, deserve consideration, but the Chief Commissioner does not think that the question will be finally solved in this way.

I have the honour to be,

Sir,

Your most obedient Servant,

W. N. MAW,

Chief Secretary.

No. 4159, dated Naini Tal, the 31st August 1912.

From—The HON'BLE MR. R. BURN, I.C.S., Chief Secretary to the Government of the United Provinces,

To—The Secretary to the Government of India, Home Department.

With reference to your telegram No. 1197, dated 27th August 1912, I am directed to submit a copy of the memorials therein referred to from junior officers of the Indian Civil Service regarding their pay and prospects.

2. I am to express regret that owing to a serious mistake in this office the case has been delayed, but it is understood that the Public Service Commission will deal with the question.

To—The Chief Secretary to Government, United Provinces,

From—

I have the honour to submit my memorial with the request that it may be taken as addressed to His Excellency the Governor-General in Council instead of to His Majesty's Secretary of State for India.

To

The Most Honourable the Marquis of Crewe, K.G.,
His Majesty's Secretary of State for India.

This is the dutiful memorial of a member of His Majesty's Indian Civil Service at present serving in the United Provinces of Agra and Oudh which

RESPECTFULLY SHOWETH,

That it is with great reluctance that your memorialist ventures to bring to your Lordship's attention the unfavourable position in regard both to his present salary and to his future prospects in which he finds himself placed. This is naturally a subject on which he cannot but feel some diffidence in enlarging, nor would he have taken such a course had it not been forced upon him by circumstances.

2. It is a commonplace that the cost of living has increased of late years throughout the world, and that this increase has been very pronounced in India has received recent acknowledgment in the appointment of a commission to consider the rise in prices. When attention is directed particularly to the circumstances of the European in this country, it will be found that there are further special causes which accentuate the phenomenon in his case. Conspicuous among these are the increased number of European residents in India and the adoption of a European mode of life by the more wealthy Indians without any commensurate increase in the supply of suitable houses, servants and other similar necessities. In the United Provinces this rise has already been considerable and still continues. In the western districts of the province and in all the larger towns prices approximate to those prevailing in the Punjab where they are notoriously high, whilst even in the east the comparatively cheap rates previously current have undergone a remarkable change and are still rising.

That this increased cost of living is a valid ground for raising the salary of European officials in receipt of an income the amount of which was fixed under other and more favourable conditions has been recognised by the grant of concessions and revisions of the rate of pay in the case of nearly every government department other than the Indian Civil Service. Your memorialist would submit that on this general ground alone the members of that service would be

amply justified in claiming the consideration of your Lordship, a fact which he trusts will not be obscured by the number and cogency of the reasons of a more particular nature which it is proposed to adduce.

3. Your memorialist has always understood that the cadre of the Indian Civil Service is constituted on the principle that a majority of its members should be employed in the higher and more responsible posts under the Government, a certain reserve being maintained to fill leave vacancies and provide for the training of junior officers. An officer may therefore reasonably expect under ordinary conditions that after completing one-third of his service, that is to say in or about his ninth year, he will be permanently in occupation of a superior appointment or one of not less responsibility than that of District Magistrate or Sessions Judge. The maintenance of such a standard of promotion is the more desirable now that the large majority of the civilian officers in this province are men who were recruited under the regulations introduced in 1893 and are several years older when they arrive in India than their predecessors were. This standard of promotion is very far from being maintained. A reference to the first appendix attached to this memorial will show the net number of officers recorded in the Official Civil List of the United Provinces who on the first day of the four quarters of the past five years, having completed eight years' service, were not holding a superior appointment. By "net number" is meant that the result is obtained by subtracting the number of officers holding a superior appointment who had not completed their eighth year of service from the number of officers who had completed their eighth year of service but were not holding a superior appointment. It may be added that in nearly every case those officers who are shown as holding a superior appointment, especially on the 1st of October in each year, before the completion of their eighth year of service, were holding it in a privilege leave vacancy, that is to say one of but a few weeks' duration. It is shown by the appendix that on the 1st of January in the years specified a net number of officers varying from 23 to 30 were in a position which violated the principle mentioned above, and that on the 1st of April the numbers ranged from 10 to 25, whilst even on the 1st of July and the 1st of October in the majority of cases, despite the common occurrence of a number of short leave vacancies about that time of year, there was still a small net number of officers in this position. The figures quoted above would have been even more striking had it not been for the large number of junior officers on leave during these years.

4. The long continuance of this block in promotion has had other results besides those already described. The most obvious of these is the very long period which now usually elapses before permanent promotion to the various grades of superior appointments is obtained. It is unnecessary to enlarge upon this point but it may be remarked that in the most recent Civil List available, that for the 1st of July 1911, no less than five officers who were completing their seventeenth year of service had not risen above the rank of Joint Magistrate of the first grade, the substantive pay of which is only Rs. 1,000, whilst the most junior officer holding permanently a superior post—the second man of his year (there being 10 of his contemporaries below him)—was completing his fifteenth year of service.

The fact that substantive is always preceded by officiating promotion for a term of years cannot fairly be cited as a palliative of this abnormal retardation. Against the temporary rise of pay earned in an officiating appointment must be set off the very considerable expenses incident to continual transfers and out of all proportion to the present scale of travelling allowance which are experienced by every officer at this stage of his service. Even if he officiate continuously it is very seldom, owing to the claims of more senior officers, that he is allowed to remain in the same place. A constant succession of changes involving as they do on each occasion the breaking up of one establishment and the setting up of another, leaves him pecuniarily in a position but little different to that which he would have occupied had he retained his substantive post. Added to this he has either to maintain the same position and scale of expenditure as the senior officer whose place he occupies or to incur both for himself and post a certain scale of expenditure irrespective of the actual salary enjoyed by the holder of it.

Another and a very disheartening result of the block in promotion has been the annual reversion to the rank and work of a Joint Magistrate of a number of comparatively senior officers. During the past five years officers of eleven years' standing as a regular thing and officers of twelve years' standing, and even more, on a number of occasions have so reverted. It is difficult for these officers, with the best will in the world to do their duty cheerfully, not to feel some resentment at this annual recurrence of a process which removes them, it may be, from the work of administering a district in which they have taken for six or eight months a growing interest and about which they have just obtained a considerable amount of information. The reversion moreover imposes upon them the performance of the less responsible and therefore the less interesting duties with which they have been familiar for the last ten years. Added to this the feeling of insecurity inseparable from the anticipation of reversion continues nowadays for a much longer period than is reasonable.

5. But the most striking proof of the disadvantages under which the majority of officers in the United Provinces are labouring has yet to be mentioned. In a recent resolution of the Government of India (F.D. No. 2485-Est. A., dated 1st September 1911) the pay of officers serving in the Political Department of that Government was re-constituted upon the basis of a time-scale. It is stated in that resolution that "the time-scale of pay ... with additional personal allowances for members of the Indian Civil Service ... has been calculated at a rate which will give them approximately the emoluments which they might expect to draw in the provinces." In other words the Government of India have published officially the scale of pay which they consider an officer of the Indian Civil Service may reasonably expect to draw during each year of his service, exclusive of the special allowances attached to certain appointments. If it can be shown that the civilian officers of this province are as a fact drawing consistently less than this scale of pay at present it must be admitted that they have a legitimate ground for complaint. In the second appendix attached to this memorial an attempt has been made to calculate roughly the average emoluments of all officers of between 8 and 20 years' service in this province on duty during the years 1910 and 1911, omitting local, personal and deputation allowances as was done in calculating the time-scale referred to. The method adopted has been to take the average pay of all officers of a given year on duty, as shown in the Civil Lists of January the 1st and July the 1st,* to add the average pay on January the 1st to that on the 1st of July and then to take the mean of these two averages. To the sum so obtained $6\frac{1}{4}$ per cent for exchange compensation allowance, which has been disallowed in the case of the time-scale quoted, has been added and the total so arrived at has been compared with the pay for officers of similar standing under the time-scale. This method is admittedly imperfect but it may be claimed for it that it gives a fairly close approximation to the actual facts. Absolute accuracy would demand the preparation, from figures only available in the Accountant General's office, of a statement showing the actual pay, excluding allowances other than acting allowances, drawn by each officer for each of the years in question. The appendix shows that in no single instance during the last two years did the average pay of any officer in this province of between eight and twenty years of service, calculated in this way, reach the figure which the Government of India has declared a reasonable one for him to expect. The difference varies from about Rs. 50 to more than Rs. 350 per mensem and the average divergence was Rs. 158 in 1910 and Rs. 180 in 1911 per mensem. This represents an average loss in emoluments of over £120 per annum. It seems to your memorialist to be an irresistible conclusion from these figures, assuming their approximate accuracy (and in regard to this he courts the fullest enquiry) that the civilian officers of this province generally are not receiving the pay which they are entitled to expect, and that it is only when an officer is within a few years of his retirement that, under present conditions, he can hope to receive what the Government of India have publicly announced to be a reasonable reward for the services performed by him.

6. It may be objected to this argument that although it demonstrates a regrettable state of affairs in the past, it does not establish the permanence of

* † The figures for April 1st and October 1st are misleading because a number of promotions usually occur soon after the former and a number of reversions soon after the latter date.

similar conditions and that an unusual number of retirements in years to come may improve the present gloomy situation and make amends for the years in which promotion has been so seriously retarded. Unfortunately there is little reason for anticipating anything of the kind. It should be pointed out first of all that the present stagnant condition of promotion would have been even worse than it is had it not been for an abnormal number of casualties by death or invaliding amongst the officers of this province during the last few years. Since the 1st of January 1907 up to the present date there have been 14 deaths, two cases of invaliding, 17 retirements, and two resignations. It has thus happened that fortuitous casualties have accounted for nearly as many officers leaving the service as voluntary and compulsory retirements, whilst if resignations be added to their number it actually exceeds that of retirements. A recurrence of these conditions is as improbable as it is undesirable.* Further, it is to be observed that there are at present only 23 officers serving in this province who will be compulsorily retired during the next ten years. Your memorialist does not for a moment suggest that this number is any criterion of the probable number of casualties during the next ten years. He mentions it merely to indicate the small number of senior civilians now serving in the United Provinces. It is clear from a consideration of the number of recruitments during the past four years as well as from the average number of officers recruited over a term of years in the past that the number of casualties, reckoned as the normal one for the cadre of the United Provinces, is approximately ten annually, or about one hundred in ten years. But, it may be pointed out that during the next ten years, reckoning in all officers who have at present fifteen years and upwards, of completed service to their credit, only 106 officers could under the rules retire, were every one of them to take his pension as soon as he became entitled to it. But this is an impossible hypothesis. A reference to any Civil List will show that there are normally between 20 and 30 officers who continue to serve after completing their twenty-fifth year of service. Making due allowance for this factor, it seems extremely improbable that even a normal rate of promotion can be maintained during the next decade, even assuming the most favourable conditions and the maintenance of the existing number of superior appointments open to the Service.† But, even if a normal rate of promotion were to be maintained, the position of the junior members of the service would be in ten years' time exactly the same as that of officers with 12 to 15 years' service at the present moment, and this your memorialist has endeavoured to show is far from satisfactory.

7. It also remains for consideration whether the total number of superior appointments at present open to members of the Indian Civil Service will remain the same as it is now; for on that factor every calculation as to the probable state of promotion in future years directly depends. There is a tendency abroad at the present day for posts outside the regular line, previously held by officers of the Indian Civil Service to be closed to this service and given to officers of the special line concerned. An instance of this is the Inspector Generalship of Police, which is at present held by a member of the Indian Police Service and, a precedent having been now created, can no longer be reckoned as a post reserved for the Civil Service. Another appointment, that of Opium Agent, at present held by a member of the Service, is threatened, if not with abolition, at least with a heavy reduction in the emoluments attached to it. But the possibility which your memorialist regards with the gravest concern, so far as his own prospects are concerned, is the listing of a number of superior appointments as open to the Provincial Service. In a recent debate in the Imperial Legislative Council held at Calcutta on the 16th of March last upon a resolution relating to the more extensive employment of Indians in the more highly paid offices of the Government, the Secretary to the Government of India in the Home Department made what your memorialist is convinced will be regarded as a promise that within a short time a full sixth of all the superior appointments formerly reserved to members of the Indian Civil Service will be listed as open to the Provincial Service. There are at present in this province about 120 superior appointments of which seven are listed. If a full sixth be listed, no less than 13 more of these will be

*NOTE.—During the ten years preceding January 1st, 1907, there were only 12 casualties by death, resignation and removal, a number 33 per cent smaller than that recorded in the succeeding 5 years.

† With regard to this a reference to the third appendix is solicited.

lost to the Service, a result which will retard the flow of promotion in this province, slow as it is at present, by nearly two years in the case of all officers not yet holding a superior appointment. Taking the average annual increments allowed in the time-scale mentioned above, this represents a loss in monthly salary of about Rs. 200 per mensem over a long period of their service. While your memorialist has no desire to resist aspirations which the Government of India consider reasonable, or claims which they recognise as legitimate, he would suggest with all deference for the consideration of your Lordship that it is desirable that some arrangement should be devised by which the possibility of a conflict between the declared policy of the Government and the personal interests and legitimate expectations of its civilian officers may be avoided.

8. Your memorialist has endeavoured to prove first that the position of the majority of the officers of the Civil Service serving in the United Provinces is more disadvantageous to them than, according to the official pronouncements of the Government of India, they have a right to expect that it should be, and, secondly, that there is little prospect of any improvement in it taking place for at least another decade, while there is even a possibility of a marked deterioration. In these circumstances he hopes that Your Lordship will be graciously pleased to take their case into consideration and, if satisfied that they have a just claim, to afford them some measure of relief. He would suggest that by far the most satisfactory means for achieving this end would be the introduction of a time-scale of pay similar to that recently introduced in the case of officers serving in the Political Department. Such a scale would presumably include all those appointments of which the emoluments are less than Rs. 2,500 per mensem and would be without prejudice to those local, personal and deputation allowances which are at present in existence and attached to certain special appointments. The case of junior civilians whose temporary appointment to a superior post was demanded by the needs of the public service could be met by the grant of a suitable charge allowance. The great advantage of this remedy lies in the permanence of the relief afforded. It would reduce very considerably the necessity of transferring officers, whilst the natural disinclination of an officer to his reversion to a post involving less responsible work would not be aggravated, as at present, by a serious reduction in his salary. This method would also be attended by an enormous simplification of work in the accounts department and would do away with the necessity for the long tables of temporary promotions and reversions which appear every month in the official gazette.

Should however this scheme be found for any reason impossible to realise, your memorialist hopes that some temporary relief may be afforded to such officers as may be considered entitled to it, in the shape of personal allowances to bring the pay of officers of a certain standing up to a certain recognised minimum. Such allowances were granted in 1876 to officers of this province who were suffering from a block in promotion similar to that which has now for several years been making itself felt. It has been said that the block then was worse than the one from which this generation of officers is suffering. This is certainly true, but in comparing the case of the civilians of 1876 with that of the contemporaries of your memorialist, two important differences must be borne in mind. First, in 1876 the exchange value of the rupee was fifty per cent higher than it is now, whilst its purchasing value in India was nearly double what it has since become. Secondly, the block in the seventies, although extremely severe, cleared off very rapidly and gave some of those officers who had suffered most from it a very rapid run of promotion towards the end of their service. A reference to the fourth appendix to this memorial will show that such an event is under present conditions unlikely to recur. The appendix gives the number of officers now on the cadre of the United Provinces for each year of recruitment. It will be seen that there are now 42 officers remaining of those recruited between 1883 and 1889, 64 of those recruited between 1890 and 1896, 59 of those recruited between 1897 and 1903, and 59 of those recruited between 1904 and 1910. These figures do not justify the expectation of any abnormally rapid flow of promotion during the next 20 years.

A third means of accelerating promotion might be found in offering proportional pensions to senior officers desirous of retiring before the completion of

their full 25 years of service, although it is improbable that this remedy alone would effect much improvement in the situation.

Whether any one or more of these alternative measures of relief may ultimately commend itself to your Lordship, your memorialist would respectfully suggest that it or they might well be accompanied by certain subsidiary measures. Such are the provision for payment, in case of transfer, of a sum reasonably approximating to the expenditure which has perforce to be incurred and the grant of a free passage to Europe to an officer proceeding on furlough.

9. Finally your memorialist wishes to add that his attitude in thus urging his claims upon your Lordship's attention is not wholly a selfish one. It is recognised on all hands that the work of civilian officers in India tends to grow not only more arduous but increasingly difficult and delicate as years go on and that more enthusiasm and tact are demanded from them for the efficient performance of their duties than heretofore. This fact was publicly recognised by your Lordship's distinguished predecessor in office, Lord Morley of Blackburn, in a speech made by him to members of the Civil Service in London in 1908 on the occasion of their annual dinner. It needs no argument to prove that, such being the case, it is of paramount importance that all members of the Civil Service should be in a position in which they are contented and free from pecuniary anxieties. There have been criticisms, your memorialist hopes without justification, upon the quality of the candidates who present themselves nowadays for admission to the Indian Civil Service as compared with the quality of those who entered its ranks in the past. It has been said, it may be hoped without truth, that the Indian Civil Service as a profession is less popular now than it used to be. Your memorialist believes that now if ever India stands in need of the best men that England can send her and that any lowering of the standard of civilian officers in this country would be politically deplorable. The existence of discontent in the ranks of the Civil Service when once generally known, will inevitably affect recruitment in England. It will certainly deal a death blow to that hereditary sentiment which, although no longer fostered by any preparatory institution such as Haileybury College, has throughout the British dominion in India been so striking and, it is believed, so valuable a factor in the composition of the Civil Service. Apart indeed from sentiment the Indian Civilian of to-day finds it increasingly difficult to afford his sons an education similar to his own such as will enable them to follow in his steps, even if he be not deterred by the apprehension of pecuniary embarrassment from incurring the responsibility of a family.

10. In conclusion your memorialist craves pardon for the length of his representation and, as in duty bound, will ever pray for your Lordship's welfare.

APPENDIX I.

Table showing the number of officers with eight years' service and over who were not holding a superior appointment on the first day of the four quarters of the past five years.

Year.	Date.	Number of officers of 8 years' service and over not holding superior appointments.	Number of officers with less than 8 years' service holding such appointments.	Net number of officers not holding superior appointments.
1907	January 1st	24	1	23
	April 1st	14	1	13
	July 1st	6	4	2
	October 1st	4	9	An excess of 5
1908	January 1st	28	...	28
	April 1st	19	...	19
	July 1st	11	2	9
	October 1st	5	7	An excess of 2
1909	January 1st	25	...	25
	April 1st	14	1	13
	July 1st	5	6	An excess of 1
	October 1st	5	8	An excess of 3
1910	January 1st	30	...	30
	April 1st	25	...	25
	July 1st	10	7	3
	October 1st	9	4	5
1911	January 1st	25	2	23
	April 1st	13	3	10
	July 1st	6	4	2
	October 1st	...	...	...

APPENDIX II.

are comparing the average pay of officers from their 9th to their 20th year of service with that allowed under the recently introduced time-scale in the Political Department.

Year of service.	1910.						1911.					
	Average pay on January 1st.	Average pay on July 1st.	Mean of the two.	Exchange compensation allowance.	Total.	Pay on the time-scale.	Average pay on January 1st.	Average pay on July 1st.	Mean of the two.	Exchange compensation allowance.	Total.	Pay on the time-scale.
9th ...	Rs. 800	Rs. 1,099	Rs. 950	Rs. 59	Rs. 1,009	Rs. 1,050	Rs. 781	Rs. 1,097	Rs. 939	Rs. 59	Rs. 998	Rs. 1,050
10th ...	...	...	...	...	...	...	...	...	...	...	...	...
11th ...	...	...	...	...	...	...	...	...	...	...	...	...
12th ...	...	...	...	...	...	...	...	...	...	...	...	...
13th ...	...	...	...	...	...	...	...	...	...	...	...	...
14th ...	...	...	...	...	...	...	...	...	...	...	...	...
15th ...	...	...	...	...	...	...	...	...	...	...	...	...
16th ...	...	...	...	...	...	...	...	...	...	...	...	...
17th ...	...	...	...	...	...	...	...	...	...	...	...	...
18th ...	...	...	...	...	...	...	...	...	...	...	...	...
19th ...	...	...	...	...	...	...	...	...	...	...	...	...
20th ...	...	...	...	...	...	...	...	...	...	...	...	...

Note.—In calculating average pay above all allowances other than acting allowances have been excluded. The pay of those officers only who were on duty in the regular line has been reckoned.

APPENDIX III.

In this appendix an attempt is made to calculate what will be the probable position of officers now in their 5th to their 9th year of service after intervals of three, six and nine years. In making the calculation it has been assumed that the number of officers who remain on duty after completing 25 years of service will continue constant at 25 and that there will be one fortuitous casualty per annum by death, resignation or invaliding in the ranks of officers who have served for less than 25 and more than 9 years. On these assumptions it may be anticipated that during the next three years there will be $(39+3-25=)17$ casualties, during the next 6 years $(69+6-25=)50$ casualties and during the next nine years $(98+9-25=)82$ casualties. If now the senior officer in each of the year mentioned be moved up a number of places in the Civil List corresponding to that of casualties as calculated, it will be found that his position at the end of 3, 6 and 9 years will be as follows :—

A. After 3 years—

The senior officer now in his 9th year will have reached the place corresponding to that now held by the 8th officer in his 12th year.

Ditto	ditto	8th	ditto	4th	ditto	11th	„
Ditto	ditto	7th	ditto	8th	ditto	10th	„
Ditto	ditto	6th	ditto	7th	ditto	9th	„
Ditto	ditto	5th	ditto	7th	ditto	8th	„

B. After 6 years—

Ditto	ditto	9th	ditto	6th	ditto	15th	„
Ditto	ditto	8th	ditto	1st	ditto	14th	„
Ditto	ditto	7th	ditto	2nd	ditto	13th	„
Ditto	ditto	6th	ditto	9th	ditto	13th	„
Ditto	ditto	5th	ditto	5th	ditto	12th	„

C. After 9 years—

Ditto	ditto	9th	ditto	5th	ditto	18th	„
Ditto	ditto	8th	ditto	11th	ditto	18th	„
Ditto	ditto	7th	ditto	8th	ditto	17th	„
Ditto	ditto	6th	ditto	5th	ditto	16th	„
Ditto	ditto	5th	ditto	4th	ditto	15th	„

From this calculation it would appear that at the end of three years the position of all the officers in the years examined may be expected to deteriorate slightly, that after six years their position will probably be in some cases better and in some worse than it is at present, and that after nine years their position will on the whole show a slight improvement. The improvement is however at best one of not more than 4 or 5 places and depends entirely on the number of superior appointments being maintained at its present total, whilst the calculation is liable to further falsification by a decrease in the number of casualties or an increase above 25 in that of officers remaining on duty after they have served the full period necessary to earn their pension.

Taking all this into consideration it does not seem too much to say that the prospects of any substantial acceleration in the present rate of promotion during the next decade are remote.

APPENDIX IV.

List showing the number of officers recruited in each year.

Year of service.			Number of officers.	
46th year of service	...	...	1	
35th " " "	...	...	3	
34th " " "	...	...	2	
32nd " " "	...	...	4	
30th " " "	...	...	1	
29th " " "	...	...	1	
28th " " "	...	...	2	
27th " " "	...	...	3	
26th " " "	...	...	6	
25th " " "	...	...	6	
24th " " "	...	...	6	42
23rd " " "	...	...	4	
22nd " " "	...	...	15	
21st " " "	...	...	8	
20th " " "	...	...	7	
19th " " "	...	...	7	
18th " " "	...	...	12	
17th " " "	...	...	10	64
16th " " "	...	...	8	
15th " " "	...	...	12	
14th " " "	...	...	8	
13th " " "	...	...	11	
12th " " "	...	...	11	
11th " " "	...	...	6	
10th " " "	...	...	7	59
9th " " "	...	...	7	
8th " " "	...	...	9	
7th " " "	...	...	7	
6th " " "	...	...	7	
5th " " "	...	...	6	
4th " " "	...	...	9	
3rd " " "	...	...	10	59
2nd " " "	...	...	9	
1st " " "	...	...	11	

G. C. B. P., Simla.—No. 7 P. S. C.—10-9-12.—

No. 2587 S. (Home—Gazette).

FROM

THE HON'BLE MR. C. A. BARRON, C.I.E., I.C.S.,

Chief Secretary to Government,

Punjab and its Dependencies,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

Dated Simla, the 16th September 1912.

Home.
Gazette.

SIR,

I AM directed by the Lieutenant-Governor to forward, for the very favourable consideration of the Government of India, a number of memorials, as in the attached list, which have been submitted by officers of the Punjab Commission regarding their salaries and prospects in the service. A similar, though less numerous, series of memorials were submitted by this Government, with Mr. Fenton's letter No. 2257 S., dated 20th September 1911. The prayer contained in the earlier memorials was that something should be done to improve the pay and prospects of the members of the Punjab Commission. The prayer now submitted is somewhat more definite in form, and asks for the introduction of a time-scale rate for calculating salaries from the date on which that system was sanctioned for the Political Department of the Government of India, viz., the 21st May 1911. The memorials are, in accordance with the rules, addressed to the Lieutenant-Governor, but as the granting of the request they contain is not within the competence of the Local Government, His Honour forwards them for the orders of the Government of India with the following remarks.

2. As no orders had been received on his former representation the Lieutenant-Governor felt that in dealing with these memorials, asking specially for a time-scale, he ought to do what he could to show what the cost of such an arrangement would be as it might well have been beyond the financial resources of the Province. It also was clear that, if a time-scale involving a considerable increase of salary was given to the officers of the Commission, officers serving in other departments in the Province not provided with such time-scales, and the Provincial Services would all clamour for a similar concession, and it would be difficult to resist their requests. Again, where the number of junior officers is large and superior posts are few, as in the Punjab, a time-scale may result in the anomaly of officers in inferior posts drawing salaries larger than the duties discharged by them would warrant, as has indeed happened in the Political Department. Then the case of the Judicial Department in the Punjab offers

special difficulties. The salaries drawn by judicial officers are pitched at a higher figure to induce officers to enter the Judicial Department, and a time-scale without some extra allowance might prevent the recruitment of suitable officers for judicial posts. Special arrangements would also be required for unpopular districts, which are now sometimes filled by giving an officer officiating promotion out of his turn in order to secure some continuity of tenure. Then there is the general objection to a time-scale carried up to a limit of 23 years' service, that it tends to remove incentives to special effort and good work and makes life humdrum. It would be most unfortunate if such results were to occur in the Indian Civil Service.

The examination of these points and especially of the important financial question took some time, and this has somewhat delayed the submission of the memorials, which was also retarded by the fact that they were in the first instance wrongly addressed to the Secretary of State and had to be returned for submission through the Local Government. Several changes in the post of Chief Secretary due to causes known to the Government of India also conduced to delay. Even now, although the matter has been referred to the Accountant-General, no very satisfactory estimate of the extra cost of a time-scale can be worked out. It appears that, if this be calculated on the salaries drawn by officers on duty on 1st January, it would amount to some Rs. 3,84,000 per annum, whereas a calculation based on similar salaries drawn on 1st October would show an extra cost of Rs. 66,000 per annum. Apparently it would not be correct to take the average of these two sums as the probable actual cost, and the matter must be left to the Government of India to decide with the actuarial experts more readily available to them. In any case the immediate increase in cost must be large and the ultimate increase due to demands from other departments will be very heavy, and special assistance from the Government of India will be necessary.

3. While these points were being worked out the announcement of the appointment of a Royal Commission was made, one of the terms of reference to which is to inquire into the conditions of service in regard to salary, leave and pension in the Indian Civil Service. The Lieutenant-Governor is afraid that his previous urgent representation of the grievances of the Punjab Commission may have been held up for consideration by the Royal Commission, though the inequalities of salary and grading were patent and glaring, and the redress of these would have gone far to enable the officers of the Commission to await with patience the adoption of more general measures of amelioration. He presumes that the question of a time-scale and the other points connected with such an arrangement must be left over to the consideration of the Royal Commission. The Lieutenant-Governor trusts, however, that this will not stand in the way of the grant of immediate relief to the Punjab Commission. It has been stated that the Commission will not commence its labours for some little time to come, and in view of the magnitude of the issues included in the reference, it is certain that there will be considerable delay before its Report can be submitted to the Secretary of State. Some further period of time will elapse before effect can be given to the recommendations of the Commission, whatever they may be, as they will have to be carefully considered by His Majesty's Government and the Government of India. Sir Louis Dane imagines that, judging from the history of previous Commissions of this nature, it would be taking a very sanguine view of the matter to expect a final decision on the question of the steps to be taken to ameliorate the conditions of the Indian Services within about a couple of years. He hopes to show in this letter, however, that a large number of members in the Punjab Commission are suffering so badly at present in the matter of their pay and prospects, that to defer all hope of improvement for any such lengthy period, would inflict further great hardship on a deserving body of officers. His Honour would, therefore, urge most strongly on the Government of India the pressing necessity for adopting some temporary measures of relief pending the findings of the Commission. If the measures advocated in Mr. Fenton's letter of 20th September 1911, cannot be carried into effect at once and the immediate grant of a time-scale pending full consideration is impossible, the measures which the Lieutenant-Governor would commend to the favourable consideration of the

Government of India are indicated below with some special reasons why the Punjab Commission is entitled to special and early relief.

4. The grounds on which Sir Louis Dane considers that the members of the Punjab Commission have made out a case which calls urgently for redress of their grievances, have already been fully stated in Mr. Fenton's letter just alluded to above. In that letter the attention of the Government of India was drawn to the fact that the scale of salaries fixed for the Punjab is in many respects inferior to those obtaining in the other Provinces for posts manned by officers of the Indian Civil Service. Arguments were adduced, which need not now be repeated here, in favour of bringing the Punjab rates of pay of the superior appointments up to a level with those granted in what are sometimes still referred to as "Regulation" Provinces. An endeavour was also made to show that the junior officers of the Punjab Commission are at present very unfavourably situated in the matter of promotion to "superior" appointments, viz., those carrying a salary of Rs. 1,000 a month and over, as compared with their contemporaries serving in other Provinces. Allusion was at the same time made to the comparatively high cost of living in the Punjab, and to the rapidity with which the scale of necessary and unavoidable expenditure has risen in recent years. As a result of these considerations the Lieutenant-Governor recommended the equalisation of the pay of Deputy Commissioners in the Punjab with that drawn by Collectors in the United Provinces, and a redistribution of their grading; improvements in the salaries of Punjab Commissioners and Divisional Judges of the 4th grade were also recommended. Reference was made to previous attempts to equalise salaries in the Punjab to those in the United Provinces which had been unsuccessful, and it was expressly stated that the relief then sought should not prejudice the claim of the Punjab to any remedies applied to improve the condition of the Indian Civil Service elsewhere. It was noted that the application of the time-scale as sanctioned for the Political Department might well be one of those remedies. The Lieutenant-Governor regrets to say that though a year has elapsed, no orders have been received on this urgent representation. Some little relief has been obtained where it was most required by the regrading of the posts of Assistant Commissioners sanctioned in His Majesty's Secretary of State's Despatch No. 90, Public, dated the 29th of July 1910, and the Lieutenant-Governor has happily been able to help the officers who are suffering most by starting a number of settlements where the old assessments had expired. A few special appointments have been created, and five Assistant Commissioners have gone to other Provinces or to the Financial Department. Still the block is bad and an early remedy of a more permanent character is required.

5. The main question raised, by the fresh set of memorials now submitted, is the position of the members of the Punjab Commission below the rank of Deputy Commissioner. Various factors have quite recently combined to bring into prominence the very unsatisfactory state of affairs which at present prevails. First and foremost of these is the introduction last year of the time-scale rate of pay for the officers serving under the Government of India in the Political Department. In the Foreign Department, Resolution No. 2485—Est. A., dated 1st September 1911, it was intimated that the uniform rates of salaries to be substituted with the sanction of the Secretary of State for India under the time-scale scheme for the graded system hitherto in force, for all members of the Department below the grade of Resident, with additional personal allowances for members of the Indian Civil Service and of the Punjab Commission, had been calculated at a rate which would "give them approximately the emoluments which they might expect to draw in the Provinces." In the table appended to paragraph 2 of that Resolution is given the scale of pay and personal allowances to be drawn by Indian Civil and Military Members of the Commission according to this calculation when serving under the Foreign Department. This scale is quoted in the table attached to the memorials, and a comparison is instituted between the pay drawn by officers now serving in the Punjab and their contemporaries in the Political Department. With the exception of a few unusually fortunate officers in the judicial line, the comparison is throughout to the serious disadvantage of the officers serving in the ordinary line in this Province.

6. In this connection it is, in His Honour's opinion, only fair to remember the reasonable expectations with which our officers enter the Civil Service of India. Recruits can hardly be blamed if they regard the scale laid down in Article 754 of the Civil Service Regulations as defining the standard of salary they may normally expect to be drawing on the average during their service. No pledge has been given that an officer shall not draw less pay in any given year than the "assumed salary" mentioned in this article, but the scale represents a fair and steady course of promotion, and it is on this scale that percentage deductions for the Civil Fund are calculated in the case of members of the Indian Civil Service. The "assumed salary" is calculated on an annual increment of Rs. 100 per mensem to an officer's salary for each year of service after the first two, during which his pay is reckoned to be Rs. 400 per mensem, up to a maximum of Rs. 2,500. It is important to observe that the calculation on which this "assumed salary" is reckoned coincides with the accepted principle on which recruitment for the Indian Civil Service cadre is based, *viz.*, that at the end of an officer's eighth year of service, (reckoning from the 1st of April following his arrival in India), he shall be in the ordinary course of events in receipt of a salary of Rs. 1,000 per mensem. Appended to this letter is a statement (A) which shows the salaries and length of service of the senior and junior officers in each grade of the Punjab Commission according to the Civil List for the 1st April 1912. This date is, as has been explained in previous correspondence, the period of the year at which conditions of tenure of appointments are most normal and least affected by the absence of senior officers on leave or deputation. It will be seen from this statement that, with the exception of a few judicial officers in their 16th and 17th years, practically no officers were at the end of last cold weather drawing salaries on a par with their reasonable expectations. The discrepancy is most marked in the case of officers of between 8 and 14 years' service, *i.e.*, officers recruited between the years 1898—1903. Two officers who joined the service in 1898 had actually, during part of the last cold weather, to revert to their substantive salaries of Rs. 900 in the 14th year of their service. Nor, as matters stand at present, does there appear to be any prospect of the situation improving. In fact the reverse is the case. His Honour has lately passed orders regarding the posting of officers during the coming cold weather, and has found that, unless some more senior officers unexpectedly apply for leave, one officer who joined the service in 1898 and will, therefore, be in the 15th year of his service, will remain unprovided with a district, and will, therefore, draw only his substantive pay of Rs. 900 + such sub-divisional allowance as it may be possible to give him. In accordance with article 754 of the Civil Service Regulations this officer's salary should have been Rs. 1,600. There is no doubt that the present concession of allowing officers to add privilege leave to other forms of leave operates adversely as regards the prospects of officers drawing acting allowances in the cold weather, as long furlough is not so usually taken now. But the concession is much appreciated and could hardly be revoked now without some countervailing advantage, and at any rate it will, the Lieutenant-Governor thinks, be readily admitted that it is very unsatisfactory that the presence of nearly all the senior officers of the Commission on duty during any given period should result in such a difference in the emoluments drawn by officers of 14 and 15 years' service.

7. In paragraphs 18 and 19 of Mr. Fenton's letter No. 2257 S., dated 20th September 1911, mention is made of over-recruitment as one of the causes of the present block. The Lieutenant-Governor has caused this particular point to be further examined as temporary over-recruitment has always been held to justify the introduction of temporary measures of relief, and he now invites the attention of the Government of India to the following facts. The depletion in the ranks of the Commission in the eighties led to serious difficulties in filling the superior posts in the early nineties. The depletion in question was due partly to the failure of most of the statutory civilians appointed, to under-recruitment owing to the previous block, and to an unprecedented mortality among the junior officers, who at that time were recruited at a much younger age than at present. Extra recruitment was resorted to as a remedy, and for several

Following 1895 the number of additions to the strength of the Commission abnormal. The actual figures are:—

	New recruits.	Corresponding casualties.
1st July 1896 to 30th June 1897 ...	14	9
1st July 1897 to 30th June 1898 ...	13	11
1st July 1898 to 30th June 1899 ...	14	6
1st July 1899 to 30th June 1900 ...	12	6
1st July 1900 to 30th June 1901 ...	8	4

Of these 61 officers 56 were still on 1st April 1912 in the service, but 15 of the 56 were not on the effective strength of the Commission having been permanently transferred to the North-West Frontier Province or the Political Department. Thus there are now in the Punjab 41 officers of between 12 and 16 years' service, of whom the senior (Mr. M. S. D. Butler) is in the rank of Deputy Commissioner, 3rd grade, and the junior (Major R. W. E. Knollys) is still an Assistant Commissioner of the 2nd grade.

In paragraph 7 of this Government's letter No. 204, dated 17th February 1897, in which a warning was sounded against a too rapid rate of recruitment to make good the former depletion, one of the difficulties which Sir Dennis Fitzpatrick anticipated from an attempt to raise the strength of the Commission rapidly was a block among the junior officers. The Lieutenant-Governor gave it as his opinion that it was "undesirable to recruit so rapidly as to postpone for any considerable number of recruits the attainment of a superior appointment so late as the latter part of the 11th year of their service," and he trusted that the recruitment would be so regulated as to avoid this. This unfortunately was not done and as events have turned out, matters are very much worse than the contingency Sir D. Fitzpatrick deprecated, for there are now in the Punjab several officers in the 13th year of their service who have not yet attained superior appointments carrying a salary of Rs. 1,000 per mensem.

The seriousness of this very unfortunate state of affairs is aggravated when attention is drawn to the fact that as long ago as November 1898 the Government of India adopted as a factor in calculating the rate of recruitment the principle that in order to ensure, on the one hand, sufficient practical experience in officers filling superior posts, and on the other, a reasonable and proper rate of promotion, eight years (instead of nine as formerly) should be taken as the average period which an officer should pass in inferior posts before he became permanently entitled to a salary exceeding Rs. 1,000 a month. This principle was accepted by the Secretary of State in His Lordship's Despatch No. 13, dated 26th January 1899, and has been adopted since 1900 as one of the bases on which subsequent recruitment for the Indian Civil Service has been calculated.

8. Sir Louis Dane also wishes to invite the consideration of the Government of India to the following table which shows the course of recruitment for the Punjab Commission since 1901. The full strength of the Commission as sanctioned by the Secretary of State in 1900 was 167, and to maintain this complement of officers the normal annual recruitment necessary was calculated to be 7.20 at a casualty rate of 4.31 per cent. on the strength. This casualty rate was found to be slightly too high and was reduced to 4.17 per cent. in the Home Department letter No. 410, dated 9th May 1905. The normal annual

recruitment figure remained, however, at 7 until 1910, when, as will be seen presently, it was reduced to 6.50.

Recruits for the year.	Punjab Government indent.	Actually recruited.	Number intended for North-West Frontier Province.	Actually taken for North-West Frontier Province.
1901-02	7	9	1	1
1902-03	5	7	1	1
1903-04	8	9	2	2
1904-05	7	9	2	2
1905-06	6	11	2	Nil.
1906-07	7	10	2	1
1907-08	7	8	Nil.	1
1908-09	7	6	Nil.	Nil.
1909-10	6	5	Nil.	Nil.
Total	60	74	11	8*

*If 3 recruits taken for the Foreign Department count against N.-W. F. P. recruits; otherwise 5 only.

The recruits who joined in the last two years, 1910-11 and 1911-12, (5 in each year as indented for,) need not be considered in this connection, as they are regarded as still under training. It will thus be seen that during the 9 years in question 14 officers were recruited over and above the estimated requirements of the Punjab Government, but the Political Department has also failed to take over for the North-West Frontier Province the full number of officers recruited expressly for that Province. This failure and the injurious congestion in the junior ranks of the Punjab Commission which would result therefrom were brought to the notice of the Government of India in Mr. Fenton's letter No. 2914 S., dated 14th October 1909.

9. The enquiry conducted in 1904 by Mr. O. T. Barrow into the data upon which the recruitment for the Indian Civil Service were based, established the fact that over-recruitment had been the result of the orders of the Government of India of 1896. This was admitted by the Secretary of State in his Public Despatch No. 9, dated 4th February 1910. As a consequence of the orders then passed the normal rate of recruitment has, as already noted above, been reduced to 4.17 per cent. of the sanctioned strength of the Commission, and during each of the last two years only five officers have been recruited for the Punjab. But this modification in the rate of recruitment does not benefit the officers recruited in the decade 1896 to 1906 who, with their juniors, find themselves hopelessly blocked for promotion by having been brought into the service in too large batches. The block is in no way the fault of the officers concerned, and the case of many officers on the Punjab list of considerably more than eight years' service, who have no prospect of attaining to permanent appointments on Rs. 1,000 or over, within any appreciable short space of time, may almost be described as desperate. The discouragement and discontent arising from this state of things are not matters to which Government can safely shut its eyes. The traditions of the Civil Service of India are such that its old standard of efficiency and enthusiasm cannot reasonably be expected to be maintained by a body of disappointed and, it is to be feared, indebted officers. The Lieutenant-Governor considers that Government, if only in its own interests, is bound to apply a satisfactory remedy to a situation which has arisen from a miscalculation of the conditions under which the service has been recruited in the recent past, a situation which has been in fact recognized for some years already.

10. Just 30 years ago a similar block in promotion in the junior ranks of the Punjab Commission was brought to the notice of the Government of India

by Sir Robert Egerton's orders in Mr. (now Sir W. Mackworth) Young's letter No. 886, dated the 15th April 1882. The stagnation of promotion then existing, and the spirit of depression in the ranks of the service with the consequent danger to the tone of the administration so impressed the succeeding Lieutenant-Governor, Sir Charles Aitchison, that he made a further lengthy representation on the subject in his Secretary's letter No. 778, dated 4th April 1883. Much of what was then said has now come true again a generation later.

The reasons given in 1883 for the unsatisfactory prospects of the junior members of the Punjab Commission were three in number :—

(1) The fact that in a Commission composed of Civilians and Military and Uncovenanted Officers who were not all under the same rules as regards pension and time of retirement, the tendency was for a disproportionate number of the higher posts to be held for long terms by the Military and Uncovenanted Officers awaiting their full pensions or compulsory retirement under the 55 years rule.

(2) Over-recruitment in certain years.

(3) The small number of high appointments compared with the number of minor ones.

The first of these causes, though its effects were being felt to some extent a few years ago, is not at the present operative to any very appreciable degree. For, whereas in 1883 the number of higher appointments carrying a salary of over Rs. 1,500 a month held by Military and Uncovenanted Officers was 64.7 per cent. of the 34 posts then available, leaving the Civilian Officers only 35.3 per cent., the figures now are :—

Appointments.	Total number.	Held by Civilians.	Held by Military Officers.	Held by Uncovenanted Officers.
Financial Commissioners and Commissioners.	7	5	2	Nil.
Deputy Commissioners, 1st and 2nd grades.	21	11	9	1
Divisional Judges ...	16	9	3	4
Total ...	44	25	14	5

In certain years the presence of Military and Uncovenanted Officers makes a difference to promotion, but this is not a point the Lieutenant-Governor would wish to press at this time, preferring to treat the Commission as a homogeneous whole. Besides no such officers are now recruited and the difficulty will soon disappear.

But the second and third causes mentioned above are those to which the present stagnation in promotion is due.

The remedies which Sir Charles Aitchison placed before the Government of India for consideration were the following :—

First.—To offer inducements, in the shape of a liberal bonus, to a few of the senior Military and Uncovenanted Officers to retire.

Second.—To allow a limited number of Civilians who had not served the period entitling them to full pension to retire on graduated pensions.

Third.—To transfer a few Civilians who had reached the rank of Deputy Commissioner to what was then the North-Western Provinces.

Fourth.—To transfer a few Civilians of the over-crowded years to appointments in the Political and other Departments under the Government of India.

Fifth.—To grant personal allowances to officers below the rank of Deputy Commissioner whose promotion had been retarded owing to over-recruitment in certain years.

Sixth.—To make the higher appointments in the Commission, such as those of Judge of the Chief Court, Financial Commissioner and Commissioner, tenable for a term of five years only.

Without unreservedly concurring in all these suggestions Sir Charles Aitchison was of opinion that "the state of affairs in the Punjab was so very serious as to call for the earnest consideration of every possible means at the disposal of Government for removing the stagnation in promotion which had already affected a large number of officers in the Commission, and which threatened to extinguish the prospects of reasonable advancement for a quarter of a century to come. The remedy, (he considered,) required to be applied without delay, as the hardships of slow promotion had already been borne by a number of officers in the Punjab for years."

These words with which Sir Charles Aitchison concluded his representation are quoted here, because in Sir Louis Dane's opinion they now apply as truthfully to the present situation as they did to the situation which existed when they were first written 29 years ago.

11. History has now a generation later repeated itself in more ways than one. As the Government of India is aware the whole question of the organisation of the Civil Administration in the Punjab was under consideration during the years 1882-84. The re-organisation scheme was finally sanctioned by the Secretary of State for India in his despatch No. 11, dated the 21st February 1884. One of the objects of the re-organisation was to improve the prospects of Deputy Commissioners of all grades, Judicial Assistants and senior Assistant Commissioners. In view of the improvement thus effected in the position of these officers, the Government of India in paragraph 25 of their despatch No. 313, dated the 5th November 1883, expressed the opinion that till some practical experience had been gained of the results of the re-organisation, it was impossible to determine what further measures of relief, if any, were necessary to relieve the grievances which a number of officers of the Punjab Commission had represented in their memorials, submitted to Government in April 1882.

Once more by the recent appointment of a Royal Commission on the Civil Services in India a large scheme of re-organisation has been set on foot, but there is one aspect in which Sir Louis Dane trusts that history will not be allowed to repeat itself. He refers, of course, to the postponement of all remedial measures until the re-organisation was actually brought into being. The position and prospects of the junior members of the Punjab Commission are

at the present moment so disappointing, and so inadequate to their proper expectations, that in the Lieutenant-Governor's opinion some intermediate measures of relief should at once be adopted in order to alleviate the hardships which have been brought about by the over-recruitment noticed in paragraphs 7-9 of this letter.

12. The Lieutenant-Governor will now indicate the direction in which he thinks temporary relief can be given. The remedies proposed in 1883 at once suggest themselves for consideration. The transfer of a certain number of officers who have attained the rank of Deputy Commissioner and Divisional Judge to other Provinces and departments, even if it were feasible, would not effect any very appreciable difference in the prospects of their juniors. The number of such officers who could be transferred is small, and the proportion of senior to junior appointments in the Commission is not sufficient to permit of the removal of the block in promotion being effected in this manner. Besides, the present incumbents of the post of Deputy Commissioner and Divisional Judge, except in the lowest grades, are the men who have been fortunate in their promotion, due to the depletion of the Commission in the early eighties, and they would not be willing to go elsewhere. One remedy that might be adopted is, as was suggested in 1882, to offer proportionate pensions to a certain number of officers of, say, over ten years' service to induce them to retire before completing their full term of service for the usual pension. But this again would not afford any effective remedy as the block is among the more junior officers and the proportionate pensions which could be offered would necessarily be small, and it is not probable that more than a very few officers could afford to avail themselves of this opportunity.

The only real intermediate remedy which, in His Honour's opinion, can be applied to the present situation is the granting of temporary allowances to those officers who, through no fault of their own, have been retarded in their promotion owing to the lack of superior appointments and over-recruitment, and who are now in receipt of salaries much below their legitimate expectations. The scale on which His Honour would earnestly suggest to the Government of India that personal allowances should be given is that laid down in Article 754 of the Civil Service Regulations. That is to say, personal allowances should be granted to officers in receipt of salaries lower than their "assumed" salaries as given in this article in order to bring their pay up to the standard there stated.

The startling difference between the extra cost of the time-scale allowances on 1st January and 1st October is in itself sufficient to show what an element of luck enters into the matter of the actual pay drawn by the Civil Servants of the Punjab, and explains one of the grievances of the memorialists, when they state that they find it impossible, in the existing conditions, to form any reliable estimate of the salaries they are likely to draw from time to time. It is a very serious matter for officers with families—and the majority of the officers of over 12 years' service are, as one would expect, married—not to be able to forecast with any degree of certainty the pay that they will draw, two or three years ahead. It becomes a still more serious matter when officers advancing in years, and in service, cannot anticipate any appreciable increase in their salaries within a reasonable time. And it is infinitely more serious when, as is the case at present, officers of 12 to 14 years' service see no immediate prospect of any increase in their pay at all, and in some cases actually find themselves drawing less pay than they did a year or two previously. That this is no exaggerated picture of present conditions a comparison of the Civil Lists for the cold weather of the past three years will amply prove.

The removal of this state of affairs is, in His Honour's opinion, the great argument in favour of the adoption of the time-scale system of payment. If, however, as it seems likely to be the case, there is no prospect of the time-scale being adopted until after the report of the Royal Commission has been submitted and considered, the Lieutenant-Governor strongly urges the grant of personal allowances as a temporary measure of relief. Should this proposal be favourably received by the Government of India and the Secretary of State, as Sir Louis Dane trusts

it will be, His Honour will be glad to submit the names of the officers who would be eligible for such allowances, and the estimated cost of the same for two years pending the decision of the question of permanent relief. This it should not be very difficult to calculate. At present, for the reasons already indicated, it does not seem that any useful purpose would be served by such calculations.

13. If personal allowances are to be granted to officers whose pay is at present far below their legitimate expectations, the question arises from what date such allowances should be given. In the memorials now submitted the prayer is advanced that retrospective effect may be given to any remedial measures which may be adopted, from the date the system of time-scale payment was introduced in the Foreign Department, viz., 21st May 1911. The Lieutenant-Governor is not aware how far the giving of retrospective effect to any orders which may now be passed will commend itself to the Government of India; but there are one or two points which he would urge for consideration in this connection. It is very evident from all that His Honour has heard that those officers of the Punjab Commission, who ought now, according to the principle on which recruitment is based, to be holding superior appointments, but are not doing so, find themselves distinctly embarrassed, if not actually in debt. There are also indications that reports have reached England of the unfavourable prospects of recruits now entering the Indian Civil Service, and that this is affecting the choice of the candidates passing high on the list between the Home and the Indian Services. Any falling off in the standard of our recruits would be a very serious matter. Another point which may well be taken in this connection is the fact that at the present time and for the past few years the flourishing finances of the Indian Empire have permitted Government to create a new department and to allot large annual grants for the promotion of sanitary measures and the education of the people. The carrying out of these measures is largely in the hands of the Civil Servants of the various provinces and it seems to be only reasonable and proper that some portion of the available surpluses should be devoted to the relief of those officers whose grievances can be shown to be well founded and reasonable.

14. With these remarks the Lieutenant-Governor leaves the matter in the hands of the Government of India and the Secretary of State, confident that the urgency of the case for the relief of the junior officers of the Punjab Commission will be fully recognised, and that such remedial measures as are immediately possible will be adopted to save a deserving body of officers who belong to a service generally supposed to be well paid, from further embarrassments.

I have the honour to be,

SIR,

Your most obedient Servant,

C. A. BARRON,

Chief Secretary to Government, Punjab.

STATEMENT A.

Salaries of officers in the Punjab Commission on 1st April 1912 (excluding officers on furlough and Statutory Civil Servants).

1	2	3	4	5
Grade.	Name.	Number of years service.	Salary, including officiating allowance.	Assumed salary for the purposes of article 754, Civil Service Regulations.
			Rs. A. P.	Rs.
1st grade Deputy Commissioner (10 in grade).	Senior—Mr. C. J. Hallifax ...	24½	3,000 0 0 officiating Commissioner.	2,500
	Junior—Lieut.-Col. M. W. Douglas ...	21½	2,250 0 0	2,300
2nd grade Deputy Commissioner (11 in grade).	Senior—Mr. C. H. Atkins ...	20½	2,250 0 0 excluding local allowance of Rs. 250.	2,200
	Junior—Mr. T. Miller ...	18½	1,800 0 0	2,000
3rd grade Deputy Commissioner (13 in grade).	Senior—Mr. H. P. Tollinton ...	17½	1,800 0 0	1,900
	Junior—Mr. W. deM. Malan ...	14½	1,500 0 0	1,600
1st grade Divisional Judge (2 in grade).	Senior—Mr. H. Scott-Smith ...	25½	3,500 0 0 officiating Judge, Chief Court.	2,500
	Junior—Lieut.-Col. G. C. Beadon ...	24½	2,750 0 0	2,500
2nd grade Divisional Judge (3 in grade)	Mr. H. A. Rose ...	23½	2,500 0 0	2,500
3rd grade Divisional Judge (5 in grade).	Senior—Mr. A. E. Martineau ...	22½	2,250 0 0	2,400
	Junior—Mr. E. A. Estcourt ...	17½	2,250 0 0	1,900
4th grade Divisional Judge (6 in grade).	Senior—Major B. O. Roe ...	17½	1,800 0 0	1,900
	Junior—Major A. A. Irvine ...	16½	1,800 0 0	1,800
District Judges (3 in grade)	Senior—Mr. S. Wilberforce ...	15½	1,500 0 0	1,700
	Junior—Mr. H. Harcourt ...	14½	1,500 0 0	1,600
1st grade Assistant Commissioner (14 in grade).	Senior—Mr. Q. Q. Henriques ...	14½	1,300 0 0	1,600
	Junior—Mr. J. Wilson Johnston ...	12½	1,000 0 0	1,400
2nd grade Assistant Commissioner (15 in grade).	Senior—Mr. M. H. Harrison ...	12½	900 0 0	1,400
	Junior—Mr. A. Latif, sub. pro tem. ...	9½	766 10 8	1,100
3rd grade Assistant Commissioner (16 in grade).	Senior—Mr. N. H. Prenter ...	9½	766 10 8	1,100
	Junior—Mr. G. B. Wilson ...	½	400 0 0	400

LIST OF MEMORIALS SUBMITTED.

1. Mr. P. D. Agnew.
2. Lieutenant-Colonel A. E. Barton.
3. Lieutenant-Colonel R. M. Lewis.
4. Mr. A. B. Kettlewell.
5. Major A. C. Elliott.
6. Mr. H. D. Watson.
7. ~~Major~~^{Mr} A. J. W. Kitchin.
8. Mr. T. Millar.
9. Mr. E. R. Abbott.
10. ~~Mr~~^{Mr} R. Humphreys.
11. Major B. O. Roe.
12. Mr. R. T. Clarke.
13. Mr. L. H. Leslie-Jones.
14. Diwan Tek Chand.
15. Mr. A. Langley.
16. ~~Mr~~^{Mr} H. C. Beadnall.
17. Major A. A. Irvine.
18. Mr. A. M. Stow.
19. Mr. S. Wilberforce.
20. Shaikh Asghar Ali.
21. Mr. B. H. Bird.
22. Mr. F. H. Burton.
23. Major C. H. Buck.
24. Major A. J. O'Brien, C.I.E.
25. Mr. W. deM. Malan.
26. Mr. Q. Q. Henriques.
27. Mr. T. P. Ellis.
28. Mr. B. N. Bosworth-Smith.
29. Mr. A. H. Parker.
30. Major J. Frizelle.
31. Mr. E. A. A. Joseph.
32. Mr. B. T. Gibson.
33. Mr. C. A. H. Townsend.
34. Mr. F. W. Kennaway.
35. Mr. H. Calvert.
36. Mr. O. F. Lumsden.
37. Mr. C. F. Usborne.
38. Mr. H. D. Craik.
39. Mr. A. H. Brasher.
40. Mr. J. Wilson-Johnston.
41. ~~Mr~~^{Mr} H. Harrison.
42. Mr. C. C. L. Howell.

43. Major G. B. Sanford.
44. Major J. C. Coldstream.
45. Mr. G. F. de Montmorency.
46. Mr. H. A. Smith.
47. Mr. D. J. Boyd.
48. Major R. W. E. Knollys.
49. Mr. J. M. Dunnett.
50. Mr. J. Coldstream.
51. Mr. H. S. Williamson.
52. Mr. H. F. Forbes.
53. Mr. R. C. Bolster.
54. Mr. A. Campbell.
55. Mr. A. Latifi.
56. Mr. V. Connolly.
57. Mr. G. M. Boughey.
58. Mr. N. H. Prenter.
59. Major F. C. Nicolas.
60. Mr. J. Addison.
61. Mr. R. B. Whitehead.
62. Mr. H. H. Jenkyns.
63. Mr. M. L. Darling.
64. Mr. B. H. Dobson.
65. Mr. F. W. Skemp.
66. Mr. E. G. F. Abraham.
67. Mr. J. A. Ferguson.
68. Mr. H. Fyson.
69. Mr. C. F. Strickland.
70. Mr. G. Worsley.
71. Mr. E. Burdon.
72. Mr. M. N. L. Currie.
73. Mr. H. W. Emerson.
74. Mr. H. K. Trevaskis.
75. Mr. M. S. Leigh.
76. Mr. H. L. H. Shuttleworth.
77. Mr. R. D. Thomson.
78. Mr. P. J. Rust.
79. Mr. A. A. McC. Mitchell.
80. Mr. A. A. L. Parsons.
81. Mr. A. L. Gordon Walker.
82. Mr. M. V. Bhide.
83. Mr. J. R. S. Parso.
84. Mr. W. R. Wilson.
85. Mr. W. W. Powell.
86. Mr. G. M. Young.
87. Mr. L. Middleton.

- Mr. J. G. Beazley.
- Mr. H. A. F. Metcalfe.
- Mr. H. St. J. B. Philby.
- Mr. D. Johnstone.
92. Mr. C. H. Malan.
93. Mr. R. R. Maconachie.
94. Mr. G. C. Hilton.
95. Mr. E. Sheepshanks.
96. Mr. A. J. Clark.
97. Mr. A. A. L. Roberts.
98. Mr. J. D. Penny.
99. Mr. J. D. Anderson.
100. Mr. C. B. Barry.
101. Mr. J. W. Hearn.
102. Mr. J. F. Mitchell.

405

Statement showing the cadre and strength of the Indian Civil Service for India as a whole and by Presidencies or Provinces, as it stood on 1st July 1912, together with the number of posts listed as open to the Provincial Service in accordance with the terms of the rules made under the provisions of section 6 of the Government of India Act, 1870 (33 Vict, Cap. 3).

	Madras.	Bombay.	Bengal.	United Provinces.	Punjab.	Burma.	Bihar and Orissa.	Central Provinces.	Assam.	Total.
1	2	3	4	5	6	7	8	9	10	11
(1) No. of "Superior" posts <i>i.e.</i> , posts carrying a salary of over Rs. 1,000 a month in the Presidency or Province.	87	84	90	111	80	83	54	51	22	662
(2) Deduct for posts listed as open to Provincial Service.	8	6	8	7	11	5	5	6	...	56
(3) Add for posts under the Government of India (a).	8	8	8	10	7	6	5	4	2	58
(4) Balance number of "Superior" posts ...	87	86	90	114	76	84	54	49	24	664
(5) Add 4 per cent for temporary posts and for deputation [<i>N.B.</i> —For such posts additions are made in the lowest grade of assistants.]	3	3	4	5	3	3	2	2	1	26
(6) Total number of "Superior" posts on which recruitment is based.	90	89	94	119	79	87	56	51	25	690
(7) Add "Inferior" posts, <i>i.e.</i> , posts above the lowest grade of assistants, but below the "superior" posts, at 39 per cent of line (6).	35	35	37	46	31	34	22	20	9	269
(8) Add leave reserve at 40 per cent of line (6) ...	36	35½	37½	47½	32	35	22½	20	10	276
(9) Add training reserve at 15½ of line (6) ...	14	13½	14½	18½	12	13	8½	8	4	106
(10) Strength of service required at 194½ per cent of line (6).	175	173	183	231	154	169	109	99	48	1,341
(11) Rate of recruitment at 4·17 per cent of strength shown in line (10).	7·3	7·2	7·6	9·6	6·4	5·3 Civil. 1·7 Military.	4·5	4·1	2·0	54 Civil. 1·7 Military.

(a) The figures under this line are fixed arbitrarily from time to time for purposes of recruitment, and are not intended to limit or guarantee the number of posts under the Government of India, which may at any time be filled from a particular Province. (*Vide* paragraph 7 of despatch No. 25, dated 24th June 1909.)

2
LIST A.
MADRAS.

Superior posts in order of pay.

Number.	Designation.	Pay of each.
		Rs.
2	Members of Council	5,333 $\frac{1}{3}$
2	High Court Judges	4,000
1	Member, Board of Revenue	3,750
1	Chief Secretary	3,750
1	Member, Board of Revenue	3,500
1	Secretary, Revenue Department	3,125
2	Members, Board of Revenue	3,000
2	District and Sessions Judges, 1st grade	3,000
1	Inspector-General of Police	2,500—100—3,000
1	Resident, Travancore	2,800
7	District and Sessions Judges, 2nd grade	2,500
1	Secretary Municipal (Local) Department	2,500
(a) 7	Collectors, 1st grade	2,500
7	District and Sessions Judges, 3rd grade	2,250
(a) 14	Collectors, 2nd grade	2,250
6	District and Sessions Judges, 4th grade	2,000
1	Commissioner of Coorg	1,800—2,000
(a) 6	Collectors, 3rd grade	1,800
1	Secretary to Commissioner of Land Revenue	1,500—1,800
1	Secretary to Commissioner, Salt and Akbari Revenue	1,500—1,800
1	Registrar, High Court	1,500—1,800
1	Private Secretary	1,500
(b) 20	Sub-Collectors and Joint Magistrates, 1st grade	1,200
Total 87		
Deduct—8	For posts listed as open to the Provincial Service.	
Add +8	For posts under the Government of India.	
Balance 87		
	Inferior posts, i.e., posts above the lowest grade of assistants but below the "superior" posts in order of pay.	
3	Under Secretaries	1,000
16	Joint Magistrates, 2nd grade	900
16	Ditto 3rd "	700
Total 35		
	Reserve posts i.e., Assistant Collectors	400—500
3	Reserve for temporary posts and for deputations.	
36	Leave reserve.	
14	Training reserve	
Total 53		

(a) Includes Collector of Madras, Director of Agriculture, and Registrar of Co-operative Credit Societies.

(b) Includes Deputy Commissioner of Salt and Akbari, Director of Land Records and two listed posts of

3
LIST B.
BOMBAY (INCLUDING SIND).
Superior posts in order of pay.

Number.	Designation.	Pay of each.
		Rs.
		5,333 $\frac{1}{3}$
2	Members of Council	4,000
3	High Court Judges	3,750
1	Chief Secretary	3,750
1	Commissioner in Sind	3,500
3	Commissioners	3,125
1	Secretary	3,000
1	Commissioner of Customs, Salt, Opium, etc.	3,000
1	Municipal Commissioner, Bombay	3,000
1	Judicial Commissioner, Sind	2,500—100—3,000
1	Inspector-General of Police	2,750
1	Additional Judicial Commissioner	2,500
(a) 3	District and Sessions Judges, 1st grade	2,500
1	Secretary	2,325
6	District and Sessions Judges, 2nd grade	2,325
13	Senior Collectors	Salary of grade plus a local allowance of Rs. 250.
1	Commissioner of Settlement and Director, Land Records	1,800
		1,800
9	District and Sessions Judges, 3rd grade	1,700
(b) 15	Junior Collectors	1,500
1	Registrar, High Court	1,200
1	Private Secretary	Local allowance Rs. 300.
1	Deputy Commissioner, Upper Sind Frontier	1,250—50—1,500
3	Political appointments	1,250
1	Assistant Remembrancer of Legal Affairs	1,100
2	Under Secretaries	1,100
1	Talukdari Settlement Officer	Local allowance Rs. 100.
1	Assistant to Commissioner in Sind	Salary of grade plus special allowance of Rs. 200.
1	Manager, Sind Encumbered Estates	
2	Superintendents of Land Records	Salary of grade plus special allowance of Rs. 150.
		900 (c)
1	Registrar, Co-operative Credit Societies	
5	Assistant Collectors, 1st grade	
Total 84		
Deduct—6	For posts listed as open to the Provincial Service	
Add +8	For posts under the Government of India	
Balance 86		
	Inferior posts i.e., posts above the lowest grade of assistants but below the "superior" posts in order of pay.	
17	Assistant Collectors, 1st grade	900
18	Ditto 2nd "	700
Total 35		
	Reserve posts, i.e., Assistant Collectors	400—500
3	Reserve for temporary posts and for deputations.	
35 $\frac{1}{2}$	Leave reserve.	
13 $\frac{1}{2}$	Training reserve.	
Total 52		

(a) Includes Remembrancer of Legal Affairs.
(b) Includes Collector of Salt Revenue, Collector of Bombay and Director of Agriculture and Co-operative Credit Societies; but excludes Collector of Customs, Bombay.
(c) It has recently been proposed to raise the pay of these 5 appointments to Rs. 1,200 (vide despatch no. dated).

LIST C.

BENGAL.

Superior posts in order of pay.

Number.	Designation.	Pay of each.
		Rs.
2	Members of Council ...	5,333½
4	High Court Judges ...	4,000
1	Member, Board of Revenue ...	3,750
1	Chairman, Calcutta Corporation ...	3,500
1	Chief Secretary ...	3,333½
(a) 3	District and Sessions Judges, 1st grade ...	3,000
1	Chairman of the Calcutta Improvement Trust ...	3,000
5	Commissioners ...	2,916½
1	Inspector-General of Police ...	2,500—100—3,000
2	Secretaries ...	2,750
(a) 13	District and Sessions Judges, 2nd grade ...	2,500
(b) 12	Magistrates and Collectors, 1st grade ...	2,250
(a) 14	District and Sessions Judges, 3rd grade ...	2,000
(b) 13	Magistrates and Collectors, 2nd grade ...	1,800
1	Registrar, High Court ...	1,700
(b) 14	Magistrates and Collectors, 3rd grade ...	1,500
1	Private Secretary to His Excellency the Governor ...	1,500
1	Deputy Chairman, Calcutta Corporation ...	1,500
Total 90		
Deduct—8	For posts listed as open to the Provincial Service.	
Add +8	For posts under the Government of India.	
Balance 90		
	<i>Inferior posts (i.e., posts above the lowest grade of assistants but below the "superior" posts in order of pay (excluding one listed under Secretaryship).)</i>	
2	Under Secretaries ...	1,000
17	Joint Magistrates ...	900
17	Ditto ...	700
Total 36		
	<i>Reserve posts, i.e., Assistant Magistrates</i>	
4	Reserve for temporary appointments and deputations.	400—500
37½	Leave reserve.	
14½	Training reserve.	
Total 56		

(a) Includes Superintendent and Remembrancer of Legal Affairs and 3 District and Sessions Judges for Assam.
 (b) Includes Commissioner of Excise, Director of Land Records, Director of Agriculture, two Secretaries to the Board of Revenue, Registrar of Co-Operation Credit Societies, three Settlement Officers and four Additional Magistrates for Dacca, Midnapur, Backerganj and Mymensing.

LIST D.

UNITED PROVINCES.

Superior posts in order of pay.

Number.	Designation.	Pay of each.
		Rs.
		8,333½
		4,000
1	Lieutenant-Governor ...	3,500
3	High Court Judges ...	3,500
1	Judicial Commissioner ...	3,333½
2	Members, Board of Revenue ...	3,000
1	Additional Judicial Commissioner ...	3,000
1	Chief Secretary ...	2,916½
2	District and Sessions Judges, 1st grade ...	2,500—100—3,000
9	Commissioners ...	2,500—100—3,000
1	Inspector-General of Police ...	2,500
1	Opium Agent ...	2,500
1	Commissioner, Kumaun ...	2,250
(a) 7	District and Sessions Judges, 2nd grade ...	2,250
(b) 10	Magistrates and Collectors, 1st grade ...	1,833½
(a) 6	District and Sessions Judges, 3rd grade ...	1,833½
10	District and Sessions Judges, 4th grade ...	1,833½
(b) 17	Magistrates and Collectors, 2nd grade ...	1,666½
4	Deputy Commissioners, 1st grade ...	1,666½
3	District and Sessions Judges, 5th grade ...	1,600
(b) 10	Deputy Commissioners, 2nd grade ...	1,600
1	Registrar, High Court ...	1,500
4	Settlement Officers ...	1,500
1	Deputy Director of Land Records ...	1,500
1	Registrar, Co-operative Credit Societies ...	1,500
1	Superintendent, Dehra Dun ...	1,100
1	Deputy Commissioner, Naini Tal ...	1,000
1	Assistant Judge ...	1,000
2	Deputy Commissioners of Garhwal and Almora ...	1,000
Total 111		
Deduct—7	For posts listed as open to the Provincial Service.	
Add + 10	For posts under the Government of India.	
Balance 114		
	<i>Inferior posts, i.e., posts above the lowest grade of assistants but below the "superior" posts in order of pay.</i>	
2	Under Secretaries ...	1,000
1	Under Secretary ...	800
1	City Magistrate, Lucknow ...	1,000
14	Joint Magistrates, 1st grade ...	800
6	Assistant Commissioners, 1st grade ...	800
1	Assistant Judge ...	700
20	Joint Magistrates 2nd grade ...	Salary of grade.
1	Registrar, Judicial Commissioner's Court ...	Salary of grade.
Total 46		
	<i>Reserve posts, i.e., Assistant Collectors</i>	
5	Reserve for temporary posts and for deputations.	400—500
47½	Leave reserve.	
18½	Training reserve.	
Total 71		

(a) Includes the Legal Remembrancer.
 (b) Includes two Secretaries in the Board of Revenue, Judicial and Financial Secretaries to Government, Director of Land Records and Agriculture and Commissioner of Excise.

LIST E.

PUNJAB (EXCLUDING THE NORTH-WEST FRONTIER PROVINCE).

Superior posts in order of pay.

Number.	Designation.	Pay of each.
		Rs.
1	Lieutenant-Governor ...	8,333½
1	Chief Judge, Chief Court ...	4,000
2	Judges, Chief Court ...	3,500
2	Financial Commissioners ...	3,500
1	Chief Secretary ...	3,000
5	Commissioners ...	2,750
2	Divisional Judges, 1st grade ...	2,500
3	Divisional Judges, 2nd grade ...	2,250
5	Divisional Judges, 3rd grade ...	2,250
(a) 10	Deputy Commissioners, 1st grade ...	1,800
(a) 11	Deputy Commissioners, 2nd grade ...	1,500
8	District Judges ...	1,500
(a) 13	Deputy Commissioners, 3rd grade ...	1,250
6	Settlement Officers ...	1,250
1	Registrar, Co-operative Credit Societies ...	Salary of grade plus special allowance of Rs. 150.
1	Senior Secretary to Financial Commissioners ...	Salary of grade subject to a minimum of Rs. 1,200 and a maximum of Rs. 1,800.
1	Junior Secretary to Financial Commissioners ...	Salary of grade subject to a minimum of Rs. 1,500 and a maximum of Rs. 1,000.
1	Registrar, Chief Court ...	1,250
Total 80		
Deduct—11	For posts listed as open to the Provincial Service.	
Add +7	For posts under the Government of India.	
Balance 76		
	<i>Inferior posts, i.e., posts above the lowest grade of assistants but below the "superior" posts in order of pay (excluding one Under Secretary-ship listed.)</i>	
2	Under Secretaries ...	1,000
14	Assistant Commissioners, 1st grade ...	900
15	Assistant Commissioners, 2nd grade ...	700
Total 31		
	<i>Reserve posts, i.e., Assistant Commissioners of the lowest grade</i>	
3	Reserve for temporary posts and for deputations.	400—500
32	Leave reserve.	
12	Training reserve.	
Total 47		

(a) Includes 2 Secretaries to Government, Director of Land Records, Director of Agriculture and Police Agent in the Phulkian States.

LIST F.

BURMA.

Superior posts in order of pay.

Number.	Designation.	Pay of each.
		Rs.
1	Lieutenant-Governor ...	8,333½
1	Chief Judge, Chief Court ...	4,000
1	Judge, Chief Court ...	3,500
1	Judicial Commissioner, Upper Burma ...	3,500
1	Financial Commissioner ...	3,500
1	Chief Secretary to Government ...	3,000
8	Commissioners of Divisions ...	2,750
1	Commissioner of Settlements and Director of Land Records ...	2,750
2	Divisional Judges, 1st grade ...	2,750
1	President, Rangoon Municipality ...	2,500 (a)
1	Director of Agriculture ...	2,400 (d)
2	Divisional Judges, 2nd grade ...	2,250
(c) 12	Deputy Commissioners, 1st grade ...	2,250 (b)
1	Revenue Secretary to Government ...	2,250 (b)
1	Secretary to Government ...	1,800
2	Divisional Judges, 3rd grade ...	1,800
(c) 13	Deputy Commissioners, 2nd grade ...	1,500
8	District Judges ...	1,500
(c) 15	Deputy Commissioners, 3rd grade ...	1,500 (b)
1	Deputy Director of Land Records ...	1,500 (b)
1	Secretary to Financial Commissioner ...	1,400 (b)
1	Registrar, Chief Court ...	1,400 (b)
6	Settlement Officers ...	Salary of grade plus special allowance of Rs. 150.
1	Registrar, Co-operative Credit Societies ...	
Total 83		
Deduct—5	For posts listed as open to the Provincial Service.	
Add +6	For posts under the Government of India.	
Balance 84		
	<i>Inferior posts, i.e., posts above the lowest grade of assistants but below the "superior" posts in order of pay.</i>	
11	Assistant Commissioners, 1st grade ...	1,000
10	Assistant Commissioners, 2nd grade ...	700
10	Assistant Commissioners, 3rd grade ...	600
34		
	<i>Reserve posts, i.e., Assistant Commissioners of the 4th grade</i>	450—500
3	Reserve for temporary posts and for deputations.	
35	Leave reserve.	
13	Training reserve.	
51		

Maximum salary including a local allowance of Rs. 250 a month.

Maximum salary including a local allowance of Rs. 400, Rs. 300, Rs. 200, Rs. 200 and Rs. 200, rely.

Includes Superintendents of Shan States, Collector of Rangoon and Commissioner of Excise, officer drawing the salary of grade plus a local allowance of Rs. 250, without a maximum.

Maximum salary including a local allowance of Rs. 150 a month.

LIST G.

BIHAR AND ORISSA.

Superior posts in order of pay.

Number.	Designation.	Pay of each.
		Rs.
1	Lieutenant-Governor	8,333½
2	Members of Council	5,000
2	High Court Judges	4,000
1	Member, Board of Revenue	3,500
1	Chief Secretary	3,000
(a) 2	District and Sessions Judges, 1st grade	3,000
5	Commissioners	2,916½
1	Inspector-General of Police	2,500—100—3,000
(a) 5	District and Sessions Judges, 2nd grade	2,500
(b) 9	Magistrates and Collectors, 1st grade	2,250
(a) 5	District and Sessions Judges, 3rd grade	2,000
(b) 10	Magistrates and Collectors, 2nd grade	1,800
(b) 10	Magistrates and Collectors, 3rd grade	1,500
Total 54		
Deduct—5	For posts listed as open to the Provincial Service.	
Add +5	For posts under the Government of India.	
Balance 54	On which recruitment is based.	
	<i>Inferior posts, i.e., posts above the lowest grade of assistants but below the "superior" posts (including one listed Under Secretary) in order of pay—</i>	
2	Under Secretaries	1,000
10	Joint Magistrates, 1st grade	900
10	Joint Magistrates, 2nd grade	700
Total 22		
	<i>Reserve posts, i.e., Assistant Magistrates</i>	
2	Reserve for temporary posts and for deputations.	400—500
22½	Leave reserve.	
8½	Training reserve.	
Total 33		

(a) Includes Superintendent and Remembrancer of Legal Affairs and Judicial Commissioner, Chota Nagpur.
 (b) Includes two Secretaries to Government, and Directors of Land Records and Agriculture, Commissioner of Excise, Registrar of Co-operative Credit Societies, two Settlement Officers and Political Officer, Orissa.

LIST H.

CENTRAL PROVINCES AND BERAR.

Superior posts in order of pay.

Number.	Designation.	Pay of each.
		Rs.
	<i>Central Provinces.</i>	
1	Chief-Commissioner	5,166½
1	Financial Commissioner	3,500
1	Judicial Commissioner	3,500
1	Additional Judicial Commissioner	3,000
1	Second Additional Judicial Commissioner	2,750
3	Commissioners	2,750
2	Ditto	2,500
1	Senior Divisional Judge	2,500
(a) 8	Deputy Commissioners, 1st class	2,250
(a) 12	Ditto ditto, 2nd class	1,800
(a) 14	Ditto ditto, 3rd class	1,500
4	Settlement Officers	} Salary of grade plus allowance of Rs. 150. special of
1	Director of Agriculture	
1	Registrar, Co-operative Credit Societies	
Total 51		
Deduct—6	For posts listed as open to the Provincial Service.	
Add +4	For posts under the Government of India.	
Balance 49		
	<i>Inferior posts, i.e., posts above the lowest grade of assistants but below the "superior" posts in order of pay.</i>	
6	Assistant Commissioners, 1st grade	900
13	Assistant Commissioners, 2nd grade	700
Total 19		
	NOTE—There is a defect of one post. It was proposed in despatch No. , dated to correct the defect and to grade the 20 posts as follows:—	
10	Assistant Commissioners, 1st grade	900
10	Assistant Commissioners, 2nd grade	700
Total 20		
	<i>Reserve posts, i.e., Assistant Commissioners of the lowest grade</i>	400—500
2	Reserve for temporary posts and for deputations.	
20	Leave reserve.	
8	Training reserve.	
Total 30		

(a) Includes Chief Secretary, Secretary, Political Agent of Chhattisgarh, Commissioner of Excise, Commissioner of Settlements, three Divisional Judges, Inspector-General of Police, and two District and Sessions Judges and one Secretary to the Chief Commissioner. The Inspector-General of Police draws a local allowance of Rs. 450, subject to a maximum salary of Rs. 2,500 a month.

10
LIST I.
ASSAM.

Superior posts in order of pay.

No.	Designation.	Pay of each.
		Rs.
1	Chief Commissioner	5,166½
2	Commissioners	2,750
(a)6	Deputy Commissioners, 1st grade	2,250
(a)7	Deputy Commissioners, 2nd grade	1,800
(a)6	Deputy Commissioners, 3rd grade	1,500
Total 22		
Deduct — Nil.	For posts listed as open to the Provincial Service.	
Add + 2	For posts under the Government of India.	
Balance 24		
	Inferior posts, i.e., posts above the lowest grade of assistants but below the "superior" posts in order of pay.	
2	Under Secretaries,	1,000
4	Joint Magistrates, 1st grade	900
3	Joint Magistrates, 2nd grade	700
Total 9		
	Reserve posts, i.e., Assistant Magistrates	400—500
1	Reserve for temporary posts and for deputations.	
10	Leave reserve.	
4	Training reserve.	
Total 15		

(a) Includes Superintendent of Lushai Hills; Commissioner of Excise, Inspector-General of Registration and Registrar of Co-operative Credit Societies; Director of Land Records and Agriculture; two Secretaries to the Chief Commissioner; Inspector-General of Police; one Settlement Officer; and Political Agent, Manipur.

11
LIST J.
SUPERIOR POSTS UNDER THE GOVERNMENT OF INDIA.

No.	Designation.	Pay of each.
		Rs.
		6,666½
3	Members of Council	4,000
	Home Department—	
1	Secretary	2,000
1	Deputy Secretary	3,000
1	Director, Criminal Intelligence	2,500—3,000
1	Superintendent of Port Blair	4,000
	Finance Department—	
1	Secretary	3,000
1	Joint Secretary	2,250
1	Deputy Secretary	3,500—4,000
1	Comptroller and Auditor General	2,250—2,750
3	Accountants General	1,100—1,800
3	Officers of the Indian Finance Department	
	Foreign Department—	
1	Secretary	4,000
1	Deputy Secretary	2,250
23	Political Officers	1,100—4,000
	Legislative Department—	
1	Secretary or Deputy Secretary	3,000—3,500 or 2,000
	Department of Revenue and Agriculture—	
1	Secretary	4,000
	Department of Commerce and Industry—	
1	Secretary	4,000
1	Director General of Posts and Telegraphs	3,000—3,500
1	Postmasters-General	1,500—1,750 or 1,750—2,000 or 2,250—2,500
4		2,500
	Commissioner, Northern India Salt Revenue	3,000
1	Inspector-General of Excise and Salt	2,050—2,500
1	Collectors of Customs	1,150—1,400
3	Assistant Collectors of Customs	
2	Department of Education—	
1	Secretary	3,000
Total 58		

LIST K.

Inferior posts under the Government of India.

Number.	Designation.	Pay of each.
		Rs.
Home Department—		
1	Under Secretary ...	1,300
1	Personal Assistant to the Director, Criminal Intelligence ...	Salary of grade plus a local allowance of Rs. 300 subject to a maximum of Rs. 1,300.
Finance Department—		
1	Under Secretary ...	1,300
1	Post in the Indian Finance Department ...	1,000—1,200
Foreign Department—		
1	Under Secretary ...	1,300
1	Assistant Secretary ...	Salary of grade in the Political Department plus a local allowance of Rs. 150 subject to a maximum of Rs. 1,500.
9	Posts in the Political Department...	600—1,000
Department of Revenue and Agriculture—		
1	Under Secretary ...	1,300—1,500
Department of Commerce and Industry—		
2	Under Secretaries ...	1,300
1	Assistant Collector of Customs, Imperial customs service ...	900
Total 19		

LIST L.

SUPERIOR APPOINTMENTS LISTED AS OPEN TO THE PROVINCIAL SERVICES.

	Madras.	Bombay.	Bengal.	United Provinces.	Punjab.	Burma.	Bihar and Orissa.	Central Provinces (and Berar).	Total.
Heads of districts ...	2	2	8	2	2	2	5	4	29
District and Divisional Judges.	4	3	5	6	2	1	...	2	3
Settlement Collectors	...	...	...	...	...	...	...	...	2
Sub-Collectors	2	...	...	...	...	...	...	...	1
Secretary, Board of Revenue.	...	...	...	...	1	...	...	...	1
Talukdari Settlement Officer.	...	1	...	...	...	...	...	...	...
Total	8	6	8	7	11	5	5	6	56

Statement showing for India as a whole and by Presidencies and Provinces the actual strength of the Indian Civil Service cadre as it stood on 1st July 1912, compared with the strength at which it should have stood on the same date in accordance with the sanctioned calculations

Provinces.	Sanctioned strength.	Actual strength on 1st July 1912.	No. of officers over (+) or under (-) strength.
1	2	3	4
Madras	175	173	-2
Bombay	173	176 (a)	+3
Bengal	183	174 (b)	-9
United Provinces	231	237 (c)	+6
Punjab	154	Civilians 162 (d) Military 29 (e) } 191	+37
Burma	169	Civilians 126 Military 49 } 175	+6
Bihar and Orissa	109	107 (f)	-2
Central Provinces	99	104 (g)	+5
Assam	48	Civilians 39 Military 9 } 48	...
Total	1341	1385	+44

(a) Excluding Sir B. Robertson who permanently belongs to the Central Provinces where he has been included, but including Mr. H. C. Mules of the Sind Commission.

(b) Excluding Messrs. Nathan and Hallett who have been temporarily lent by Bihar and Orissa to Bengal and have been included in the Bihar and Orissa cadre.

(c) Including Sir H. Butler, who has not been numbered in the Civil List, but excluding Messrs. W. Alder and T. K. Johnston, who have been temporarily transferred to, and included in, the Bengal cadre.

(d) Including Messrs. O'Dwyer, Lorimer, Barton, Grant, Rennie, Johnston, Glancy, Pison, Bolton, Pears, Jelf, Howell, Bill, Copeland, Fraser, Fitzpatrick, Latimer, serving in the Political Department under the Government of India in the North-West Frontier Province and Messrs. Bray and Cater also serving under the Government of India in the Political Department in Baluchistan, and excluding

Messrs. Cowan, Macnair and Jacob serving in Bengal where they have been included, and Mr. Gordon serving in Assam in which he has also been included.

(e) Including Lieutenant-Colonel Rawlinson, Mr. J. S. Donald, Major Blakeway, Lieutenant-Colonel Sir G. Roos-Keppel and Captain Keen, serving in the Political Department under the Government of India in the North-West Frontier Province.

(f) Excluding Mr. Shettle, who recently committed suicide.

(g) Including Sir B. Robertson who permanently belongs to the Central Provinces, but has been wrongly omitted from the Civil List, but excluding Messrs. Crawford (serving in Bihar and Orissa where he has been included) and Liddell (serving in Bengal in which he has been included), and 3 Indian members of the Berar Commission who have been treated as holding posts corresponding to 3 listed posts.

CHAPTER V.

Y INCLUDING EXCHANGE COMPENSATION ALLOWANCE AND ACTING ALLOWANCE.

A.—Papers reprinted.

PAGE.

Finance Department Resolution No. 3624-A., dated 18th August 1893 ...	423-424
Ditto ditto No. 2422-Ex., dated 31st May 1897 ...	425-427
Dispatch from the Secretary of State, No. 201 (Financial), dated 8th November 1900 ...	429
Dispatch to the Secretary of State, No. 220 (Financial), dated 4th July 1901, and enclosure, namely, Finance Department Resolution No. 911-Ex., dated 18th February 1901 ...	431-433
Dispatch to the Secretary of State, No. 189, dated 2nd June 1904 ...	435-438
Dispatch from the Secretary of State, No. 154 (Financial), dated 4th November 1904 ...	439-440
Dispatch from the Secretary of State, No. 12 (Financial), dated 19th January 1912, and enclosure, viz., Report of the Committee appointed to inquire into the practicability of withdrawing exchange compensation allowance ...	441-449
Statement showing the various rates of pay obtaining in the Indian Civil Service with exchange compensation allowances thereon ...	451-452
Finance Department Resolution No. 2485-Est. A., dated 1st September 1911, and enclosure ...	453-458
Question and Answer in the Imperial Legislative Council at a meeting held on the 26th February 1912 ...	459

No. 3624-A.

GOVERNMENT OF INDIA.
FINANCE AND COMMERCE DEPARTMENT.

ACCOUNTS AND FINANCE,
Rates of Exchange.

RESOLUTION.

Simla, the 18th August 1893.

During the past year and a half numerous representations have reached the Government of India from European officers in Government service, bringing to notice the hardship which they have undergone in consequence of the fall in the rate of exchange, and praying for the adoption of measures of relief. The facts which came to the knowledge of the Government of India left no doubt that the distress from which their servants were suffering was widespread and severe; and His Excellency the Governor General in Council has lost no opportunity of expressing his sympathy with those who have been affected, and of urging upon the Secretary of State the necessity of applying an early and adequate remedy. It was not, however, found possible to deal with the matter while measures regarding the reform of the currency were still under consideration. His Excellency the Governor General in Council is now able to announce that the Secretary of State has been pleased to accord his sanction to the following scheme:—

To every European and Eurasian Officer of Government, civil or military, not domiciled in India (except those whose pay is fixed in sterling and converted into rupees annually at the official adjusting rate) will be granted an allowance, to be designated Exchange Compensation Allowance, sufficient to enable each officer to remit to Europe one-half his salary, subject to a maximum limit of £1,000 a year, at a privileged rate. The privileged rate has been fixed until further orders at 1s. 6d. the rupee. The allowance, which will be admissible whether any remittance is actually made to Europe or not, will be given in the form of a percentage on the officer's salary, varying with the rate of exchange assumed as the market rate for the quarter, and calculated to yield an amount equal to the difference between one-half salary converted at 1s. 6d., and one-half salary converted at the average market rate. The allowance will be payable month by month along with pay and under the rules under which pay is drawn, and will be subject in every case to an annual maximum equal to the difference between £1,000 converted at 1s. 6d., and the same sum converted at the average market rate.

2. Rules have been framed prescribing the manner in which the percentage each quarter shall be calculated, and defining the conditions under which the allowance may be drawn, and these are published herewith for general information. The Secretary of State has been pleased to authorize effect being given to the rules from the beginning of the current official year 1893-94, and the allowance will accordingly be granted in respect of all payments of salary which became payable on or after the 1st April 1893. For the first quarter of the present official year, April to June, the percentage has been fixed at 10·81 corresponding to an exchange of 1s. 2½d. to the rupee, this being the actual average rate during that quarter. For the second quarter, July to September 1893, the percentage has been fixed at 7·6, corresponding to an exchange of 1s. 3½d., that being the actual average market rate from 1st July to the date of the Secretary of State's sanction to the scheme now announced. For future quarters the percentage will be fixed in the manner prescribed in the rules.

3. From the date when these rules come into force, the present system under which family remittances are made through the Government account by military officers and some others will cease, except in cases where this course is

inconsistent with the terms of any contract of service. In the case of officers who have made family remittances since the 1st April last, an adjustment will be made when paying them their arrears of Exchange Compensation Allowance. Officers who have made family remittances since 1st April last should refer to their Account Officer before presenting for payment their bills for the arrears from 1st April of the Exchange Compensation Allowances now sanctioned.

4. The Secretary of State has further been pleased to sanction the payment of furlough allowances from the Home Treasury at the same privileged rate of 1s. 6d. to the rupee. This concession also will take effect from the 1st April last in lieu of the special rate of 1s. 4³/₄d. provisionally sanctioned in the Notification in the Department, No. 823-A., dated the 27th February 1893, published in the *Gazette of India* of the 4th March 1893.

ORDER.—Ordered, that the Resolution be communicated to the several Departments of the Government of India; to all Local Governments and Administrations; to all Heads of Departments subordinate to the Finance Department; to the Comptroller and Auditor General, and to all Accountants General and Comptrollers.

Ordered, also, that the Resolution be published in the *Gazette of India*.

E. N. BAKER,

Deputy Secretary to the Government of India.

No. 2422-Ex.

GOVERNMENT OF INDIA.

FINANCE AND COMMERCE DEPARTMENT.

SALARIES, ESTABLISHMENTS, ETC.
Compensation.

RESOLUTION.

Simla, the 31st May 1897.

READ—

- Resolution by the Government of India, Finance and Commerce Department, No. 3624-A., dated the 18th August 1893, and annexure.
- Resolution by the Government of India, Finance and Commerce Department, No. 3900-A., dated the 7th September 1893.
- Resolution by the Government of India, Finance and Commerce Department, No. 661-P., dated the 6th February 1894.
- Letter from the Government of India, Finance and Commerce Department, to the Government of Bengal, No. 2630-Ex., dated the 29th May 1894.
- Resolution by the Government of India, Finance and Commerce Department, No. 3183-Ex., dated the 26th June 1894.
- Letter from the Government of India, Finance and Commerce Department, to the Accountant General, Punjab, No. 2743-P., dated the 31st May 1894.
- Office memo. from the Government of India, Finance and Commerce Department, to the Government of India, Public Works Department, No. 3571-Ex., dated the 16th July 1894.
- Extract (paragraph 3) from a Military letter from Her Majesty's Secretary of State for India, No. 135, dated the 30th November 1893.
- Letter from the Government of India in the Military Department, to the Controller of Military Accounts, Eastern Circle, Bengal, No. 2459-F., dated the 27th July 1894.
- Resolution by the Government of India, Finance and Commerce Department, No. 4524-Ex., dated the 7th September 1894.
- Letter from the Government of India, Finance and Commerce Department, to the Accountant General, Punjab, No. 5568-Ex., dated the 3rd November 1894.
- Letter from the Government of India, Finance and Commerce Department, to the Accountant General, Bombay, No. 6143-Ex., dated the 18th December 1894.
- Letter from the Government of India, Finance and Commerce Department, to the Accountant General, Bengal, No. 558-P., dated the 31st January 1895.
- Despatch to Her Majesty's Secretary of State for India, No. 286, dated the 24th October 1894, and enclosure.
- Despatch from Her Majesty's Secretary of State for India, No. 44 (Financial), dated the 14th March 1895.
- Despatch to Her Majesty's Secretary of State for India, No. 273, dated the 25th September 1895.
- Despatch from Her Majesty's Secretary of State for India, No. 20 (Financial), dated the 30th January 1896.
- Letter from the Government of India, Finance and Commerce Department, to the Government of Bengal, No. 2624-A., dated the 17th June 1896.
- Despatch to Her Majesty's Secretary of State for India, No. 311, dated the 28th October 1896, and enclosure.
- Despatch from Her Majesty's Secretary of State for India, No. 44 (Financial), dated the 25th February 1897, and enclosure.

RESOLUTION.—The Rules annexed to this resolution are issued in supersession of all previous rules regarding the officers' entitled to exchange compensation allowance, and the following additional explanations are given as to the principles on which these Rules are to be applied.

2. It is to be borne in mind in applying the Rules that Europe includes the English-speaking colonies, and that Eurasians who are not statutory natives of India are to be reckoned as Europeans.

3. As regards *officers appointed in England*, all Europeans so appointed, whether in the military or the civil service will be entitled to exchange compensation allowance unless their salaries are fixed in sterling, or unless they are specifically excluded from it by the terms of their engagement.

4. As regards *officers appointed in India*, they will not be eligible for exchange compensation allowance if they belong to the class to which an important privilege as to appointments in India is secured by the Statute 33 Vict., cap. 3. That class is thus defined in the Statute:—

"The words 'Natives of India' shall include any person born and domiciled within the dominions of Her Majesty in India of parents habitually resident in India and not established there for temporary purposes only."

5. But before officers appointed in India and not excluded by the above test are eligible for exchange compensation allowance, two further qualifications are necessary—

(1) They must have been appointed either (a) to offices in which European qualifications are held to be indispensable or (b) to services and departments in which a proportion of Europeans is held to be indispensable.

(2) They must have been appointed as Europeans, and in the second case, for the purpose of maintaining the requisite proportion of Europeans.

6. It is not possible, without some little delay, to make complete lists of offices, services or departments falling within the categories (a) and (b) above mentioned. For the present the following orders are issued, and Local Governments and Departments are desired, as soon as possible, to make any recommendations for further inclusion in the lists, in order that definite orders may issue.

A.—*Offices in which European qualifications are held to be indispensable.*

7. The following are included:—

(1) Appointments limited (or practically so) to barristers, or members of the Faculty of Advocates in Scotland.

(2) Appointments limited to persons who possess a special education or skill that is obtainable only in England, such as the higher medical appointments; appointments connected with special scientific investigation; engineering appointments in the cases where officers have been taken over from companies or specially appointed by reason of European experience (Civil Service Regulations, 1913 and 1909); skilled artisans with European training; appointments connected with Marine or Shipping.

(3) Appointments in services and departments which are in all but exceptional cases restricted to members of the Indian Civil Service or officers of the Indian Army. Officers not belonging to these two classes, who have in the past been appointed to these services and departments, will be entitled to exchange compensation allowance. In most cases this kind of admission has now ceased, and a substitute for it has been found in the admission of Provincial Service officers to posts. Officers admitted under these new rules are not entitled, as they do not comply with the second condition abovementioned, *viz.*, they have not been admitted as Europeans.

(4) Appointments which by practice or order are confined to men enlisted in the British Army.

Services and departments in which a proportion of Europeans is held by the Government of India to be indispensable.

The only services and departments which have as yet been admitted to this category are those referred to in the orders of 1879 regarding appointment and promotion of Europeans. They are—

(1) the Account Departments, Civil, Public Works and Military, and the Forest Department so far as these are filled by appointment, after examination; and

(2) the Education Department in the case of persons appointed by the Secretary of State.

The following Departments:—Opium, Salt, Customs, Survey, Mint, Public Works and Police.

These orders do not refer to appointments of which the pay is less than Rs. 200.

9. There is a further important restriction to be observed with regard to all these services and departments. Not all Europeans in these appointments are eligible, but only those who have been appointed "as Europeans" and "for the purpose of maintaining the proportion" of Europeans held to be indispensable.

10. To many of the departments named (perhaps to most of them) there are two avenues of admission. In the Account Departments there is admission by nomination and examination, and there is admission by promotion from the Subordinate Account Service. In most of the branches of the Public Works Department there is admission by appointment in England, and admission by appointment in India under regulations which are equally open to Europeans and Natives. In all these cases it is the first kind of appointment only which is designed to maintain the indispensable proportion of Europeans, and those appointed under the second method are not appointed as Europeans and for the purpose of maintaining the proportion, and they are therefore, under the orders now conveyed, not eligible. The same is the case, as has been pointed out, with "Provincial Service" officers admitted to "listed appointments."

11. The admission of officers holding subordinate and ministerial appointments is to be decided by the criteria above explained. In the main, those who are serving in subordinate positions will not fulfil the necessary conditions; but if there are subordinate offices, as doubtless there are, which in the public interest must at present be held by Europeans, the persons so selected for them will be entitled to draw the allowance. In the present Resolution no orders are issued for the admission of such officers (except those which are sanctioned as offices to be held by British soldiers drawing a staff pay). But Local Governments and Departments will include in the recommendations they send with reference to paragraph 6 above any subordinate or ministerial offices which they consider to come under classes A and B above.

12. Rule XIII of the annexed rules, so far as it provides for the withdrawal of the exchange compensation allowance from officers who have been admitted to it under past rules, will not be brought into force until the proposed lists of appointments are considered and determined. When that is done, the limitation prescribed must be applied to all officers who do not come within the list. But meantime no person who is not clearly admissible within the instructions now issued should be admitted to exchange compensation allowance.

ORDER.—Ordered, that the foregoing Resolution be published in the *Gazette of India*, and that it be circulated to all Local Governments and Administrations; to Departments of the Government of India; and to Heads of Departments subordinate to the Financial Department; with the request that the recommendations called for in paragraph 6 be made with all possible despatch.

Ordered also that it be communicated to all Accountants General and Comptrollers for information and guidance.

J. F. FINLAY,

Secretary to the Government of India.

No. 201 (Financial), dated the 8th November 1900.

From—The Secretary of State for India (LORD GEORGE HAMILTON),

To—The Government of India.

Owing to the fact that the gold value of the rupee has now for some considerable time varied little from 16s., it appears to be unnecessary that, for the purpose of the exchange compensation allowance, the average rate should be calculated afresh once in three months by the Comptroller General; and I am of opinion that the compensation may hereafter, till further notice, be assessed by an addition of 6½ per cent to the salaries.

2. This leads me to ask your attention to the question whether it may not be possible to take steps for the gradual abolition of the allowance. In fixing new salaries, or revising any existing scale, it might be provided that the new salaries should be fixed at some definite amount plus 6½ per cent for exchange compensation, subject to the existing limit; so that a way may be prepared for the two sums being ultimately amalgamated, without either extra expenditure to the Government, or disappointment of the expectation of its officers.

No. 220.

GOVERNMENT OF INDIA.

FINANCE AND COMMERCE DEPARTMENT.

SALARIES, ESTABLISHMENTS, ETC.
Compensation.

To

THE RIGHT HONOURABLE LORD GEORGE FRANCIS HAMILTON,

*His Majesty's Secretary of State for India.**Simla, the 4th July 1901.*

MY LORD,

WE have the honour to acknowledge the receipt of Your Lordship's Financial Despatch No. 201, dated the 8th November 1900, in which you suggest that for the purpose of calculating exchange compensation allowance the compensation should, until further notice, be assessed by an addition of $6\frac{1}{4}$ per cent. to salaries. Your Lordship also inquires whether steps cannot be taken for the gradual abolition of the allowance by adding the amount to salary without any extra expenditure to Government or disappointment of the expectation of its officers.

2. We forward for Your Lordship's information the enclosed copy of a resolution dated the 18th February 1901, from which it will be seen that the market rate of exchange for the calculation of exchange compensation allowance has, until further orders, been fixed at 1s. 4d. per rupee with effect from the 1st quarter of 1901-02. This is a measure which will effect a substantial simplification of procedure.

3. We have carefully considered the suggestion in paragraph 2 of your Despatch that steps might now be taken for the gradual abolition of the allowance. Our conclusion is that it is not possible at present to introduce any method of abolishing exchange compensation allowance which would comply with the conditions you lay down, that is to say, without either, on the one hand, incurring a considerable increase of expenditure, or, on the other hand, causing discontent and disappointment of the expectations of officers. With the rate now fixed, under the orders of February the allowance for each officer entitled to draw it will in future be a fixed monthly amount and it might be urged that it is immaterial whether this amount is called salary or exchange compensation allowance. We are of opinion however that no advantage will be gained by calling it salary, because if we confined the increase of salary to officers already drawing exchange compensation allowance, we should be abolishing the allowance in name only and not in reality, and we should still have to determine what officers are personally entitled to the increase, just as now we have to determine what officers may draw exchange compensation. If, on the other hand, we were not to confine the increase of salary to those officers who are personally as well as officially entitled to the allowance, we should needlessly incur a very large additional expenditure. In many departments there are officers serving side by side some of whom are personally eligible while others are personally ineligible for the allowance, and if any revision of salaries were made so as to compensate for the abolition of the allowance by an increase of salary it would necessarily embrace officers not entitled to the increase. A case in point is that of the Bombay Political Secretariat, referred to in Your Lordship's Despatch No. 34 (Political), dated the 15th February 1901, where eight clerical appointments have been declared as officially eligible for the allowance, though two only of the eight present incumbents are personally qualified for it. A similar increase of expenditure would occur in all

Departments which are manned partly by Europeans and partly by Statutory Natives.

4. We believe that it would be a mistake to deny exchange compensation allowance to future entrants to the service. A strong justification of the allowance has always been that the fall in the gold value of the rupee was likely to have a baneful effect on the quality of the future recruits from Europe for the Indian Services. To withdraw the allowance now from future entrants would, in our opinion, prevent the attainment of an object which is quite as important as the satisfaction of the demands of officers who entered the service when the rupee bore a higher gold value than now. It has indeed been suggested to us that exchange compensation allowance should in future be continued, but in the shape of increased pay, to officers appointed in England and that it should be withdrawn from officers hereafter appointed in India. This proposal would extend the benefit of the commuted allowance to the few statutory natives who enter the European services by the prescribed door of recruitment in England and who at present are ineligible for exchange compensation allowance, while it would exclude all Europeans appointed in India. We have carefully considered the suggestion, and while we are of opinion that it affords a means of determining the lines on which the allowance should be granted or withheld which might have been adopted from the outset, we are satisfied that there exist good reasons for not adopting this solution now. Our present rules have been settled after a minute and troublesome discussion, and to bring forward a proposal of this kind would inevitably invoke a controversy which from every point of view it is desirable to avoid.

5. Our general conclusion then is that the measure referred to in paragraph 2 of this despatch will effect a satisfactory simplification, and we are content to let it remain in force for some years before attempting any further simplifications. No advantage will be gained under present conditions by calling the allowance salary rather than exchange compensation, and of the methods which have been suggested to us for entirely abolishing the existing system none is satisfactory.

We have the honour to be,

MY LORD,

Your Lordship's most obedient, humble Servants

(Signed) CURZON.

„ A. P. PALMER.

„ C. M. RIVAZ.

„ T. RALEIGH.

„ E. FG. LAW.

„ E. R. ELLES.

„ A. T. ARUNDEL.

Enclosure.

Resolution in the Finance and Commerce Department, No. 911-Ex., dated the 18th February 1901.

No. 911-Ex., dated 18th February 1901.

RESOLUTION—By the Government of India, Finance and Commerce Department.

READ—

Resolution by the Government of India, Finance and Commerce Department, No. 2422-Ex., dated the 31st May 1897, and the rules appended thereto.

Despatch from Her Majesty's Secretary of State for India, No. 201 (Financial), dated the 8th November 1900.

RESOLUTION.—Under Rule VII of the Rules issued with the Resolution quoted above, exchange compensation allowance is calculated with reference to the market rate of exchange, which is notified by the Comptroller and Auditor General for each quarter.

2. As the market rate of exchange value of the rupee now varies little from 1s. 4d., His Excellency the Governor General in Council is pleased to direct that the market rate of exchange for the calculation of this allowance shall, until further orders, be taken as 1s. 4d. per rupee, with effect from the 1st quarter of 1901-1902. The percentage on salary admissible at this rate is Rs. 6-4-0 and the maximum monthly allowance Rs. 138-14-3.

ORDER.—Ordered, that the foregoing Resolution be published in the *Gazette of India*, and that it be circulated to all Local Governments and Administrations; to Departments of the Government of India; to the Private Secretary to His Excellency the Viceroy; to Heads of Departments subordinate to the Finance Department; to the Comptroller and Auditor General; and to all Accountants General and Comptrollers.

No. 189.

GOVERNMENT OF INDIA.

FINANCE AND COMMERCE DEPARTMENT.

SALARIES, ESTABLISHMENTS, ETC.
Compensation.

To

THE RIGHT HON'BLE ST. JOHN BRODRICK,

His Majesty's Secretary of State for India

Simla, the 2nd June 1904

SIR,

We have the honour to refer to the correspondence ending with our Despatch No. 201-Financial, dated 8th November 1900, No. 220, dated 4th July 1901, regarding the possibility of abolishing exchange compensation in India. In November * 1900 Lord George Hamilton enquired whether it might not be possible to take steps for the gradual abolition of this allowance without either extra expenditure to Government or disappointment of the expectation of its officers. In the despatch above cited we expressed an opinion that it was not then possible to introduce any method of abolishing the allowance which would comply with the two conditions laid down by Lord George Hamilton. We have for some time past been reconsidering the subject, and have come to the conclusion that it is now both possible and desirable to take some steps in the direction indicated by your predecessor.

2. We would first invite a reference to the correspondence of 1893, which sets forth the reasons for which exchange compensation allowance was originally granted, and shows how far we are committed to its permanent continuance. In paragraph 9 of the Despatch of the Government of India of the 1st of August 1893, No. 242, the position was stated as follows:—

"We wish to state distinctly that we consider that the officers concerned have no claim as a matter of contract to have their losses from the fall in the rate of exchange, whether in the past or in the future, made good to them by Government either wholly or partially. Our proposals are made only upon the ground that the hardships of our officers are so great that it is desirable in the interests of good and efficient administration to endeavour, so far as it is within the ability of the Government of India, to diminish their severity."

Again, in the rules promulgated with the Resolution† by the Government of India in the Finance and Commerce Department No. 2422-Ex., dated 31st May 1897, the following pronouncement was made:—

† Recorded in Finance and Commerce Department A Proceedings, June 1897, Nos. 303-308.

"3. The Government of India reserve to themselves full power at any time to reconsider the whole subject, without admitting any vested rights to receive the compensation in the form now sanctioned, or in any other form."

"4. The object of granting Exchange Compensation is to secure certain classes of Indian public servants against serious depreciation of their emoluments by the fall in the sterling value of rupee salaries, so that they may be enabled to live according to their station, and that the public service may continue to attract recruits of the same high quality as heretofore."

2

3. The objects with which the allowance was granted may therefore be summarized as follows:—

- (1) to mitigate the hardships of officers already in the service, and
 - (2) to maintain the quality of future recruits;
- and it may be premised that we are free to withdraw the allowance altogether or to modify the arrangement in any way that may seem fit.

4. We come next to the question whether any change is desirable. We think that it will be readily admitted that the present system of allowances is undesirable as a permanent arrangement, since it not only introduces inconvenient complications in the scale of emoluments of public servants, but it creates an invidious distinction between members of the same services doing the same class of work. Moreover, the system was introduced to meet a temporary difficulty caused by a fall in the exchange value of the rupee, and it was, we think, understood that the arrangement would require to be readjusted when that fall had been arrested. We observe that Sir Alexander Miller, who was a member of the Government of India when the allowance was introduced, has recently given public expression to the same view. In *East and West* for June 1903 he wrote:—

"But it must be borne in mind that the Exchange Compensation Allowance was admittedly introduced as a stop gap merely, to meet a very pressing emergency, and was never intended as more than a temporary expedient for mitigating, during a period of transition, a hardship which had become well-nigh insupportable."

5. When Lord George Hamilton raised the question of abolishing the allowance three and a half years ago, we did not feel justified in assuming that the "period of transition" had finally been passed. Moreover, the rules under which claims to the allowance were determined, after having been for some years the subject of minute and tedious discussion, had but recently been placed on a satisfactory footing, and we were averse from raising further controversy by putting forward fresh proposals for their revision. We therefore preferred to let the matter rest for a few years. In the years which have since elapsed the position has materially changed. For upwards of six years the sterling value of the rupee has been practically stable: the Gold Reserve fund has risen to upwards of £6½ millions: we have as much gold in our Currency Reserve as we can conveniently hold: and the demands for the expansion of the rupee currency in the last few years appear to indicate that our gold reserves will shortly reach a figure which will make our gold standard absolutely secure. We therefore consider that the time has come for revising an arrangement which had its origin in a fluctuating exchange, and for readjusting the emoluments of our public servants on a more permanent basis.

6. Four methods of reform have suggested themselves to us. The first of these is to abolish the allowance altogether, and to grant no compensation for its withdrawal. As pointed out above, it is within our power to do this without any breach of faith. Such an extreme step would, however, be very unpopular and would give rise to well-founded discontent on the part of officers who have been drawing the allowance for many years and have come to regard it as a part of their regular emoluments. Moreover, this measure would transgress Lord George Hamilton's condition that the expectation of Government officers should not be disappointed. We do not therefore regard the proposal as feasible.

7. The second method is to withdraw the allowance in its present shape, but to regrant it in whole or in part in some other form, such as by merging it in salary. This method could probably be adopted without much difficulty in the case of services in which the great majority of officers are entitled to the allowance; but it would be difficult to apply it to the composite services in which only a proportion of the officers are recruited, for administrative reasons, from persons of European nationality and domicile. If the salaries of these services are made uniform by being raised all round, considerable expenditure would be incurred: if compensation allowance among all sums at present

437

3

attempt uniformity, but simply increase the salaries of the persons hitherto entitled to the allowance, we shall not remove the existing inequality or provide an effective solution of the problem.

8. The third method is to continue the allowance to all officers who are now entitled to it, and to grant it to all who may enter the public service with the necessary qualification of domicile within a fixed period of (say) three years, but to refuse it to all subsequent entrants. This method has much to commend it. It would fully meet the claims or expectations of all officers now in the service or about to enter it, and it would lead to the gradual extinction of the allowance, with an eventual saving of over 51 lakhs a year, and without any disturbance of existing arrangements. Future entrants who might accept appointments not carrying the allowance would have no right to complain of being placed at a disadvantage seeing that they would enter the service as free agents and with foreknowledge of its conditions. This method would therefore appear at first sight to afford a simple solution of the problem.

9. It has been urged, as against this proposal, that the present Government and its advisers would lay themselves open to the reproach of having been careful to secure their own interests or the interests of those who can make themselves heard, at the expense of those who will come after, and that the sharp line of demarcation that would be drawn between old and new entrants would give rise to discontent and dissension in the future. This objection has, however, been partly met in the last preceding paragraph.

10. It has further been represented that any diminution of the emoluments of the Indian services will be followed by deterioration in the quality of future recruits. This is, if true, a very forcible objection, and, in view of the fact that many of the great departments of the public service in India are said to be already barely satisfied with their position and prospects, and bearing in mind the apprehensions noticed in Lord George Hamilton's Despatch No. 83, dated 24th July 1903, that some provinces are on the eve of a serious block of promotion in the Indian Civil Service, we hesitate to recommend the adoption of a course which might have the effect of turning away desirable aspirants from an Indian career.

11. We are therefore reluctantly compelled to fall back upon the fourth method suggested to us, which is to proceed by gradual stages, reorganizing the various services, one by one, on the basis of no exchange compensation allowance. This is merely a modification of the second alternative discussed above, and is open to the same objections in the case of the composite services. In fact we doubt whether we can devise any practical solution of the difficulty in connection with these services, and we fear that we shall have to leave them alone until opportunity arises of dividing any of them into an Imperial and a Provincial Branch. In that case the pay of the former would be raised and exchange compensation abolished, while the latter would remain approximately as at present without title to the allowance.

12. We think, however, that, if we are authorized to proceed gradually, we shall be able to make a substantial beginning with many of the homogeneous services, such as the Indian Civil Service, the Army, the two medical services, Chaplains, the Indian Educational Service and the Imperial Branch of the Public Works Department. We should proceed on the principle that the total emoluments of these services are to remain on practically the same scale as at present, and that the future consolidated salaries will represent approximately the sum of present pay plus compensation allowance, after allowing for the fact that the new salaries will count for leave allowances and pension. Round figures would be adopted wherever possible, and the grading would be revised so as to avoid fractional increments.

13. As an instance of the lines on which we should work we append a statement showing

430
4
would work out in practice. Before formulating detailed proposals for the revision of the salaries of the various services affected we shall await your general approval of the scheme.

We have the honour to be,

SIR,

Your most obedient, humble Servants,

(Signed) AMPTHILL.

" KITCHENER.

" E. FG. LAW.

" E. R. ELLES.

" A. T. ARUNDEL.

" DENZIL IBBETSON.

" H. E. RICHARDS.

439
India Office, London,
4th November 1904.

Financial,

No. 154.

To His Excellency the Right Honourable the Governor General of
India in Council.

MY LORD,

I have considered in Council your letter of the 2nd June 1904, No. 189, submitting a scheme for the withdrawal of exchange compensation allowance, and the introduction of a higher scale of pay in certain branches of the public service, with a view to the eventual abolition of the allowance throughout the service.

You desire to deal now with those branches in which the great majority of officers are at present eligible for the allowance, *viz.*, the Indian Civil Service, the Army, the two Medical Services, Chaplains, the Indian Educational Service and the Imperial Branch of the Public Works Department; but you consider that the allowance must continue to be drawn under existing conditions in all the composite services until opportunity arises of dividing any of them into an Imperial and Provincial branch.

2. I have given your proposals my most careful consideration; but I am disposed to think that the best course will be to acquiesce for the present in the continuance of the allowance in the homogeneous services while bearing in mind the desirability of providing (as has been done in several recent cases) that, when new appointments are created, or the pay of existing appointments is altered, no exchange compensation allowance shall be granted.

3. The considerations which influence me in arriving at this conclusion are as follows:—Your scheme for withdrawing the allowance from the homogeneous services would, as I recognise, be to a certain extent advantageous both as removing what you describe as an "invidious inequality" within those services and as tending to make the receipt of the allowance an exceptional rather than a regular incident of the employment of Europeans under your Government. But the results of the inequality must necessarily be felt much more in the composite services, in which a large proportion of the officers are ineligible for the allowance, than in the homogeneous services; and there are some of the composite services of which the division into Imperial and Provincial branches may ultimately prove to be impracticable. Your scheme therefore can do comparatively little towards relieving you from the inconvenience which the existing regulations entail, and its cost would be considerable. For it would probably be difficult to adjust the proposed consolidated salaries, as suggested in paragraph 12 of your letter so as to avoid entirely an additional burden on the State in respect of European officers and a large number of officers not now eligible for the allowance would receive the higher pay. In the Indian Civil Service, Indian Educational Service and Indian Medical Service the number would be about 95. For the Imperial branch of the Public Works Department it is not possible to prepare accurate statistics in this Office, but officers appointed from Indian Colleges (a method of appointment which is restricted to statutory natives of India) make up 21 per cent. of the Imperial branch, and there are also several promoted subordinates who would receive the higher pay if your proposals were approved, but who are not now eligible for the allowance. To give the higher rate of pay to all the officers of these four services who do not draw exchange compensation allowance would therefore involve a large annual outlay. You will remember that one of the conditions mentioned in my predecessor's despatch of 8th November 1900, No. 201, was that no additional expenditure should be incurred by the State for the purpose of

India Office, London,
19th January 1912.

Financial,
No. 12.

To His Excellency the Right Honourable the Governor-General of
India in Council.

MY LORD,

I forward herewith the report of a Committee which was appointed in June 1910 to inquire into the practicability of withdrawing exchange compensation allowance and privileged rates of exchange for leave allowances and pensions.

Report of Committee appointed in 1910 to inquire into practicability of withdrawing Exchange Compensation Allowance and privileged rates of exchange for leave allowances and pensions.

2. The Committee recommend that steps be taken to abolish exchange compensation allowance in all services in which it is now admissible, and that in order to prevent any substantial reduction of the emoluments of officers of the services recruited in England, the salaries of such officers should be increased by an amount approximately equivalent to the withdrawn allowance. Suggestions as to the manner in which this recommendation should be carried out are contained in paragraph 9 of the report.

3. The Committee further recommend that in the case of the Indian Army and Indian Medical Service, the opportunity be taken of introducing simplifications in the system of pay on the lines proposed for the Indian Army in the letter from Lord Minto's Government, No. 77-M. F., dated 31st October 1907. They also submit for consideration the question whether, without the grant of increased salaries, exchange compensation allowance could not be withheld from new entrants to services recruited in India in which the allowance is now admissible.

4. The recommendations of the Committee are consistent with the policy of gradually extinguishing the allowance which has for some time been adopted* by your Government and my predecessors.

* See, e. g., Letter from India, No. 189, dated 2nd June 1904, and Financial Despatch to India, No. 154, dated 4th November 1904.

Unless you wish to lay before me any objections to the adoption of the recommendations, I shall be glad to receive from you in due course your detailed proposals for the revision of the salaries of the services and appointments affected.

5. You will observe that the Committee do not recommend any change in the existing rules under which pensioners residing in a country where the rupee is not legal tender draw their pensions at 1s. 9d. the rupee, nor in the rules under which, in such countries, leave allowances are drawn at 1s. 6d. the rupee; but they suggest that the rupee equivalents of certain sterling leave allowances now fixed on the basis of a rate of exchange of 2s. the rupee should be fixed in future at 1s. 6d. the rupee.

6. The adoption of this last suggestion will, as pointed out by the Committee (paragraph 16), throw some additional expense upon Indian revenues, and further expense will result from the grant to officers of Indian nationality, who do not draw exchange compensation allowance, of the addition to salary which will be given generally in consideration of the withdrawal of the allowance. This enhancement of salaries will, if carried out in accordance with the Committee's suggestions, have the additional effect of increasing the charge for absentee allowances, and also, but to a much more limited extent, for the pensions of the officers and service affected, so far as these are based directly on half-average salary and not governed by maximum or minimum rates.

g about the abolition of the allowance; and, though I should not insist on and exact compliance with this instruction, I do not think that I should be justified in assenting to so material a departure from it as your proposals for the purpose of effecting merely a reduction in the number of cases in which allowance is drawn.

Although I am unwilling to agree to your proposals, I desire to express appreciation of the thoroughness with which you have examined the whole of the matter, and the hope of devising a method of giving effect to the suggestion made by my predecessor in the despatch quoted above.

I have, &c.

ST. JOHN BRODRICK.

Departmental officers with honorary rank,
Departmental warrant officers (except those of the Army Clothing
Department).

4

Soldier mechanics of the Ordnance Department in India, and
Non-commissioned officers employed in military grass and dairy farms.

(3) Officers of the following services:—

- (a) Indian Civil Service.
- (b) Indian Educational Service.
- (c) Indian Medical Service.
- (d) Civil Veterinary Department.
- (e) European Gardener's Service.
- (f) Superior Revenue Establishment of State Railways, on salaries of less than Rs. 1,500 a month.
- (g) Marine Department.

4. Having regard to the fact that the value of the rupee is now fixed at Rs. 4d. and that exchange compensation allowance is a survival from the days of fluctuating exchange, we recommend that the policy mentioned in the preceding paragraph be carried to completion by withdrawing the allowance as soon as practicable from all the services and departments in which it is now granted. We have considered three possible methods by which effect could be given to our recommendation, *viz.*, to withdraw the allowance:—

- (1) With no compensating increase of salaries.
- (2) With such increase in salaries as would partially compensate officers for the loss of the allowance.
- (3) With such increase in salaries as would give complete compensation to officers for the loss of the allowance.

5. The adoption of either the first or second of these courses would preclude the withdrawal of exchange compensation allowance from officers already employed in or appointed to services in which it is admissible; for such officers have not indeed, a vested right in, but a reasonable expectation of, the continuance of the allowance, and its withdrawal without equivalent compensation would be regarded as an arbitrary and unjustifiable act. The same objections would certainly not apply to the withholding of the allowance without compensation or with only partial compensation, from future entrants to Government service, and the importance of reducing the charges on the revenues of India to which Viscount Morley directed our attention in our terms of reference led us to consider carefully whether to recommend the adoption of one of the first two courses in the case of future entrants to Government service.

6. The adoption of either of these courses would affect an appreciable economy in public expenditure. If the first were adopted, the salary of any European officer entering the service hereafter, and appointed to a post in which exchange compensation allowance is now granted, would be reduced, so long as the total did not exceed Rs. 2,666½ a month, by nearly 6 per cent. below the amount now drawn; if the limit just mentioned were exceeded, the percentage of reduction would be somewhat less. If the second course were adopted, the net reduction to be made in salaries by the grant of only partial compensation for the withholding of exchange compensation allowance would no doubt be settled separately for each department.

7. Of the services affected, far the largest are the Indian Civil Service and the Army. In the Indian Civil Service there has been no general revision and improvement of salaries in recent years, though changes have been effected in the pay of several appointments and grades. In the Army, with the exception of the improvements in pay granted to captains and subalterns in the Indian Army in 1908, the pay of regimental officers of the Indian Army is now substantially the same as in 1861, when the rupee was worth approximately 2s. The decline in the exchange value of the rupee since 1870 has automatically produced substantial and serious reduction in the sterling value of emoluments, and we are

5

of opinion that in the case of these two important services any further reduction in the salaries of future entrants by the withdrawal of exchange compensation allowance without a full corresponding increase of salaries is undesirable as entailing a serious diminution of the attractiveness of the services and a consequent risk of reduced efficiency.

8. Our opinion regarding the other services mentioned in paragraph 3 above is to the same effect. We see no reason to believe that the salaries granted in these services, including exchange compensation allowance, are excessive, *i.e.*, higher than is required to attract the proper type of officer to employment under the Government of India. We are therefore unable to make any recommendation which, if accepted by the Secretary of State in Council, would lead to a reduction of net emoluments; and we consider that the withdrawal of exchange compensation allowance should be accompanied in these services, as in the Indian Civil Service and the Army, by a full corresponding increase of salary.

9. If effect is given to our recommendations it will be possible to arrange for the withdrawal of the allowance from officers already in the service and in receipt of it. We consider this to be an important advantage of the scheme. We are aware that the literal adoption of our recommendation in the various services concerned would lead to the fixation of salaries now expressed in convenient round numbers at awkward rates, which would cause inconvenience in the work of account-keeping and audit. But a sufficiently close approximation to the desired result would be obtained, and all possible difficulty would be obviated, if the revised salaries constituted by adding to existing rates a sum equal to exchange compensation allowance were rounded off to the nearest multiple of five rupees. We suggest that the Government of India should be called upon to draw up on these lines a revised scale of salaries for each of the services and departments recruited in the United Kingdom in which exchange compensation allowance is now admissible, and to submit recommendations for the approval of the Secretary of State for India in Council. If these proposals are adopted the revised salaries of appointments will, in some cases, be slightly higher and in others slightly lower than the present aggregate emoluments consisting of salary and exchange compensation allowance, but we think that in carrying out the proposed revision, the Government of India should be guided by the principle that the total cost of an establishment under the revised scheme should not exceed the total cost under existing arrangements except so far as an increase of cost is involved by granting to officers of Indian nationality who do not draw exchange compensation allowance the addition to salary which will be granted generally in consideration of the withdrawal of exchange compensation allowance from European officers. We would propose that the revised rates should be brought into force as soon as possible. In the case of appointments of which the emoluments would be slightly augmented by the revision, the introduction of the new rates could take effect as soon as they are approved; in the case of appointments where the immediate introduction of the new rates could entail a slight reduction in the emoluments of an existing incumbent, the new rates could be introduced on the officer's transfer or promotion to a higher appointment, when he would normally be succeeded by a junior officer.

10. Under the scheme we have proposed it will be practicable to abolish, at an early date, the exchange compensation allowance without hardship to officers of the services recruited in England, and the disappearance of this form of emolument will, undoubtedly, be attended by a great simplification of work in the accounts offices of the Government of India.

11. We desire to make a further recommendation regarding the manner in which the exchange compensation allowance should be absorbed in the revised scale of salaries in the case of the Indian Army and the Indian Medical Service. Under existing arrangements the salary of most officers in the Indian Army in regimental or staff employ or serving in special Army departments, and of officers in the Indian Medical Service, is calculated by the addition of three constituent elements, pay of rank, staff pay, and exchange compensation allowance, the last being admissible on both pay of rank and staff pay. The proposals that have

been formulated in the preceding paragraphs provide for the reduction of these constituents to two, and would no doubt, simplify the present system of emoluments. We think, however, that if our recommendation were accepted a favourable opportunity would be afforded for introducing a further simplification on the lines suggested for the Indian Army by the Government of India in their letter No 77-M.F., dated 31st October 1907. In this letter the Government of India showed that the present system, under which the pay of regimental officers and many staff appointments is divided into pay of rank and staff pay, and acting allowances are calculated on the basis of staff pay, is open to great objection as being complicated, anomalous in working, productive of controversy, and very wasteful of official time. The Government of India proposed to establish for nearly all regimental and staff appointments one consolidated rate of pay approximately equivalent to the aggregate of pay of rank and staff pay and exchange compensation allowance, and to introduce a new and simpler method of remunerating officers by charge allowances for services rendered when officiating for absentees. There can be no doubt of the administrative advantage of such a change, and as effect has not yet been given to it we would suggest that the Government of India should be asked, when preparing the revised scales of pay referred to in paragraph 9, to provide for the introduction of a scheme on the lines proposed by them in 1907, but including also appointments in the Indian Medical Service.

12. We have no further recommendation to make with regard to the services recruited in this country, but exchange compensation allowance is also admissible to officers, if eligible on personal grounds, appointed in India to certain departments, such as the Salt, Customs, Excise, and Opium Departments. So far as we are aware, difficulty is not experienced by the authorities in India in securing suitable officers for these services, and we would suggest that the Government of India should be requested to consider whether it would not be practicable without increasing scales of salary to withdraw exchange compensation allowance in the case of new entrants to departments recruited in India in which it is now admissible.

Leave Allowances.

13. We now turn to the question of the rate of exchange for the conversion of leave allowances. The existing rule on the subject is that when leave allowances expressed in rupees, other than privilege leave allowances, are issued at the Home Treasury, or in a colony with the gold standard, rupees are converted into sterling at 1s. 6d. the rupee. We have carefully considered whether to recommend the abolition of this privileged rate. Its existence can be represented as an invidious concession in favour of officers who choose to spend their leave in Europe or in certain colonies; but this would, in our opinion, be an unfair statement of the position. In very many cases, officers who proceed to Europe or the non-tropical Colonies on leave do so because they are practically compelled by considerations of health or by family affairs; and if they did not, Government would suffer through a diminution of their efficiency. The expense is frequently very serious to them when account is taken of the cost of passage or passages, of breaking up a home in India, establishing a temporary home in this country, and, in many cases, of medical attendance. For these reasons it appears to us that the grant of the privileged rate of exchange for the conversion of leave allowances in Europe and certain colonies is not open to valid objections on the ground of invidiousness. We are strengthened in this opinion by the fact that Indian officers are entitled to the full benefit of the privileged rate and frequently enjoy its advantages though not, of course, as often as European officers.

14. It might, however, be urged that the privileged rate should be withdrawn with a view to reducing expenditure by the Government. An important reduction would certainly be effected, at least, unless and until any further change in the leave rules in the direction of greater liberality was found to be necessary. We understand that if the privileged rate were withdrawn the Government would save an annual sum estimated on the basis of the information at the India Office of about 25,000l. We have grave doubts, however, whether it would be ultimately economical to attempt to effect this saving

in the manner proposed. The following statement has been prepared with a view to showing what would be the effect of the abolition of the privileged rate of exchange on the leave allowances of officers in certain departments on sick leave at various periods of their service:—

Year of Service.	AGRICULTURAL DEPARTMENT.*		EDUCATION DEPARTMENT.*		FOREST AND PUBLIC WORKS DEPARTMENTS.		INDIAN FINANCE AND INDIAN FINANCE (MILITARY) DEPARTMENT.	
	Under existing Rules.	If present Allowances are converted at 1s. 4d. per rupee.	Under present Rules.	If present Allowances are converted at 1s. 4d. per rupee.	Under present Rules.	If present Allowances are converted at 1s. 4d. per rupee.	Under present Rules.	If present Allowances are converted at 1s. 4d. per rupee.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
4	208 10 0	200 0 0	270 0 0	240 0 0	207 0 0	200 0 0	200 0 0	200 0 0
5	226 10 0	201 6 8	292 10 0	260 0 0	225 0 0	216 0 0	202 10 0	200 0 0
6	247 10 0	220 0 0	315 0 0	280 0 0	243 0 0	232 0 0	225 0 0	220 0 0
7	270 0 0	240 0 0	337 10 0	300 0 0	261 0 0	248 0 0	247 10 0	240 0 0
8	292 10 0	260 0 0	360 0 0	320 0 0	279 0 0	264 0 0	270 0 0	260 0 0
9	315 0 0	280 0 0	382 10 0	340 0 0	297 0 0	281 6 8	315 0 0	300 0 0
10	337 10 0	300 0 0	405 0 0	360 0 0	315 10 0	300 0 0	337 10 0	320 0 0
11	360 0 0	320 0 0	427 10 0	380 0 0	337 10 0	320 0 0	360 0 0	340 0 0
12	382 10 0	340 0 0	442 10 0	400 0 0	360 0 0	340 0 0	382 10 0	360 0 0
13	405 0 0	360 0 0	450 0 0	400 0 0	382 10 0	360 0 0	405 0 0	380 0 0
14	427 10 0	380 0 0	450 0 0	400 0 0	405 0 0	380 0 0	427 10 0	400 0 0
15	442 10 0	393 6 8	450 0 0	400 0 0	427 10 0	400 0 0	450 0 0	420 0 0
16	450 0 0	400 0 0	450 0 0	400 0 0	450 0 0	420 0 0	472 10 0	440 0 0
17	450 0 0	400 0 0	450 0 0	400 0 0	472 10 0	440 0 0	495 0 0	460 0 0
18	450 0 0	400 0 0	450 0 0	400 0 0	495 0 0	460 0 0	517 10 0	480 0 0
19	450 0 0	400 0 0	450 0 0	400 0 0	517 10 0	480 0 0	540 0 0	500 0 0
20	450 0 0	400 0 0	450 0 0	400 0 0	540 0 0	500 0 0		

* These tables are based on the time scale of pay prevailing in the Department. Officers in receipt of certain special allowances while on duty would receive a higher leave pay than that shown in the tables.

We believe that the existing rates of leave allowances are not excessive, and that their reduction to the amounts shown in columns 3, 5, 7, and 9 of the Table above is undesirable as being likely to cause substantial hardship to the officers concerned. We therefore recommend that no change should be made in the existing rule regarding conversion into sterling of leave allowances issued at the Home Treasury or in a gold-using colony.

15. There is a further question, though one of minor importance, regarding the rate of exchange at which leave allowances are issued in the United Kingdom, and in India. Under the Civil Service Regulations certain maximum and minimum limits of leave allowances are fixed in the case of various classes of Government officers. These rates are expressed in sterling and in rupees, and the cases to which they relate are set forth in the following table:—

		Amount in sterling (per annum).	Amount in rupees (per annum).
		£	Rs.
Indian Civil Service and Military Officers under Civil Leave Rules:			
Maximum during ordinary furlough and special leave	...	1,000	10,000
Minimum during ditto	...	500	5,000
Other officers subject to European Service Leave Rules:			
Maximum during ordinary furlough and special leave	...	800	8,000
Minimum during ordinary furlough and special leave granted on grounds of health	...	200	2,000

	sterling (per annum).	rupees (per annum)
Maximum during furlough other than ordinary ...	£ 480	Rs. 4,800
Minimum during furlough other than ordinary granted on grounds of health ...	100	1,000
Officers under the Indian Service Leave Rules :		
Maximum during furlough and leave on medical certificate when period does not exceed certain specified limits ...	600	6,000
Maximum during leave on medical certificate in excess of specified limits ...	480	4,800
Minimum during leave on medical certificate when the period is within the specified limit, and during furlough and leave on private affairs when granted on grounds of health ...	200	2,000
Minimum during leave on medical certificate in excess of specified limit ...	100	1,000
High Court Judges :		
Furlough pay ...	1,000	10,000
Certain Law Officers :		
Maximum during leave on medical certificate or private affairs ...	1,000	10,000

16. It will be observed that these alternative rates all rest on the obsolete rate of exchange of 2s. the rupee, and it is clearly desirable that the reference to this past condition of exchange should be removed from the present official code. We have given reasons in paragraphs 13 and 14 for continuing the privileged rate of exchange of 1s. 6d. the rupee for the conversion of leave allowances when issued in gold-using countries, and it would be in harmony with that recommendation that the tables of equivalence given in paragraph 1 could be calculated so as to provide that the sterling amount of leave allowance in each case shall stand to the rupee amount in the proportion of 18:16. This can be done either by leaving the sterling amount in each case unaltered and substituting Rs. 1,333 $\frac{1}{3}$ for Rs. 1,000 as the equivalent of each 100%, or by leaving the rupee amounts unaltered and substituting 75% for 100% as the equivalent of each Rs. 1,000. If the former course is adopted, additional expenditure will be incurred by the State, since officers taking leave in India in circumstances in which the maxima or minima are operative will receive higher leave allowances, but the number of such officers would probably be few, and we consider that it would be preferable for Government to accept the small additional liability involved in this course rather than to attempt to effect a saving to the State by reducing in accordance with the second alternative certain sterling rates of leave allowance that have been long in existence and are undoubtedly regarded as attractive features of the Indian Services.

Pensions.

17. We now turn to the remaining subject of our enquiry, namely, the pension rules. Under these rules the great body of officers in the service of the Government of India, with the exception of Military Officers, members of the Indian Civil Service, and Judges of the High Court, receive pensions fixed in accordance with the scale of pensions of very ancient date, and the only important change made in recent years was the introduction in 1890, on the recommendation of the Select Committee of the House of Commons on the alleged grievances of Uncovenanted Civil Servants, of a rule under which pensioners residing in a country where the rupee is not legal tender, are permitted to draw their pensions at the rate of 1s. 9d. for each rupee.

18. We have carefully considered whether the concession granted in 1890 should be withdrawn or so modified as to result in the ultimate disappearance of the privileged rate of exchange for pensions. We recognise that at first sight it may appear to be an element of invidiousness in the form of the existing arrangement for enjoyment of the privileged rate is dependent on residence, and as

most officials of Indian nationality settle in India on retirement, the residential distinction works out in practice virtually as a race distinction. We also gave due weight to the consideration of economy, for, if the privileged rate of exchange were withdrawn from future entrants into Government service, the benefit to Indian revenues would be substantial. When, however, we examined in detail the manner in which the existing rules operated in the different Indian services, we were forced to the conclusion that no reduction in the sterling value of the pensions of European officers is practicable at the present time. The privileged rate of 1s. 9d. is a compromise between the present position of exchange and that existing in 1870, when the value of the rupee was about 2s.; and, in view of the reduction in the sterling value of pensions brought about by the fall in exchange, we are of opinion that the privileged rate could only be withdrawn if the scale of pensions was readjusted so as to give European officers approximately the same sterling pension as they now receive. We have carefully considered whether such a readjustment could be suitably effected, and, after discussion of various possible courses, have come to the conclusion that no completely satisfactory scheme for the withdrawal of the privileged rate can in present circumstances be devised without entailing increased expenditure. In view of the desirability of keeping the non-effective charges of the Government of India as low as possible, we are not prepared to recommend this and are of opinion that on the whole the most satisfactory course will be found in the maintenance of the existing arrangements.

19. Our conclusions and recommendations may be summarised as follows:—

- We recommend that steps should be taken to abolish exchange compensation allowance in all services in which it is now admissible, and that, in order to prevent any substantial reduction of the emoluments of officers of the services recruited in England, the salaries of such officers should be increased by an amount approximately equivalent to the withdrawn allowance. In the case of the Indian Army and Indian Medical Service we think that the opportunity should be taken of introducing simplifications in the system of pay on the lines proposed for the Indian Army by the Government of India in their letter No. 77-M.F., dated 31st October 1907. We suggest that the Government of India should be invited to consider whether, without the grant of increased salaries, exchange compensation allowance could not be withheld from new entrants to services recruited in India, in which the allowance is now admissible.
- We propose no change in the existing rules under which leave allowances, if drawn in the United Kingdom or in a gold-using colony, are issued at 1s. 6d. the rupee. We suggest that the rupee equivalents of certain sterling leave allowances now fixed on the basis of a rate of exchange of 2s. the rupee should be fixed in future at 1s. 6d. the rupee.
- We propose that no change should be made at the present time in the existing pension rules, under which pensioners residing in a country where the rupee is not legal tender draw their pensions at 1s. 9d. the rupee.

20. We desire in conclusion to express our recognition of the services of our Secretary, Mr. Kisch. Though our recommendations and the reasons on which they are based are summarised very briefly in the above Report, our enquiry has involved considerable labour; and in the course of it we have been greatly indebted to Mr. Kisch's energy, ability, and knowledge.

INCHCAPE.

J. DIGGES LA TOUCHE.

K. G. GUPTA.

C. C. EGERTON.

LIONEL ABRAHAMS.

C. H. KISCH,

Secretary.

7th November 1911.

Statement showing the various rates of pay which exist at present in the Indian Civil Service together with the amounts of exchange compensation allowance admissible thereon.

Rates of pay obtaining in the Indian Civil Service in the several provinces.	Exchange compensation allowance.	Total of pay and exchange compensation allowance.
Rs. A. P.	Rs. A. P.	Rs. A. P.
8,333 5 4	...	8,333 5 4
6,666 10 8	...	6,666 10 8
5,333 5 4	...	5,333 5 4
5,166 10 8	138 14 3	5,305 8 11
5,000 0 0	...	5,000 0 0
4,000 0 0	138 14 3	4,138 14 3
3,750 0 0	138 14 3	3,888 14 3
3,500 0 0	138 14 3	3,638 14 3
3,333 5 4	138 14 3	3,472 3 7
3,125 0 0	138 14 3	3,263 14 3
3,000 0 0	138 14 3	3,138 14 3
2,916 10 8	138 14 3	3,055 8 11
2,500—100—3,000	138-14-3—6—138-14-3	2,638-14-3—106—3,138-14-3
2,800 0 0	138 14 3	2,938 14 3
2,750 0 0	138 14 3	2,888 14 3
2,500 0 0	138 14 3	2,638 14 3
2,325 0 0	138 14 3	2,463 14 3
2,250 0 0	138 14 3	2,388 14 3
2,000 0 0	125 0 0	2,125 0 0
1,833 5 4	114 9 4	1,947 14 8
1,800—100—2,000	112-8-0—6—125-0-0	1,912-8-0—106—2,125-0-0
1,800 0 0	112 8 0	1,912 8 0
1,500—60—1,800	93-12-0—4—112-8-0	1,593-12-0—64—1,912-8-0
1,700 0 0	106 4 0	1,806 4 0
1,666 10 8	104 2 8	1,770 13 4
1,600 0 0	100 0 0	1,700 0 0
1,500 0 0	93 12 0	1,593 12 0
1,300 0 0	81 4 0	1,381 4 0
1,250—50—1,500	78-2-0—3—93-12-0	1,328-2-0—53—1,593-12-0

Statement showing the various rates of pay which exist at present in the Indian Civil Service together with the amounts of exchange compensation allowance admissible thereon.

Rates of pay obtaining in the Indian Civil Service in the several provinces.	Exchange compensation allowance.	Total of pay and exchange compensation allowance.
Rs. A. P.	Rs. A. P.	Rs. A. P.
1,250 0 0	78 2 0	1,328 2 0
1,200 0 0	75 0 0	1,275 0 0
1,100 0 0	68 12 0	1,168 12 0
1,000 0 0	62 8 0	1,062 8 0
900 0 0	56 4 0	956 4 0
800 0 0	50 0 0	850 0 0
700 0 0	43 12 0	743 12 0
600 0 0	37 8 0	637 8 0
500 0 0	31 4 0	531 4 0
450 0 0	28 2 0	478 2 0
400 0 0	25 0 0	425 0 0

No. 2485-Est. A.
GOVERNMENT OF INDIA.
FOREIGN DEPARTMENT.

RESOLUTION.

Simla, the 1st September, 1911.

In the Resolution of the Government of India in the Foreign Department No. 1573-G., dated the 13th July 1906, the Governor-General in Council announced that His Majesty's Secretary of State for India had sanctioned the introduction of a scheme for the reorganisation of the Political Department of the Government of India. The main feature of the scheme was the establishment of a dual cadre giving different rates of promotion to members of the Indian Civil Service (including members of the Punjab Commission) on the one hand and to Military and other members of the Department on the other. This scheme which was of a tentative character only and now has been in operation for more than five years has in the opinion of the Governor-General in Council proved inconvenient and unsatisfactory and has failed to meet the legitimate expectations of the members of the Department. The position has further been complicated by considerable reductions in the strength of the Department which have been rendered necessary by the abolition of certain appointments in Rajputana and Persia. In the circumstances and in view of representations which have reached him from various quarters, the Governor-General in Council has had under consideration the possibility of devising some alternative scheme which would at the same time remove the objections to the existing system and simplify the reconstruction of the Department on its reduced basis. The objects to be sought were, firstly the abolition of the dual cadre with its attendant anomalies and inconveniences, secondly the amelioration of the position of officers now on the General cadre, and thirdly the introduction of a scale of pay which would assure a steady flow of promotion to officers at present in the Department and to those who may hereafter be admitted to it.

2. The Governor-General in Council now desires to announce that His Majesty's Secretary of State for India has sanctioned the introduction, with effect from the 21st May 1911, of a revised scheme, the principle of which is to substitute for the graded system hitherto in force a time-scale of pay, at uniform rates, for all members of the Department below the grade of Resident, with additional personal allowances for members of the Indian Civil Service and of the Punjab Commission, calculated at a rate which will give them approximately the emoluments which they might expect to draw in the Provinces. Acting or charge allowances under chapters V to VII of the Civil Service Regulations will not be given within the time-scale except as provided in clause (3) of paragraph 4. But an officer on time-scale pay officiating as, or placed in charge of the duties of, a Resident will get the acting or charge allowance admissible under the Civil Service Regulations; and all officers will continue to receive the charge allowances admissible under Chapter VIII of the Regulations. The rates of pay and personal allowances are shown in the following table.

1	2	3
Year of Civil Service.	Rate of pay on time-scale.	Rate of personal allowance for officers of the Indian Civil Service or of the Punjab Commission.
	Rs.	Rs.
1st	450	Nil. (Civilians will not usually be recruited till they have been three years in the provinces).
2nd	500	
3rd	550	

1					2	3
Year of Civil Service.					Rate of pay on time-scale.	Rate of personal allowance for officers of the Indian Civil Service or of the Punjab Commission.
4th	...	...	...	...	Rs. 600	Rs. 50
5th	...	...	...	...	650	50
6th	...	...	...	...	700	50
7th	...	...	...	...	750	100
8th	...	...	...	...	800	100
9th	...	...	...	...	950	100
10th	...	...	...	...	1,050	100
11th	...	...	...	...	1,150	100
12th	...	...	...	...	1,250	250
13th	...	...	...	...	1,350	250
14th	...	...	...	...	1,450	250
15th	...	...	...	...	1,550	250
16th	...	...	...	...	1,650	300
17th	...	...	...	...	1,750	300
18th	...	...	...	...	1,850	300
19th	...	...	...	...	1,950	300
20th	...	...	...	...	2,050	300
21st	...	...	...	...	2,150	250
22nd	...	...	...	...	2,250	150
23rd and over	...	...	...	...	2,400	Nil.

Maximum pay of officers on time-scale, Rs. 2,400.

3. Above the time-scale will remain 15 selection posts, viz., 6 Residents, 1st class; and 9 Residents, 2nd class; the latter appointments carrying a uniform rate of pay of Rs. 2,750 a month. Promotion to these appointments will continue to be by selection, not only from the Department, but, if necessary, from outside it.

4. In order to guard against any possible ill-effects of the introduction of a time-scale of pay, the following rules will be observed:—

- (1) No officer shall draw more than Rs. 850 a month unless he is reported to be fully qualified for the charge of a "superior" post. An officer whose pay is restricted under the operation of this rule will ordinarily lose in seniority.

(2) No officer shall draw more than Rs. 1,250 a month unless he actually holds a 'superior' post or is employed on special duty which is declared at the time to be of the nature of a "superior" post.

(3) An officer who has not completed 9 years' civil service shall draw, when posted to an appointment classed as "superior," a charge allowance of Rs. 200 a month, subject to the condition that his salary (excluding the personal allowance for members of the Indian Civil Service and of the Punjab Commission) shall not exceed Rs. 1,000 a month.

5. The Department will henceforth be constituted as follows:—

Selection posts	...	...	...	...	13
Appointments on a time-scale of pay	...	...	...	...	122
Total strength					137

Under normal circumstances the Department will consist of 40 members of the Indian Civil Service or of the Punjab Commission and 97 military or other officers. The appointments included in the cadre of the Department, as well as those classified as "superior" are shown in the list attached to this Resolution.

6. The existing local and language allowances will be retained subject to the following modifications:—

- (1) A local allowance of Rs. 150 a month will be attached to the appointment of Resident, Western Rajputana States, in consideration of the addition to his duties of the political charge of the Bikaner State.
- (2) A similar local allowance of Rs. 150 a month will be attached to the appointment of Resident at Jaipur, in consideration of the addition to his duties of the political charge of the Tonk State. This allowance will, however, be held in abeyance during such periods as an Assistant may be posted to the Jaipur Residency.
- (3) A local allowance of Rs. 150 a month will be attached to the appointments of Divisional Judge, Peshawar, and Divisional Judge, Derajat.
- (4) The local allowance of Rs. 250 a month attached to the appointment of Revenue Commissioner, North-West Frontier Province, will be abolished, as the pay of that appointment is now increased to Rs. 2,750 a month.
- (5) The local allowance attached to the appointment of District Judge, Peshawar, will be reduced from Rs. 200 to Rs. 100 a month. The allowance will be subject as at present to the condition that the sum of salary and local allowance shall not exceed Rs. 1,300 a month.

7. In view of the substantial increase of emoluments which the majority of the members of the Department will enjoy as a result of the introduction of the new scheme Exchange Compensation Allowance will be discontinued to all officers, except to those substantive or officiating in the grades of Resident.

8. There are certain subsidiary points in connection with the scheme which require special mention. The first of these is the question of the date from which officers of the present General cadre should count service for seniority and increment under the time-scale. As a general principle, all continuous service under the Foreign Department will be allowed to count, subject to the proviso that the present order of seniority among officers of the General cadre will remain unaltered, and that no officer will be permitted to draw as substantive pay, exclusive of personal allowance, more than any officer who stands above him in the graded list.

NUMBER OF CADRE POSTS IN THE POLITICAL DEPARTMENT—contd.

Superior posts marked—S—contd.

HYDRABAD.			NORTH-WEST FRONTIER PROVINCE.		
1 Resident ...	...	S.	1 Agent to the Governor-General and Chief Commissioner ...	...	S.
1 First Assistant ...	...	S.	1 Judicial Commissioner...	...	S.
1 Second Assistant ...	...	—	1 Revenue Commissioner	...	S.
3		—	1 Resident, Waziristan ...	...	S.
KASHMIR AND GILGIT.			1 Secretary to Chief Commissioner ...	...	S.
1 Resident ...	...	S.	1 Assistant Secretary to Chief Commissioner ...	...	—
1 First Assistant ...	...	—	1 Personal Assistant to Chief Commissioner ...	...	—
1 Leh " ...	...	—	1 Sessions Judge, Peshawar	...	S.
1 Special " ...	...	S.	1 " " Derajat	...	S.
1 Political Agent, Gilgit ...	...	—	1 Political Agent, Malakand	...	S.
1 Assistant Political Agent, Chilas	...	—	1 Assistant Political Agent, Chitral ...	...	S.
6		—	1 Assistant Political Agent, Dir and Swat ...	...	—
KHORASAN AND SEISTAN.			1 Political Agent, Khyber	...	S.
1 Consul-General, Khorasan	...	S.	1 Political Agent, Kurram	...	S.
1 Consul, Seistan	...	S.	1 Political Agent, Tochi...	...	S.
2		—	1 Deputy Commissioner, Peshawar	...	S.
MYSORE.			1 District Judge, Peshawar	...	—
1 Resident ...	...	S.	1 Assistant Commissioner, Mardan ...	...	S.
1 First Assistant ...	...	S.	1 Assistant Commissioner, Nowshera ...	...	—
2		—	1 Assistant Commissioner, Charsadda ...	...	—
NEPAL.			1 Assistant Commissioner, Peshawar	...	—
1 Resident ...	...	S.	1 City Magistrate, Peshawar	...	—
1		—	1 Deputy Commissioner, Hazara ...	...	S.
TURKISH ARABIA.			1 District Judge, Hazara...	...	—
1 Resident and Consul-General	...	S.	1 Assistant Commissioner, Hazara ...	...	—
1		—	1 Deputy " Kohat	...	S.
PERSIAN GULF.			1 Assistant " " ...	...	—
1 Resident ...	...	S.	1 " " Thal	...	—
1 First Assistant ...	...	S.	1 Deputy " Bannu	...	S.
1 Consul, Kerman	...	S.	1 District Judge, Bannu ...	...	—
1 Political Agent, Maskat...	...	S.	1 Assistant Commissioner, Bannu ...	...	—
1 " " Koweit...	...	S.	1 Deputy Commissioner, Dera Ismail Khan	...	S.
1 " " Bahrein	...	S.	2 Assistant Commissioners, Dera Ismail Khan	...	—
1 Consul, Bunder Abbas ...	...	S.			18
1 " Mohammerah ...	...	—			—
1 " Ahwaz ...	...	—			—
9		—			—
MISCELLANEOUS.			1 Trade Agent, Gyantse	...	—
1 Political Officer with Sardar Muhammad Ayub Khan and in charge of the ex Amir Muhammad Yakub Khan.	...	—	2 Deduct one appointment of District Judge and one appointment of Assistant Political Agent which must always be held by provincial service officers.	...	—
1 Assistant Secretary, Foreign Department	...	S.			18
3		—			—

In several instances, however, officers have been brought into the Department at an age and at a period of service beyond the ordinary limit in consideration of special qualifications or for special reasons. It has been decided to treat such officers as exceptions to the principle referred to above, and to allow them, for the purpose of reckoning their pay and seniority, to count their service from the date of commencement of civil service of the next officer below them on the list, who was admitted to the Department under normal conditions.

9. A further point is the question of the relative seniority to be accorded to civilians and military officers in the new scheme. The principle adopted in preparing the amalgamated list has been to grade all officers already in the Department subject to the provisions of the preceding paragraph, simply in accordance with their length of civil service, with the proviso that, when a member of the Indian Civil Service or of the Punjab Commission and a Military or other Political Officer commenced their service, civil or political, in the same year, the former will be treated as the senior. This corresponds to the rule in the Punjab, Burma and the old Assam Commissions. This principle will, however, only apply to the cases of officers already in the Department; future entrants, both civilians and military officers, being graded strictly in accordance with the date from which each officer is entitled to count his-service for increment under the time-scale.

10. Although, in the opinion of the Governor-General in Council, the scheme outlined in the foregoing paragraphs is calculated to remove existing grievances and to satisfy the reasonable aspirations of officers in the Department, in a few individual cases there will be an immediate loss of salary. To compensate for such loss it has been decided to grant a personal allowance to each officer whose average salary for a fixed period previous to the introduction of the scheme has exceeded that which the time-scale plus the charge allowance in the case of junior officers holding superior appointments gives him. Separate orders will be issued later as to the principles on which such allowances will be calculated.

11. No refund of pay or allowances drawn by officers in the interval between the 21st May 1911, and the date of these orders will be required on the ground of the retrospective sanction accorded to the new scheme.

A. H. McMAHON,
Secretary to the Government of India.

NUMBER OF CADRE POSTS IN THE POLITICAL DEPARTMENT.

Superior posts marked—S.

BALUCHISTAN.			BARODA.		
1 Agent to the Governor-General and Chief Commissioner ...	...	S.	1 Resident ...	...	S.
1 First Assistant ...	...	S.	1		—
1 Second Assistant ...	...	—			—
1 Revenue and Judicial Commissioner...	...	S.	CENTRAL INDIA.		
1 Political Agent, Quetta ...	...	S.	1 Agent to the Governor-General	...	S.
1 Assistant Political Agent, Quetta	...	—	1 First Assistant	...	S.
1 Political Agent, Sibi	...	S.	1 Second Assistant	...	—
1 Assistant Political Agent, Sibi	...	—	1 Resident, Gwalior	...	S.
1 Political Agent, Kalat	...	S.	1 Assistant to the Resident, Gwalior	...	—
1 Assistant Political Agent, Kalat	...	—	1 Resident, Indore	...	S.
1 " " Mekran	...	—	1 Political Agent, Baghelkhand	...	S.
1 Political Agent, Zhob	...	S.	1 " " Bhopal	...	S.
1 Assistant Political Agent, Zhob	...	—	1 " " Bhopawar	...	S.
1 Political Agent, Loralai	...	S.	1 " " Bundelkhand	...	S.
1 Assistant Political Agent, Loralai	...	—	1 " " Malwa	...	S.
1 Political Agent, Chageh	...	S.			—
16		—			—
		9			9

NUMBER OF CADRE POSTS IN THE POLITICAL DEPARTMENT—concl'd.

Superior posts marked—S—concl'd.

RAJPUTANA AND AJMER-MERWARA.		TOTAL.	
		Superior and Inferior.	Superior
1 Agent to the Governor-General and Chief Commissioner ... S.	Baluchistan ...	16	9
1 First Assistant ... S.	Baroda ...	1	1
1 Second Assistant and Magistrate of Abu ...	Central India ...	11	9
1 Third Assistant ...	Hyderabad ...	3	2
1 Resident, Western Rajputana States and Bikaner ... S.	Kashmir and Gilgit ...	6	2
1 Resident in Jaipur ... S.	Khorasan and Seistan ...	2	2
1 Resident in Mewar ... S.	Mysore ...	2	2
1 Assistant to " ...	Nepal ...	1	1
1 Political Agent, Eastern Rajputana States ... S.	Turkish Arabia ...	1	1
1 Assistant to ditto ...	Persian Gulf ...	9	7
1 Political Agent, Kota-Bundi Agency S.	Miscellaneous ...	3	1
1 Commissioner, Ajmer-Merwara ... S.	North-West Frontier Province ...	32	18
1 Assistant Commissioner, Ajmer ... *	Rajputana and Ajmer-Merwara ...	13	8
13		100	63
	Total Superior posts ...		63
	Deduct—Selection posts ...		15
	Superior posts on time-scale ...		48

* This appointment will be treated as "superior" until further orders.

Council held on the 26th February 1912.

459

[The Hon'ble Mr. DADABHOY.]

Will Government be pleased to state why "temporary promotions" following leave to a member are not provided in the Provincial Civil Services while they are provided in the Higher Services?

Do Government propose to abolish the distinction in the Civil Service Regulations, and make the rules uniform in respect of both the branches of the Public Service?

Proposed reply by the Hon'ble SIR REGINALD CRADDOCK to the Hon'ble Mr. DADABHOY'S question re distinction between Provincial and Indian Civil Services in regard to temporary promotion.

"The reason for the differential treatment of the Provincial Services on the one hand and, for instance, the Indian Civil Service, to which it is understood the Hon'ble Member refers, on the other, is that the latter was originally organised on a system of substantive promotion in furlough vacancies. In 1868 this procedure was changed, and an officer proceeding on furlough retained a lien on his grade appointment. As a partial compensation to his *locum tenens* for the loss of substantive promotion, what is known as an officiating allowance was given to him, and this is doubtless the "temporary promotion" referred to. These considerations never applied to the case of the Provincial Services, to which the system of officiating promotion has not been extended. In view of the origin of the existing difference, as explained, it is not considered necessary to introduce a uniform treatment of these Services in this respect."

CHAPTER VI.

SELECTION FOR HIGHER APPOINTMENTS AND THE COM-
PULSORY RETIREMENT OF INEFFICIENT OFFICERS.

	PAGE.
1. Extracts paragraphs 637—649 of Chapter XVI of the Report of the Royal Commission upon Decentralization	463-465
2. Extracts paragraphs 1—4 of a Despatch to the Secretary of State No. 20, dated the 19th September 1912 and enclosure No. 11, <i>vis.</i> —	467-470
Letter to the local Governments and Administrations Nos. 1688-1696, dated the 27th October 1911	471

*Extract paragraphs 637—649 of Chapter XVI of the Report of the Royal
Commission upon Decentralization.*

637. Since any general scheme of decentralization must necessarily involve enhancement of the powers of district officials and other local representatives of Government, it follows that care must be taken to ensure that such officers shall be personally fit to discharge the responsibilities falling upon them. It is, indeed, a common argument against delegation of powers that these cannot be safely entrusted to certain Collectors or members of some other official class which may be in question; and the fact that Local Governments look with legitimate distrust on some of their officers is largely responsible for the checks imposed on the action of all, both directly by law, rule, or executive instruction, and indirectly by the facilities now given for appeal and revision. It would be invidious, and indeed impossible, to prescribe the control to be exercised over the acts of particular Collectors or Commissioners with reference to the opinion entertained of them at headquarters, and the practical result is that many efficient officers are bound by administrative fetters which are really necessary only in the case of a few inefficient colleagues. The proposals that we have made in the direction of delegation of authority within the Provinces presuppose, therefore, that men shall not hereafter be permitted to rise by mere seniority to positions for which they are not fully fit.

638. The necessity for more rigorous selection has, indeed, already been recognized in theory. The Famine Commission of 1878-80 found that members of the Indian Civil Service generally rose by seniority to the post of Collector or District Judge, and they recommended that unfit men should no longer be promoted to such offices, and that officials thus superseded should be retired on proportionate pensions. These conclusions were endorsed by the Public Service Commission of 1886-87, who emphasized the necessity for stricter selection and thorough efficiency in the Indian Civil Service as a *corps d'élite*; and the Government of India, in communicating to Local Governments the orders of the Secretary of State on the Commission's Report, laid down that no officer should be appointed to the executive charge of a district, to be a District Judge, who had not, in the course of his previous service, given distinct evidence that he was fit for such office.

639. The evidence* which we have recorded leaves little doubt, however, that this principle has not been thoroughly applied, and that a man is, as a rule, only passed over for a Collectorship on account of flagrant misconduct or incompetency. Some witnesses hold that little change is required in the existing practice, but the general consensus of opinion is strongly in favour of a stricter adherence to the orders above quoted.

640. In view of the importance of the position of a Collector, which will be considerably enhanced by the adoption of our recommendations, we think that the principle already laid down by the Government of India should be fully observed, and that while promotion to Collectorships should continue to be by seniority, the rejection of the unfit should be much more stringent than it is at present. We understand that an analogous system is already followed in the Indian army, where, when a regimental officer whose seniority entitles him to the vacant command of a regiment is not deemed fit therefor, he is superseded.

* 306-9, 1513, 8798, 10160, 13778-82, 14293-6, 18502-3, 21911-4, 27105, 28290-3, Vol. VII, App. II, p. 166, 35376-8, 35685-6, 39251, 45799.

641. Ordinarily, however, a Civilian should not be permanently passed over for a Collectorship until he has proved his

A man should not ordinarily be passed over for a Collectorship until he has proved his unfitness in an officiating capacity.

unfitness in an officiating capacity.* The constant absences of Indian officials on

leave or deputation make it a general rule that an officer's turn for permanent promotion to a Collectorship will not arise until he has officiated more than once, and such occasions will give full opportunity for testing his merits. The mere fact that an officer has officiated in an appointment should not be held to confer any claim to eventual confirmation. His officiating service should be treated as a period of probation.

642. In some cases the inefficiency which has led to an officer's supersession may be due to remediable causes, such as idleness, temporary mental

An officer unfit to be a Collector should be retired on a suitable pension.

depression or bad health, and in that event it would be desirable to allow him a further trial later on.† But when it has been finally found that an officer is definitely incompetent to be a Collector, it is obviously undesirable that he should remain on as a discontented and inefficient subordinate, and the interests of the public service consequently require that he should be retired on a suitable pension. We have already cited the views of previous Indian Commissions in favour of this course, which was also advocated by the Police Commission of 1902; and we have likewise received a large amount of responsible official evidence, including statements by the Government of Bombay and the Lieutenant-Governors of Bengal and the United Provinces, in favour of this procedure.‡

85 of the

643. In dealing with the recommendation to this effect by the Public Service Commission, the Government of India proposed to adhere to a previous ruling of the Secretary of State that such cases should be dealt with by him upon their individual merits, but in our opinion, it is essential to introduce a regular system of proportional pensions which will enable a Local Government to take action in such cases. To cut short the career of an officer is, in any case, a step only adopted with reluctance; and such reluctance must be increased, to the disadvantage of the public service, if each case has to be specially referred to the Secretary of State. It is also essential that such pensions should be adequate, and bear a due proportion to the period of effective service already to the credit of the officer to be retired; otherwise there will be a natural reluctance to get rid of inefficient officers.

of 9th Oct., H. D.

644. Objection may possibly be taken to the procedure we propose, on the

No reason to suppose that these proposals will prejudice the popularity of the Indian Civil Service.

ground that it would cause a feeling of insecurity which would react on the popularity of the Indian Civil Service, and thus

lower the standard of candidates, or that it would place a man's career too much at the discretion of the Head of a Province, especially in one ruled by a single Lieutenant-Governor or Chief Commissioner.

27189, 27294-2, 41007.

The opinions of witnesses were divided, some officers holding that the action suggested might be so applied as to evoke suspicions of favouritism, while others considered that no such danger was likely to arise. It seems to us that the fears which have been expressed are without real foundation, and that a process of more rigorous selection for Collectorships, accompanied by retirement of unfit men on proportionate pensions, will not prejudice the popularity of the Indian Civil Service. The removal of incompetent officers would, we think, be welcomed by the majority of Civilians, who are justly proud of the efficiency and high character of the service to which they belong.§

* There may, of course, be cases in which an officer's incapacity is so patent that it would be prejudicial to the public service even to let him act as a Collector, but in such instances supersession would ordinarily be the rule at present.

† 1517, 8800, 14125-6, 14294, 14697, 8, 18576-1, Vol. IV, App. II, p. 270, 21644-5, 21916-8, 27051, 28294, 31106-7, Vol. VII, App. II, p. 165, 35436-65, 35795-9, Vol. VIII, App. II, p. 236, 37647-50, 39559-60, 42366-7.

‡ 27157, 9, 29372, 31174-5, 35436, 35797-9, 395459-62, 42288-93.

§ Sir S. E. Gerley would point out that most witnesses who were questioned on the subject admitted that any risk of this nature could be adequately counterbalanced by an improvement in the pension benefits accruing to those who serve beyond the normal period and attain high office. It may also be added that the recommendations made as to abolition of Boards of Revenue, and enhancement of responsibilities of Collectors and Commissioners in other Provinces than Madras and Bombay, should necessarily lead to increase of the pay and status of these grades in those Provinces.

R. Art. 543, VII, App. 166.

128.

645. The objection that our proposal places too much power in the hands of the Head of a Province would be minimized by the adoption of our suggestions for the extension of the Governor-in-Council system, which would place the final decision affecting an officer in the hands of more than one man. We consider, further, that:—

(i) No officer should ordinarily be passed over unless the various Commissioners under whom he has previously served, or a decided majority of these, consider him unfit. The opinions of Commissioners on such a point will be on record under the system of annual confidential reports upon junior Civilians which we understand to be already in force, while the periodical conferences of Commissioners which we have advocated will afford a good opportunity for confidential discussion by them of the merits of officers.

(ii) Any officer passed over should have an appeal to the Government of India.

646. The Famine and Public Service Commissions made recommendations, similar to those which they put forward as regards Collectorships, in the case of

The same principles should apply to District Judges and to high district officials in other services.

District Judges, and though we did not take specific evidence in regard to these, they should obviously be treated in the same way. We would also apply similar principles to high district officials in other services.

647. There was evidence that greater care is exercised in promoting to Commissionerships than in the case of Collectors, and here the position may be generally described as promotion by seniority, tempered by the rejection of the unfit. That is the course which we desire to see adopted in the case of Collectorships, but having regard to the importance of the Commissioner, and the powers we propose to confer upon him, we consider that Commissioners should be selected from the best Collectors of the Province, i.e., that seniority should only be regarded where other qualifications are practically equal.

If, as we desire, a Commissionership be regarded as a prize appointment to be filled by officers of special qualifications, it follows that an officer who is not selected for such a post, has no ground of complaint which would justify an appeal to the Government of India.

648. We do not consider it necessary that a man not selected for a Commissionership should be retired on a special proportionate pension. He may be a good Collector, and may even be subsequently promoted as Commissioner, while his length of service will, in any case, be such as to bring him within easy reach of the normal pension.

649. The principles of selection which we advocate in the case of Commissioners should apply also to the highest officers of other departments.

The same principle of selection should be applied to the highest officers of other departments.

14292, 19273-4

28290-1, Vol. VII, App. II

p. 166.

38113, 39251, 45798

805.

Cf. para. 422.

45406.

*Extract paragraphs 1—4 of a despatch to the Secretary of State No. 20,
dated the 19th September 1912.*

We have the honour to address Your Lordship upon the subject of the recommendations contained in Chapter XVI of the report of the Royal Commission upon Decentralisation. The subjects touched upon therein have merely the general connection with one another that the proposals relating to them are all designed to improve the administration in various aspects, but since they have been discussed together they can most conveniently now be dealt with in one communication.

With our letters nos. 134-142, dated the 10th February 1910 (Enclosure no. 1), we referred these different questions to all local Governments for their opinions, and at the same time intimated some general considerations to which, *prima facie*, we were disposed to attach importance. In the light of the replies received (Enclosures nos. 2-10) we have now reviewed the whole correspondence, and desire to place our final conclusions before Your Lordship. In so doing we will follow the order adopted in the Commission's report.

2. *The enforcement of the principle of selection for higher appointments in all Services, particularly in respect of the posts of Commissioner and Collector. The compulsory retirement of inefficients on proportionate pensions.* (Paragraphs 637-649 of the Report).—The Commission discussed the question primarily from the standpoint of the Indian Civil Service, while remarking that similar principles might be applied in the case of the superior officers in other Services, and we propose to follow the same course. The principle underlying any system of obligatory retirement for inefficiency is an innovation, and it will be most convenient to examine its merits, as well as those of the subsidiary issues involved, in the case of the premier Service, leaving the extension of any decision which may be arrived at to other Services to be dealt with hereafter in the light of the special conditions which are characteristic of each. By this means the consideration of the matter will not be complicated by the introduction of many details and qualifications, which it would be necessary to mention if all cases are to be covered.

After emphasising the special need for efficiency among the higher servants of Government if effect is to be given to any policy of decentralisation, with the necessary consequence that enhanced powers should be conferred upon these officers, the Commission invite attention to the fact that, in theory, their contention that a more rigorous selection should be exercised has been recognised on more than one occasion. At the same time they arrive at the conclusion that the practice has not always accorded with this principle, and in order to ensure a stricter compliance with it in future they advance the following proposals, in respect of each of which we add our recommendations:—

- (a) That promotion to the rank of Collector should continue to be by seniority, but that the rejection of the unfit should be much more stringent than it is at present (*paragraph 640*).

We have no hesitation in accepting this principle, which, in itself, is not new, and upon which we have already laid emphasis in a communication to all local Governments dated the 27th October 1911 (Enclosure no. 11).

- (b) That an officer should not be superseded for promotion to a Collectorship until he had been tried during a period of probation (which would confer no claim to eventual confirmation) in an officiating capacity (*paragraph 641*).

We would deprecate an attempt to embody this proposal in a rigid rule. In itself it is sound enough, and would ordinarily be applied, but it is possible that there may be cases in which the unfitness of an officer is so manifest that an officiating trial would be clearly out of place. We would rather define the procedure as comprising the refusal of an officiating appointment to an officer who was obviously unsuitable, and the treatment of the period of trial rather as a test of capability than of incapacity. It is not expedient to give encouragement to

the idea that everyone is entitled to be tried however unpromising his record; it may well happen that during an officiating incumbency an officer may escape any incidents which may lead to direct and serious censure, and this fact be subsequently made the basis of the claim that his eligibility has been established.

- (c) That when it has been finally found that an officer is definitely incompetent to be a Collector, he should be retired upon a suitable pension. That an adequate scale of pensions, bearing a due proportion to the period of effective service rendered, should be laid down, and that compulsory retirement should not be ordered unless the Commissioners under whom he had previously served, or a decided majority of them, considered the officer in question to be unfit. Finally that any officer passed over should have a right of appeal to the Government of India from the order of the local Government (paragraphs 642-646).

In their letter of the 10th February 1910, Lord Minto's Government, while reserving final judgment, were inclined to think that an invariable rule directing compulsory retirement in such cases was inexpedient, but that it would be advantageous to allow officers superseded to retire and to take power, if need be, to compel them to do so. We have again given the matter our careful consideration, and are of opinion that it is unnecessary and undesirable to contemplate any system of optional retirement. At the same time we hold strongly that the power to order retirement on the grounds of proved unfitness for further advancement should be definitely enunciated. We are in full agreement with the Commission that the removal of incompetents would be welcomed by the majority of the Service, the high reputation of which can only suffer by the blunders committed by its weaker members but we would not vest this discretion in any lower authority than that which appointed the officer to be dealt with, which, in the case of the Indian Civil Service, would be the Secretary of State. We regard this restriction as an essential safeguard of the security of tenure, subject to efficiency and good behaviour, to which all Services rightly attach great importance, and as a necessary precaution against a suspicion of prejudice in respect of the action of a local Government. It is not sufficient merely to provide for a right of appeal, which would exist in any case, and which it is superfluous specifically to confer. The position of an appellate authority differs materially from that of the court of first instance, and it is not desirable that the prestige of a local Government should be lowered by the reversal on appeal of a decision of this nature. The position as between it and the officer concerned would almost become impossible, and the risk that this consideration might turn the balance in a doubtful case in favour of the confirmation of an order once passed would be regarded with some apprehension. For this reason we would not allow a local Government to call upon an officer to show cause against his compulsory retirement until it had obtained our preliminary concurrence to that step, thus ensuring that any really ill-considered case would not be allowed to proceed beyond the earlier stages. With this proviso, if mitigating circumstances of sufficient strength to justify reconsideration were adduced in defence, the question of retirement could be dropped without detriment to the authority of the local Government, and we feel sure that the Services would regard such a condition as a protection against possible prejudice, bias or personal dislike on the part of the Head of a local Administration.

Again we would not attempt to define any method of procedure of trial by Commission, or absolute insistence upon the concurrence of the superior officers under whom the person to be retired had served. It should be open to the local Government to adopt any method it pleased of justifying its opinion and producing evidence in support of it. It is needless to state that if the Government of India agreed that a *prima facie* case against an officer existed, he would then be allowed full opportunity to be heard in his defence, while before this stage was reached it is certain that an officer would have been warned and censured, thus allowing him an opportunity for reform, which it could be shown had been in vain.

Finally, we think it is essential that, if the principle of compulsory retirement for inefficiency is to be acted upon, a definite scale of proportionate pensions should be adopted as a standard permissible in these cases, and we would suggest the scale allowed in the event of premature retirement for reasons of ill health. Inefficiency certainly cannot be more favourably treated than physical disability, but on the other hand, the cases of an officer incapacitated by reason of weakness of brain or character presents various features common to that of an officer incapacitated by reason of weakness of body. Both have undergone an expensive preliminary training fitting them for the service of Government; both may have rendered a certain number of years of satisfactory work, since either incapacity may develop in the course of service and not necessarily from its commencement; the careers of both are being cut short, and in both instances it may be exceedingly difficult to discover any other adequate means of livelihood. Unless it is known that such cases will be judged by some reasonable standard, we apprehend that feelings of compassion may render local Governments reluctant to take action, which will be regarded as drastic, although in the public interests it may be desirable. At the same time we would not fetter the Secretary of State in fixing the amount of the pension to be given on the merits of each case. Inefficiency may arise from many reasons; ill health, though short of actual breakdown, would be the most venial, and domestic troubles would almost rank in the same category. On the other hand irregular and intemperate habits might justify a severer treatment, and it is conceivable that even the total withholding of a pension might be justifiable, although such instances would probably be rare, since the case of dismissal for wanton and deliberate misconduct is not now in contemplation. Assuming that Your Lordship is willing to regard the scale suggested as a standard, to be departed from, if need be, only on cause shown, we are of opinion that the fear of unduly harsh treatment should be allayed.

- (d) That promotion to the office of Commissioner of a division should be by selection from the best * We take it that the Commission obviously intended to denote Executive officers generally. Collectors * of the province, seniority only being regarded where other qualifications were practically equal (paragraph 647).

The instructions to local Governments of the 27th October 1911 embodied this principle to which we certainly desire to adhere. We are not clear whether the Commission desired to suggest that the existing right of appeal against supersession for a Commissionership should be withdrawn; in any case we do not recommend that course.

- (e) That it is unnecessary to order the compulsory retirement of an officer superseded for the rank of Commissioner (paragraph 648).

We consider it very improbable that compulsory retirement in such an event would be necessary, but we would not bind ourselves to any prohibition of it in exceptional cases. As a matter of fact, however, the full term of service would almost invariably have been completed, or practically completed, in such instances. Should compulsory retirement be decided upon, our remarks on the same subject with reference to Collectors would be equally applicable.

3. The Commission did not actually mention the matter of the claims of officers to be tried as Commissioners prior to supersession, and to some extent in modification of the view expressed in addressing local Governments on the 10th February 1910, we would not admit any such right. Confirmation should ordinarily be deferred until an officer has shown in practice, during an officiating term that he is suitable, though here again no hard and fast rule can be laid down, but in so far as the capacity of an officer in the higher administrative positions should be well known by the time that he has reached this stage of his career, a local Government has ample materials for deciding whether it is worth while even testing him as a Commissioner or not.

4. We have discussed the question above upon the detailed lines followed by the Commission, but there are other general considerations to which we attach importance, although they are only indirectly mentioned in the report. We would wish to make it clear, in the first place, that we do not contemplate

rigid rules to govern this matter; we can only lay down principles leaving their application to be guided by the circumstances of particular cases. It may be said, in a sense, that the right is inherent in Government of dispensing with such servants as it deems to be unfitted for its purpose, but although dismissal for misconduct has always been well known, it has not been hitherto laid down as a principle by which Government will be guided, that it will not retain in its employ officers who are unsuitable to be entrusted with the ordinary responsible functions which fall to the lot of any Service. It has been recognised in theory that Government will not entrust these duties to those who are inefficient, but inefficiency is not an exact term, and the theory that confirmed inefficients will be got rid of, even if no definite act of misbehaviour can be alleged, is new, although in the interests of the administration we feel strongly that it should be emphasised.

Secondly, although the question has been viewed with reference to the two stages of promotion to a Collectorship and Commissionership respectively, we do not desire to be debarred from enforcing compulsory retirement at any stage of an officer's service should that be justifiable. These two stages being conspicuous landmarks in an officer's career, the question of his efficiency or otherwise is naturally subjected to a closer scrutiny on these occasions than on others, but it is obvious that the defects which would demand that his services should be dispensed with may show themselves at any other time, either earlier or later, and if so we should be free to take action.

Thirdly, although we have necessarily laid stress upon the principle of selection, it should not be assumed that we minimise the weight to be attached to seniority and experience. These qualifications have always been regarded, while the reckless neglect of them might be as disastrous as slavish adherence to them, and in this connexion two other considerations are to be borne in mind. It is quite possible that promotion may reasonably be postponed, even if for the moment it is refused. Such a case is, in fact, contemplated by the Commission (*paragraph 642*). It is often remarkable how men develop and settle down, who in their earlier years showed lack of keenness, and want of energy or serious purpose. The causes of these defects may well be temporary, and with their removal the grounds of complaint may disappear. We have no intention of judging men hastily, before they have had full opportunity of demonstrating their worth. Further, although on any one occasion of promotion to a Commissionership, not infrequently, or to a Collectorship, more occasionally, an officer may appropriately be superseded by another who is markedly his superior, it does not follow that he is irrevocably condemned as unfitted for the higher post. He may or may not be, and in the latter event his claims should be reconsidered on the occasion of the next vacancy. There is no absolute standard of merit required of a Commissioner; the essential point is to choose the best man available, but while a better man may be available at one time, it is possible that the officer superseded may be the equal of, or superior to, those whose turn will come next, and in that event his claims should not be overlooked. Elasticity is a necessary condition of justice in the treatment both of the rights of our officer and the interests of the public service, but we feel assured that if Your Lordship is able to agree to the general principles which we have endeavoured to define, marked improvement in efficiency can be secured, without detriment to the interests of our Services.

Enclosure No. 11.

Nos. 1688-1696, dated Simla, the 27th October 1911.
 From—A. EARLE, Esq., C.I.E., Secretary to the Government of India, Home Department,
 To—The Chief Secretaries to the Governments of Madras, Bombay, Bengal, United Provinces, Punjab, Burma, and Eastern Bengal and Assam, the Chief Commissioners of the Central Provinces, and Coorg.

As the Governor in Council is aware from the correspondence ending
the Lieutenant-Governor in Council are
H. H. the Lieutenant-Governor

with your letter no. you, dated the 30th May 1910
435
6885
3688-A
1375
375-S
314-4M-3
4519-A
2035
674
2nd August 1910
3rd August 1911
30th March 1910
2nd June 1910
7th March 1910
31st October 1910
30th August 1910
31st March 1910, the Government of India

have under their consideration the questions of the selection of officers for appointment as Commissioners, Collectors and District Judges, and of the compulsory retirement of inefficient officers on reduced pensions, and the connected questions in so far as they concern other departments.

2. Orders will issue before long on the various matters discussed in the correspondence referred to. Meantime, the Government of India consider it necessary to draw the attention of local Governments to the necessity for exercising the most scrupulous care in making selections for high appointments in so far as officers of the Indian Civil Service are concerned. It is generally accepted that in the case of Collectorships and District Judgeships, though promotion by seniority should continue, the rejection of the unfit should be much more stringent than it is at present, and that in the case of Commissionerships and other higher posts, the best officers should be selected, seniority being regarded only where other qualifications are practically equal. It may be added that local Governments are fully entitled to call upon officers, who have been found inefficient, to retire, if they have earned their pension, and to reduce them to a lower grade if they decline to do so.

3. That the application of the above principles is essential to good administration will not be gainsaid, but practice has so often fallen short of precept in this matter that the Government of India feel no hesitation in once more bringing the orders prominently to notice and earnestly impressing upon local Governments the extreme importance of giving effect to them.

CHAPTER VII.

LEAVE RULES.

	PAGE.
1. Despatch to the Secretary of State No. 299, dated the 26th September 1882 and enclosure No. 11, <i>viz.</i> , Home Department Resolution No. 33—1343-54, dated the 7th September 1882 ...	475—482
2. Despatch from the Secretary of State No. 66, dated the 22nd February 1883 ...	483—484
3. Despatch to the Secretary of State No. 225, dated the 17th August 1883 and enclosure, <i>viz.</i> , Home Department Resolution No. 21—885-96, dated the 6th July 1883 ...	485—488
4. Government of India Circular letter Nos. 2137-46, dated the 19th September 1899 ...	489—490
5. Government of India Circular letter Nos. 871-80, dated the 27th March 1900 ...	491—494
6. Despatch to the Secretary of State No. 64, dated the 25th October 1900	495—503
7. Despatch from the Secretary of State No. 6, dated the 4th January 1901	505
8. Despatch to the Secretary of State No. 19, dated the 21st February 1901 and enclosure, <i>viz.</i> , Home Department Resolution Nos. 224-240, dated the 25th January 1901 ...	507—512
9. Letter from the Accountant-General, Burma, No. 1671, dated the 14th March 1901 ...	513
10. Letter from the Government of India No. 2583-P., dated the 14th May 1901, to the Accountant-General, Burma ...	515—516
11. Paragraphs 650-658 of the Report of the Royal Commission upon Decentralization.	517—518
12. Finance Department letter to local Governments and Administrations No. 538-C.S.R., and enclosure ...	519—532

No. 299.

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

LEAVE, &c.

To

THE RIGHT HONOURABLE THE MARQUIS OF HARTINGTON, M.P.,

*Her Majesty's Secretary of State for India.**Simla, the 26th September 1882.*

MY LORD MARQUIS,

WE have the honour to transmit herewith copies of the papers cited in the annexed list, on the operation of that provision of the Furlough Rules of 1868 under which officers absent on leave retain a lien on their appointments.

2. Your Lordship will observe that in September 1881, owing to its having been represented to us that the provision in question had resulted in a largely increased number of acting appointments, and in frequent changes in the *personnel* of the administrative staff to the detriment of the public interests, we called upon the Local Governments and Administrations to report whether any practical inconvenience had been felt owing to the operation of the rule, and, if so, requested them to state the remedies which might be deemed expedient to secure the effectual removal of such inconvenience. The replies received point to the conclusion that the supposed effect of the rule in question had been very considerably exaggerated and misunderstood, and the statistics bearing on the question do not, as it seems to us, justify the withdrawal of the concession whereby an officer on furlough retains a lien on his substantive appointment, or on a substantive appointment of like character and not less pay.

3. At the same time there can be no doubt that in some provinces changes among the administrative, and especially among the district, staff have been more frequent than is desirable in the interests of good administration, although such changes are often not so much the effect of the existing rules as of the manner in which those rules are worked. We have therefore made certain suggestions to the Local Governments and Administrations in paragraphs 4 and 5 of our Resolution of the 7th instant, the adoption of which will, we trust, enable the local authorities, by the exercise of a little forethought and arrangement, to avoid unduly frequent changes in district charges owing to the return of officers from leave. These suggestions do not involve any change in the existing furlough rules, but are simply based on the desirability, for public reasons, of regulating the grant of furlough and the disposal of officers on return from furlough in such a manner as not to place the private interests of individuals before the interests of the public service.

4. There are, however, two points in regard to which an alteration of the present rules appears to us to be necessary. As the rules now stand, a convenanted civil servant is only allowed to take his first furlough after eight years' residence in India. It seems to us to be desirable, both in the interests of the public service, and as a concession to the junior officers, that this period should be reduced, and that the first furlough should be admissible after five years' residence. We are strongly convinced of the benefit which a young officer would derive by returning to England for a year at that period of his service. As observed by the late Resident at Hyderabad (Sir Steuart Bayley), 'it would enable the officer concerned to keep touch with the intellectual life of the class from which he is drawn, and prevent his mental grasp becoming narrowed, and his sympathies with the higher movements of modern life becoming dulled.' In the present condition of India, with the people waking up under the influence of education to more and more extended views, watching with keen interest the political life of Europe, and becoming year by year more capable of judging and criticising the proceedings of their rulers, it will no longer answer to shut our officers up to a purely Indian career. They must have their minds enlarged, and their sympathies broadened, as much as possible, by more frequent contact with the free and progressive activities of life in England. It is moreover for the public advantage that some portion of the furlough that may be earned during a civilian's term of engagement should be taken at the time when his services are of least value, and this object would be gained by reducing from eight to five years the term of residence in India after which the first furlough is admissible.

5. Another alteration in the rules appears to us to be necessary in view of the circumstance that occasionally improper advantage has been taken of the rule as to lien on appointment by officers who have much furlough to their credit, and can without difficulty, owing to the state of their health, procure medical certificates. In one case which has been brought to our notice, an officer holding an important appointment who had not taken furlough for many years, but whose health unfortunately broke down, has been enabled to make arrangements by which he enjoys five months' furlough every year on medical certificate, returning to duty each cold weather, and causing a long series of changes in Secretariat and other offices. To obviate such cases, in which the observance of the rule as to lien on appointment cannot be otherwise than detrimental in a high degree to the administration, we think that it would be only reasonable to lay down a new rule to the effect that if an officer within two years of his return from furlough again takes furlough on medical certificate, he should not retain any lien on his appointment. We trust that the changes which we have above proposed in the present rules will receive Your Lordship's sanction.

6. In conclusion, we would point out that one of the most important objects which we have in view,—*viz.*, the regulation of the times of return of officers from furlough, so as to make those coincide better with the times of proceeding on furlough,—will be entirely defeated if extensions of furlough are freely granted to officers at home without previous reference to the Governments in India. It is obviously useless for the Local Governments here to make their arrangements on the understanding that a certain number of officers will return to duty in a particular month, if all their forecasts are liable to be disturbed by the unexpected grant of extension of leave to one or more of them. At present the rule is, that in the absence of any express reservation by the Local Governments enforced upon the absentee's leave or last-pay certificate, it may be assumed that no objection to the extension exists. It is not, however, in many cases possible for Local Governments to say at the time of granting long leave how it may be situated in respect of vacancies at the time when the leave expires. In practice therefore no restrictions are at present placed upon the grant of extensions. We think it would be more convenient to rule that officers desiring extensions should be required to produce with their applications evidence that the Governments in this country had been referred to by them, and have no objection to offer to the extension proposed. Violation

of this rule ought only to be condoned on strong cause being shown, and officers returning at times other than those fixed for them by their own Government should understand that they will be liable to be kept on subsistence allowance until a suitable vacancy occurs to which to post them.

We have the honour to be,

MY LORD MARQUIS,

Your Lordship's most obedient, humble Servants,

(Signed) RIPON.

" D. M. STEWART.

" J. GIBBS.

" E. BARING.

" T. F. WILSON.

" C. P. ILBERT.

" S. C. BAYLEY.

" T. C. HOPE.

Schedule of papers.

1. Home Department Circular Nos. 43—1424-1432, dated 20th September 1881.
2. Letter from the Government of Madras, No. 1536, dated 15th November 1881.
3. Letter from the Government of Bombay, No. 783, dated 3rd February 1882.
4. Letter from the Government of Bengal, No. 529-A., dated 6th February 1882.
5. Letter from the Government of the North-Western Provinces and Oudh, No. 1348, dated 17th April 1882.
6. Letter from the Government of the Punjab, No. 1077, dated 12th May 1882.
7. Letter from the Chief Commissioner, Central Provinces, No. 4626-294, dated 23rd December 1881.
8. Letter from the Chief Commissioner, British Burma, No. 296 N., dated 26th October 1881.
9. Letter from the Chief Commissioner, Assam, No. 3187, dated 28th November 1881.
10. Letter from the Resident at Hyderabad, No. 27, dated 18th January 1882.
11. Home Department Resolution No. ³³₁₃₄₃₋₅₄, dated 7th September 1882.

Note.

Only enclosure No. 11 has been reprinted.

Extract from the Proceedings of the Government of India in the Home Department (Public),—under date Simla, the 7th September 1882.

READ the undermentioned papers:—

Home Department Circular Nos. 43-1424-1432, dated 20th September 1881.

Letter from the Government of Madras, No. 1536, dated 15th November 1881.

" " " Bombay, No 783, dated 3rd February 1882.

" " " Bengal, No. 529-A., dated 6th February 1882.

" " " North-Western Provinces and Oudh, No. 1348, dated 17th April 1882.

" " " Punjab, No. 1077, dated 12th May 1882.

" " " Chief Commissioner, Central Provinces, No. 4626-294, dated 23rd December 1881.

" " " British Burma, No 296-N., dated 26th October 1881.

" " " Assam, No. 3187, dated 28th November 1881.

" " " Resident at Hyderabad, No. 27, dated 18th January 1882.

RESOLUTION.

In consequence of representations made to the Government of India that the change in the furlough rules effected in 1868, whereby officers absent on leave retain a lien on their appointments, had resulted in a largely increased number of acting appointments and in frequent changes in the *personnel* of the administrative staff to the detriment of public interests, a circular was issued on the 30th September 1881, asking Local Governments and Administrations to report whether any practical inconvenience had been felt owing to the operation of the rule; and, if so, to state the remedies which might seem to them expedient to secure the effectual removal of such inconvenience.

2. From the replies which have now been received, the Governor General in Council is glad to find that nearly all the local authorities are of opinion that the supposed effect of the rule in question has been much exaggerated and misunderstood, and that the provincial statistics when carefully analysed do not justify the withdrawal of the concession whereby an officer on furlough retains a lien on his substantive appointment or on a substantive appointment of like character and not less pay.

3. At the same time there can be no doubt that in some provinces changes among the administrative, and especially among the district staff, have been more frequent than is at all desirable; and the Governor General in Council is of opinion that something should be done to check this tendency, where it exists, partly by amendment of the rules in some points of minor detail, and partly by the adoption in all Local Administrations of a settled line of policy in working the rules.

4. In the first place the enquiries recently instituted have made it clear that when unduly frequent changes in the *personnel* of the administrative staff occur, they are often not so much the effect of the existing rules as of the manner in which they are worked. Local Governments are sometimes too ready to defer to the personal wishes and inclinations of officers returning from leave; but unless they insist firmly on the principle that an officer must accept whatever appointment suitable to his rank and position in the service may chance to be available on his return, unnecessary changes take place, the public service suffers, and the convenience of other officers, more or less numerous, is sacrificed to meet the wishes of one favoured individual. The Government of India consider it undesirable that frequent transfers among district officers should take place when these can be avoided; and, while fully admitting that it is quite possible to keep an officer too long in charge of the same district, they are of opinion that the local knowledge which a district officer is expected to possess cannot be acquired unless he remains for a reasonable period in the same appointment. His Excellency in Council is inclined to hold that it would be a distinct advantage to the

No. 66 (Financial), dated India Office, London, the 22nd February 1883.

From—Her Majesty's Secretary of State for India,
To—His Excellency the Most Honourable the Governor General of India in Council.

I have considered in Council your letter, dated the 26th of September 1882, No. 299, relative to certain proposed alterations in the Civil Furlough Rules.

2. In consequence of some complaints that a large increase in the number of acting appointments and of changes in the staff had resulted from the provision under which officers absent on furlough retained a lien on their appointments, or were on their return entitled to appointments of like character and pay, you were led in September 1881 to consult the Local Governments regarding the extent of the practical inconvenience caused by this rule. The result of your inquiries led you to believe that the supposed effects of the rule had been much exaggerated; and you accordingly do not propose to withdraw the concession whereby an officer on furlough retains a lien on his substantive appointment, or is entitled to a substantive appointment of like character and not less pay.

3. In the 3rd paragraph of your letter you state that "there can be no doubt that in some provinces changes among the administrative, and especially among the district, staff have been more frequent than is desirable in the interests of good administration." This view seems to me to be fully borne out by the statistics of the North-Western Provinces and Oudh, which give 221 changes in 38 months for the 49 districts of those provinces, representing, on an average, a change in each district once in little more than eight months. But you observe that these changes are not so much the effect of the existing rules as of the manner in which those rules are worked, and you state that you have made to the Local Governments certain suggestions, not involving actual change in the rules, which will tend to prevent unduly frequent changes in the district staff.

4. In the Resolution which you have published, you express an opinion that it is for the advantage of the public service that a Magistrate-Collector should remain for about five years in the same district, but that, after an incumbency for six or seven years, a change is desirable; and that, keeping this condition in mind, it should be the practice to post an officer on return from furlough to such vacant office, suited to his rank and pay, as may admit of the utilization of his services with the least possible disturbance of existing arrangements.

5. While I concur generally in your opinion, I consider that the advantage or disadvantage of retaining an officer, after a few years, in the district in which he has been serving, is to be judged entirely on the merits of each case; and I am unwilling to lay down any general rule as to the length of time during which an officer should remain in one district, or as to the considerations which should guide the several Governments in posting officers on their return from furlough, except that the arrangements should be made according to the requirements of the public service at the time.

6. You further would empower the Local Governments to require an officer to take less or more leave than he applies for, within reasonable limits, on penalty of his forfeiting his lien on his appointment if he declines to accept the arrangement. The Government should certainly have the power of refusing an officer the full leave for which he applies, if there is reason to think that the grant of that precise amount will be prejudicial to the public interests; but I do not think that an officer should ever be required to take more leave than he desires, or that he should, if prepared to pay the penalty of forfeiting the lien on his appointment or his claim to a similar one, have the right of taking an amount of leave (whether less or more) which would be inconvenient to the Government.

7. You, moreover, consider it desirable, both in the interests of the public service, and as a concession to the junior officers, that a civil servant should be permitted to take furlough for the first time, after five instead of eight years' residence in India. I regret to say that I am not convinced by the arguments adduced, that such a change is desirable, and I am accordingly unable to sanction the proposed alteration.

public service to keep a Magistrate-Collector as a rule for five years in the same district, and that, on the other hand, after a six or seven years' incumbency a change is desirable both for the sake of the officer himself and of the district administration. It should, therefore, be understood that, unless some special circumstances render it desirable to replace an acting officer by a returning incumbent, an officer in the regular line on return from furlough should be posted to such actually vacant office as may happen to be suited to his rank and pay; and, in determining his disposal, the only consideration which should be allowed to weigh is the question how his services can best be utilised with the least possible disturbance of existing arrangements.

5. The Governor General in Council considers further that if measures were taken to regulate the times of return of officers from furlough so as to make these coincide better with the times of proceeding on furlough, the principal ground of dissatisfaction with the rules, from an administrative point of view, would disappear. The Local Government should have more power than it at present exercises to regulate the time of an officer's return with reference to the convenience of the public service. It ought, for instance, to be at liberty for this reason to require an officer to take less or (when to his credit) more leave than he applies for (within reasonable limits), on penalty of his forfeiting his lien upon his appointment if he declines to accept the arrangement: thus, if an officer applies for twelve months' furlough, and the Local Government is aware that it will have difficulty in providing him with a suitable appointment on the expiry of that term owing to the simultaneous return of senior men or for other reasons, it should require him to return either after, say, ten months, or fourteen months, as may best suit the requirements of the public service. At present the Government grants, as a matter of course, the precise amount of furlough asked for. It ought to have at least the same discretion in settling the leave-arrangements of its officers that a mercantile firm would exercise in granting leave of absence to its employees. Effect may be given to this suggestion from the 1st April 1883.

6. As the rules stand at present a Covenanted Civil Servant is only allowed to take his first furlough after eight years' residence in the country. It appears to the Government of India desirable, both in the interests of the public service and as a concession to its junior officers, that this period should be reduced, and that the first furlough should be admissible after five years' residence. It is for the public advantage that some portion of the furlough that may be earned during a civilian's term of engagement should be taken at the time when his services are of least value. A change in the furlough rules to the effect suggested will be recommended to Her Majesty's Secretary of State for India.

7. It has been brought to the notice of the Government of India that occasionally improper advantage can be taken of the rule as to lien on appointment, by officers who have much furlough to their credit and can easily procure medical certificates. The Governor General in Council thinks it would be a fair rule to lay down that if an officer within two years of his return from furlough again takes furlough on medical certificate he should not retain any lien on his appointment. A change in the furlough rules to this effect will also be recommended to Her Majesty's Government.

8. The points mentioned in paragraphs 6 and 7 are the only matters in regard to which the Governor General in Council thinks any alteration of the present rules to be necessary.

ORDER.—Ordered, that a copy of this Resolution be communicated to Local Governments and Administrations for information and guidance, and that a copy be communicated to the Department of Finance for information and with a view to the necessary reference being made to the Secretary of State on the points mentioned in paragraphs 6 and 7 of the Resolution.

Ordered also, that this Resolution be published in the Supplement to the *Gazette of India*.

(True Extract.)

A. MACKENZIE,

Secretary to the Government of India.

No. 225.

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

LEAVE AND LEAVE ALLOWANCES.

To

THE RIGHT HONOURABLE THE EARL OF KIMBERLEY,

*Her Majesty's Secretary of State for India.**Simla, the 17th August 1883.*

MY LORD,

WE have the honour to acknowledge the receipt of Your Lordship's Despatch No. 66 (Financial), dated 22nd February 1883, communicating your decision on certain alterations which we had proposed in the Civil Furlough Rules.

2. In reply, we beg to transmit, for Your Lordship's information, a copy of a Resolution * which we have issued with the view of giving effect to Your Lordship's instructions. We would also solicit a reference to our Notification † in the Financial Department, No. 1333, dated 7th June 1883, from which it will be seen that the orders contained in paragraphs 6, 12 and 13 of the Despatch under acknowledgment have been provided for in the Civil Leave Code.

3. Referring to paragraph 9 of the Despatch, on the question of the best means of imposing a check on the abuse of the regulations by an officer, who has considerable furlough to his credit, taking leave at short intervals on medical certificate, we beg to state that since we last addressed Your Lordship, the officer to whom we referred in paragraph 5 of our Despatch No. 299 of the 26th September 1882 has again taken leave for four months, necessitating the making of temporary arrangements for the discharge of the duties of a most important appointment for the sixth time in as many consecutive years. We have reconsidered the matter, but we can discover no effective way of obviating such cases save by laying down the rule which we originally suggested, to the effect that if an officer within two years of his return from furlough again takes furlough on medical certificate, he should not retain any lien on his appointment. The only other way which suggests itself to us of meeting such cases would be to rule that a Local Government may require an officer applying for leave under section 51 of the Civil Leave Code to produce a medical certificate that on his return from the medical leave applied for by him there is a reasonable probability of his being able to render three years' continuous service in India, and that failing the production of such certificate it may require him to take such a term of leave as the Medical Board may consider necessary in his case to secure that end. The certificate of an officer's fitness to return to duty should therefore contain the words:—"There is at the present time in our opinion a fair prospect that Mr. _____ will continue fit for duty for three years after his return to duty." When the officer in question has less than three years to serve to entitle him to a retiring pension, and intends and signifies his intention to retire on the completion of his term of qualifying service, the certificate need cover such period only.

2

8. Another change suggested is the addition of a rule to the effect that, if an officer, within two years of his return from furlough, again takes furlough on medical certificate, he should not retain a lien on his appointment or an equivalent thereof; and, to illustrate the necessity for such a rule, Your Excellency cites the case of an officer holding an important appointment, who, having a long period of leave to his credit, was able, owing to his failing health to obtain leave on medical certificate for five months every year, returning to duty each cold weather, and causing a long series of changes in Secretariat and other offices.

9. I approve the principle of imposing a check on an abuse of the regulations by the grant of leave on medical certificates, which, in some instances, are perhaps too easily obtained; but the case which you quote is so exceptional that I think means might probably be devised for meeting it, without altering the general regulations, and I should be unwilling to sanction such an alteration of the regulations as you suggest, unless it appeared to me absolutely necessary.

10. In the last paragraph of your letter referring to the regulation of the times of return of officers, so that they may coincide better with the times of proceeding on furlough, you observe that this object "will be entirely defeated if extensions on furlough are freely granted to officers at home without previous reference to the Governments in India," and you consider it advisable "to rule that officers desiring extensions should be required to produce with their applications evidence that the Governments in this country had been referred by them, and have no objection to offer to the extension proposed. Violation of this rule ought only to be condoned on strong cause being shewn, and office returning at times other than those fixed for them by their own Government should understand that they will be liable to be kept on subsistence allowance until a suitable vacancy occurs to which to post them."

11. With reference to this suggestion, I would draw your attention to the following extract from your predecessor's letter, dated the 16th of June 1879 No. 162:—"Your Lordship now apparently suggests . . . that the power of extending furlough, otherwise than on medical certificate, should be confined to the authorities in India. We fear that this change of rule might frequently occasion serious inconvenience to our officers without any compensatory advantage to the public service. Provided only that timely notice reaches India of any change in an officer's plans, the extension of his furlough does not usually cause public inconvenience, and there appears to us to be no objection to the exercise by the Secretary of State of the jurisdiction reserved to him by the rules as they stand."

12. In accordance with the view now expressed by your Government, however, I am willing to sanction the rule proposed by you, power of course being reserved to the Secretary of State to grant an extension of furlough in any case where it appears to him that sufficient ground has been shewn for the application being made without the previous approval of the Local Government.

13. In the event of its being found necessary to communicate with your Government or the Government of Madras or Bombay by telegraph, in regard to an application for an extension of leave, the cost of the telegrams to and from India will be charged to the applicant.

14. In conclusion, I must point out that it would have been better if you had abstained from publishing your intention of applying to me for certain alterations of the rules, before you had ascertained that they would meet with my approval.

2

4. With these remarks we leave the question under consideration for Your Lordship's decision. We would only add that although such an abuse of the rules may be exceptional at present, there is every probability, the example having been set, that advantage will be taken of the opening left in them whenever this is possible, and, in our opinion, it is better that the gap should be stopped now once for all.

We have the honour to be,

MY LORD,

Your Lordship's most obedient, humble Servants,

(Signed) RIPON.

" D. M. STEWART.

" E. BARING.

" T. F. WILSON.

" C. P. ILBERT.

" S. C. BAYLEY.

" T. C. HOPE.

ENCLOSURE.

Home Department Resolution No. ²¹/₈₈₅₋₈₉₆, dated the 6th July 1883.

487

No. 21—885-96.

Extract from the Proceedings of the Government of India, in the Home Department (Public),—dated Simla, the 6th July 1883.

READ the undermentioned papers on the subject of certain proposed alterations in the Civil furlough rules:—

Home Department Resolution Nos. 33—1343-1354, dated 7th September 1882.

Financial Despatch to Secretary of State No. 299, dated 26th September 1882.

Financial Despatch from Secretary of State No. 66, dated 22nd February 1883.

RESOLUTION.

In the Resolution of the 7th September 1882, the Government of India intimated to Local Governments the result of the reference made to them a year previously, as to the practical working of the rule under which officers absent on furlough retain a lien on their appointments. It was stated that the Governor General in Council had found no sufficient reason for the withdrawal of that concession, but that at the same time there could be no doubt that in some provinces changes among the administrative, and especially among the district, staff had been more frequent than was at all desirable; and it was said that something should be done to check this tendency where it existed, partly by amendment of the rules in some points of minor detail, and partly by the adoption in all Local Administrations of a settled line of policy in working the rules. Much could, it was believed, be done by making proper arrangements for regulating the posting of officers on their return from furlough; and the general principle by which the Government of India desired that Local Governments should be guided in this matter was that private and personal considerations should always give way to public interests; and that every endeavour should be made to avoid unnecessary disturbance of existing arrangements. In these views of the Government of India the Secretary of State has now intimated his general concurrence, remarking that, while it is undesirable to lay down any general rule as to the length of time during which an officer should remain in one district, or as to the considerations which should guide the several Governments in posting officers on their return from furlough, the arrangements of Government must always be regulated with reference to the requirements of the public service at the time. The Governor General in Council trusts that Local Governments will in future see that full effect is given to these instructions of Her Majesty's Secretary of State. It was not the intention of the Government of India in the Resolution of September last to lay down any hard-and-fast rule as to the maximum term during which an officer should be retained in a district. Local Governments must of course be guided in deciding such matters by a consideration of what is best for the public interests, but it should not be forgotten that, while frequent changes are bad, an officer may yet be left too long in a district, and that it may sometimes be best both for himself and for the district administration to make a change.

2. It was further proposed in the Resolution of September 1882 that Local Governments should have the power to require an officer to regulate the precise term of his leave to suit the public requirements, i.e., that an officer should be compelled to take less or more leave (within reasonable limits) than he applies for, on penalty of his forfeiting a lien on his appointment if he declined to accept the arrangement. Upon this the Secretary of State remarks: "The Government should certainly have the power of refusing an officer the full leave for which he applies, if there is reason to think that the grant of that precise amount will be prejudicial to the public interests; but I do not think that an officer should ever be required to take more leave than he desires, or that he

should, if prepared to pay the penalty of forfeiting the lien on his appointment or his claim to a similar one, have the right of taking an amount of leave (whether less or more) which would be inconvenient to the Government." The Governor General in Council desires that effect may be given to this view which practically enables the Local Government to insist on leave being taken in the manner most consistent with the interests of the Public Service. The point has been made clear in the Civil Leave Code by the insertion of the note under section 4 of the code, published in the Financial Department Notification No. 1333, dated 7th June 1883.

3. In paragraph 6 of the Resolution of September 1832, it was stated that a recommendation would be made to the Secretary of State that the period of a Civil Servant's residence in India entitling him to his first furlough should be reduced from eight to five years. It has now been decided that no change shall be made in the furlough rules on this point.

4. The Secretary of State has approved of the principle of imposing a check on the abuse of the leave rules by recurring grants of furlough on medical certificate to which attention was drawn in paragraph 7 of the Resolution of the 7th September last. The best mode of effecting this is still under consideration.

5. Lastly, the Secretary of State agrees to the proposal made by the Government of India that (except in very special cases) extensions of leave should not be granted in England, unless the applicants produce evidence that the Governments under which they are employed have no objection to such extension. This point has been provided for by the revised rule I under Section 77 of the Civil Leave Code, published in Financial Department Notification No. 1333, dated 7th June 1883.

ORDER.—Ordered, that a copy of this Resolution be communicated to the

Madras.	Central Provinces.
Bombay.	British Burma.
Bengal.	Assam.
North-Western Provinces and Oudh.	Coorg.
Punjab.	Hyderabad.

Local Governments and Administrations noted on the margin for information and guidance, and that a copy be forwarded to the Department of Finance for information, and that the Resolution be published in the Supplement to the *Gazette of India*.

(True Extract.)

A. MACKENZIE,

Secretary to the Government of India.

NOS. 2137-46.

FROM

A. H. L. FRASER, ESQ., C.S.I.,
Officiating Secretary to the Government of India,

TO

THE CHIEF SECRETARIES TO THE GOVERNMENTS OF
MADRAS, BOMBAY, BENGAL, NORTH-WESTERN PRO-
VINCES AND OUDH, PUNJAB, AND BURMA AND THE
CHIEF COMMISSIONERS OF THE CENTRAL PROVINCES,
ASSAM, AND COORG, AND THE RESIDENT AT HYDER-
ABAD.

Home Department.
Public.

Simla, the 10th September 1899.

SIR,

THE Government of India have under their consideration the adoption of measures to reduce the number of transfers and changes in district and other charges. Before issuing orders on the whole question they desire to have an expression of the opinion of His Honour the Lieutenant-Governor (and Chief Commissioner) on one part of it, which is concerned with suggested changes in the Civil Service Regulations.

2. It is clear that one of the most fruitful causes of transfers and changes has been the necessity for providing for three months' vacancies and the difficulty of doing so in accordance with the provisions of Article 119 of the Civil Service Regulations. It seems necessary, therefore, that action should be taken to modify the leave rules so as to meet this difficulty.

3. The Government of India have before them the following suggestions in regard to the modification of the Civil Service Regulations:—

- (1) that the accumulation of privilege leave should be allowed as at present, one month a year up to three months (Article 282, Civil Service Regulations); but that this accumulated leave should not be reckoned as privilege leave; and that the only effect of accumulation should be to enable an officer to receive full pay for the first three months of a period of not less than six months' furlough or special leave;
- (2) that the maximum period of furlough (other than on medical certificate), which may be taken at one time, be reduced from two years to eighteen months (Article 340, Civil Service Regulations);
- (3) that in Article 340 (b) (ii), Civil Service Regulations, the word *four* be substituted for *eight*, so that first furlough may be admissible after four years' active service.

4. The object of these proposals may be very briefly stated. The aim of the first proposal is to limit privilege leave to the amount earned in each year. This will render it possible, in probably all cases, to provide for the short vacancy by arranging that the duties of the absent officer shall be performed by another officer on the spot. When, however, privilege leave is accumulated, it will be taken as part of a reasonably long spell of leave, which will reduce the number of short vacancies necessitating transfers or changes.

5. The ground of the second proposal is that a period of two years seems too long. It tends to put a man out of touch with India and with his work. The maximum leave which is reasonably necessary is that which allows absence for two hot seasons. This is provided for in fixing the maximum at 1½ years.

6. The grounds of the third proposal are to compensate junior officers for the loss of their first accumulated privilege leave, which they have been in the habit of utilizing for a visit to England, and also to allow them an opportunity of taking longer leave at a time when it may be very useful to them and when they can perhaps be easily spared.

7. One other proposed modification of the Civil Service Regulations demands consideration. It is suggested that Article 120, as it at present stands, is unreasonable, and that there should be substituted for it a rule that, when a privilege leave vacancy occurs, acting allowances shall always be given when the officer appointed to fill it is thereby invested with greater responsibility, but that grade promotion shall not be given at all. When more responsible and important work has to be done, the usual allowances should be granted. But it seems reasonable to rule that an officer whose duties are not changed should not receive officiating promotion in place of a senior officer on privilege leave.

8. I am to invite the expression of ^{the opinion of the Government of Madras} on all these proposals. And, as the Government of India desire to settle this question before leaving Simla, I am to request that the reply to this letter be despatched so as to reach this office not later than Saturday, 21st October.

I have the honour to be,
SIR,
Your most obedient Servant,

A. H. L. FRASER,
Offg. Secy. to the Govt. of India.

No. 871-80.

FROM

J. P. HEWETT, ESQ., C.S.I., C.I.E.,

Secretary to the Government of India.

TO

THE CHIEF SECRETARIES TO THE GOVERNMENTS OF MADRAS, BOMBAY, BENGAL, NORTH-WESTERN PROVINCES AND OUDH, PUNJAB, AND BURMA, THE CHIEF COMMISSIONERS OF THE CENTRAL PROVINCES, ASSAM, AND COORG, AND THE RESIDENT AT HYDERABAD.

Home Department.
Public.

Calcutta, the 27th March 1900,

SIR,

I AM directed to refer to the correspondence ending with your letter

No. 1181
5025
1579-A.D.
59-C.
25-C.
191P-4L-7.
283-C.
1100-7786-P. S. G.
2443
312

16th October 1899
25th October 1899
30th October 1899
19th October 1899
18th October 1899
14th October 1899
16th October 1899
14th October 1899
9th October 1899
6th October 1899

dated the 21st, regarding certain changes in the leave

rules proposed in Mr. Fraser's letter No. 2137, dated 19th September last, with the view of reducing the frequency of transfers and changes of the incumbents of posts in the Civil Administration. The careful examination to which the original suggestions have been subjected by the Local Governments and Administrations has thrown much light upon the general question, and the Government of India have therefore carefully reconsidered it in view of the opinions received from them.

2. All are agreed as to the existence and gravity of the evil which the proposals contained in the Home Department letter of September 19th were designed to remove. It is most acute in the case of posts held by members of the Indian Civil Service and the Commissions in non-Regulation Provinces, inasmuch as it exists in a greater or less degree in all Departments and in all services of Government. Subsidiary causes, such as the depletion of the Indian Civil Service owing to irregular recruitment, a too great readiness to transfer officers for reasons other than the public interests, and the neglect of the general rule that the duties of an officer on privilege leave should be discharged, whenever possible, by another officer at the same station, have contributed to intensify the evil, but the Government of India entertain no doubt that one of the most fruitful causes of frequent changes and transfers is the practice of taking three months' privilege leave, followed, after an interval of three to six months, by furlough. The Governor General in Council therefore desires to reform the rules regulating the grant of privilege leave in such a manner as to remove the evils which now attach to its enjoyment, without imposing any restrictions which might be open to objection as withdrawing valued and useful privileges from the different Services. His Excellency in Council trusts that the suggestions on

which he now asks for the opinions of Local Governments and Administrations will be found, while involving the minimum of change in the present rules, to provide a remedy for the existing evils without withdrawing any substantial privilege. The proposals now made will, the Governor General in Council believes, be found suitable for officers under the rules applying to the Indian Services, as well as to those under the rules applying to the European Services.

3. The first proposal made by the Government of India in the letter of 19th September last was that the accumulation of privilege leave should be allowed as at present, but that it should not be taken as privilege leave, and that the only effect of accumulation should be to enable an officer to receive full pay for the first three months of a period of not less than six months' furlough or special leave. The effect of the proposal of the Government of India was imperfectly stated. It was not intended that the prohibition of the accumulation of privilege leave as such should prevent leave earned as privilege leave from counting as active service for pension. But apart from objections taken to the proposal on this ground, it appears to the Government of India that a very strong and general objection is entertained to any curtailment of the right which at present exists of accumulating and being allowed to take separately privilege leave up to a maximum of three months. They have therefore reconsidered the question whether these facilities should be prohibited. In favour of this course it may be argued that privilege leave is intended to afford a short respite from work during which health and vigour can be regained, that it is to the advantage both of the Government and the individual that it should be taken as it falls due, that frequent short absences to Europe are unsettling, and that an officer's efficiency and usefulness are increased by his spending his privilege leave seasons of the year than at others, it is impossible to guarantee that every officer or even the majority of officers shall get their annual holiday, and it would be undesirable to prohibit the accumulation of privilege leave, without a proviso that it should be allowed when an application for the ordinary month's leave had been refused. Instances of such refusal and consequent accumulation would be frequent. Moreover, it is not the accumulation of privilege leave in itself which causes the difficulty of frequent transfers. A transfer may sometimes be necessary to fill a three months' vacancy when local arrangements could be made for a month or even two months. But such cases are exceptional, and even when a transfer is necessary, the rupture in continuity of administration involved is not serious, since it is known that the permanent incumbent will return, and that the officer who fills the vacancy is merely a *locum tenens*. This is not the case, however, when the period of absence is prolonged to six months. It is strongly urged by many Local Governments that, under the changed conditions of life in India, it is steadily becoming more and more difficult for an officer to take furlough, especially in the less highly paid Services, so that accumulated privilege leave affords to many almost the only means of visiting England, or of mitigating the length of those family separations which are perhaps the hardest feature of Indian service, and which, even in the best paid Services, would be unduly prolonged if the accumulation of privilege leave were to be forbidden; while to attach to it the condition that it must be accompanied by a substantial period of leave on half pay, would in many cases amount to its virtual prohibition. Finally, it is pointed out that no rest or change can be so complete, or so likely to restore enfeebled health, and thus obviate the necessity for longer leave on medical certificate, than two sea voyages, accompanied by an entire change of surroundings; and that the power of accumulating up to three months is one of the most beneficial, as it is one of the most valued of the privileges which the present leave rules permit. The Government of India recognize that the weight of these considerations is decisive; and they have determined that it is not advisable to prohibit the accumulation of privilege leave to be taken as such. They are not, however, able to accept the suggestion that it should be permissible to accumulate it up to six months, as they consider it undesirable that an officer should be tempted to defer his holiday for more than three years.

4. But it appears to the Government of India to be perfectly clear that, if the accumulation of privilege leave is not to be restricted more than it is at

present, it is absolutely necessary to place some restriction on the grant of other leave within a short period of return to duty from accumulated privilege leave. Under Article 891 of the Civil Service Regulations, an interval of three months is virtually secured between the end of privilege and the beginning of long leave. But this short interval, involving as it does temporary arrangements for short periods of duty as well as of leave, is the most fertile cause of the evil for which a remedy is being sought; and the Government of India are clearly of opinion that, if the present rule allowing officers to take accumulated privilege leave is to remain intact, the interval between the return to duty from such privilege leave and the departure on leave of another kind must be very substantially increased. It has been suggested that this interval might be either twelve or eighteen months. In the opinion of the Government of India the period should certainly not be less than twelve months, and it may be that this interval is too short to secure the end in view. The period of eighteen months, on the other hand, while it would not appear on general grounds to be too long, might operate harshly in the case of an officer who returns from privilege leave at the end of October in one year, and desires to go on furlough in the spring of the next year but one. Such cases would probably be frequent, and the prohibition from taking leave till the beginning of May in the latter year would necessitate an officer's staying on duty after the hot weather which he desired to escape had begun, and would often prevent him from accompanying his family home. These considerations have prompted the suggestion of an interval of sixteen months. The Government of India recognize that objection may be taken to the prescription of a broken period such as this, although it would have the advantage of securing a substantial and probably adequate interval between two periods of leave, without causing any hardship to members of the different Services. I am to ask for

the opinion of ^{The Governor in Council}
His Honour the Lieut.-Govr. (& Chief Commr.)
your opinion

upon the question whether the interval to be prescribed should be one of twelve, sixteen, or eighteen months. Whatever interval is fixed, it should, the Government of India think, be provided absolutely that continuous service of that amount must intervene between the return from privilege leave and the grant of ordinary furlough, the interval standing precisely on the same footing as the intervals of three and eight years between successive furloughs prescribed by the present European and Indian Leave Rules respectively. A further question which remains to be considered is, whether this restriction should be imposed in the case of all accumulated privilege leave, that is, to cases in which anything more than one month's privilege leave is taken, or whether it should only apply to accumulations in excess of six weeks. In favour of the latter alternative it might be urged that it is often hardly worth the trouble and expense to move to the Hills for a month only, and that privilege leave up to six weeks is often taken in, and practically cannot be taken out of, India: also that it is practically as easy to arrange to carry on the absentees' work, without transferring any one from another station, for six weeks as for one month.

5. The proposal just described would have the effect of lessening transfers by imposing a fresh, but not very serious, restriction on the grant of leave. Together with this restriction, the Government of India propose a concession which would still further promote the end in view. Under the present rules it is felt as a hardship that privilege leave earned has to be forfeited whenever urgent need arises for taking long leave, and it constantly happens that an officer takes privilege leave shortly before going on furlough, merely to prevent the former leave from lapsing. The restriction just discussed will not prevent this in the case of short periods of privilege leave; and the Government of India now propose that officers should in future draw the salary and allowances admissible to them on privilege leave, up to an absolute maximum of three months, during so much of furlough or other leave with allowances, whether out of or in India, as is equal to the privilege leave due to them at the time at which the furlough or other leave begins. The concession is one which has at different times been asked for by the Services. In addition to the fact that the concession will in the less highly paid Services sometimes enable furlough to be taken when it would otherwise be impossible to take it, it has the further advantage that the salary during the period corresponding to privilege leave will be payable in England, when the leave is out of India, whereas salary on

privilege leave can only be drawn in India. The Government of India think that this concession should be made subject to the following conditions:—

- (a) the leave taken must not be for a shorter period than six months;
- (b) the period for which full salary is admissible will be reckoned from the date following that on which an officer makes over charge of his appointment, and will include the subsidiary leave, if any taken;
- (c) the period for which full salary is drawn will count as active service for pension, but in other respects it will be treated as the furlough or other leave of which it forms part.

6. The Government of India are not disposed to persevere with the proposal to reduce the maximum amount of furlough to be taken at one time from two years to eighteen months. An absence of eighteen months does not enable an officer to escape two hot weathers and rains in the plains. The maximum period does not appear to be frequently taken, while its curtailment would inflict appreciable hardship in individual instances, particularly in the case of an officer who, having completed the period of active service required of him, might desire to complete his total service by taking leave out of India for two years.

7. Serious objections have been raised to the reduction of the period of active service after which first furlough can be taken from eight to four years, and owing to the determination not to prohibit the accumulation of privilege leave, it is no longer necessary to consider this proposal.

8. In paragraph 7 of the Home Department letter of 19th September last, it was suggested that Article 120 of the Civil Service Regulations should be modified so as to grant acting allowances in every case in which the officer appointed to fill a privilege leave vacancy is invested with greater responsibility, and to abolish them altogether in cases in which the departure of an officer on privilege leave only involves the temporary promotion of another officer to a superior grade without any change in the nature of his duties. The objections which have been made to the latter half of the proposal have satisfied the Government of India that these suggestions need not be maintained.

9. It appears to the Government of India that the changes proposed in this letter may be brought into operation as soon as they are determined upon. It seems to them essential that there should be no delay in fixing an interval between the return to duty from accumulated privilege leave and the departure on leave of another kind. Officers who have accumulated privilege leave to their credit will not, it seems to the Government of India, be prejudiced by the change being made immediately, since it will be in their option either to take the accumulated privilege leave by itself, subject to the new restriction, or to avail themselves of the substantial concession of taking it as part of furlough on full salary. The new restriction would not be applied in cases in which accumulated privilege leave had been taken before the issue of the intended orders.

10. I am to request that the suggestions referred to in the preceding paragraphs may be taken into consideration by the Government of ^{Madras} ~~Bombay, etc.~~. Any changes that may be determined on by the Government of India must be submitted to the Secretary of State for sanction. It is desirable that they should be introduced some time before the commencement of the leave season of 1901. The Governor General in Council is anxious that the Local Governments should have full time for the consideration of the proposals now made and for consulting the officers subordinate to them regarding them. His Excellency in Council would, however, be glad to receive the replies to this letter, if possible, by 30th June next.

I have the honour to be,

SIR,

Your most obedient Servant,

J. P. HEWETT,

Secretary to the Government of India.

G. C. B. P., Simla. — No. 9 P. S. C. — 17-9-12. — 150. — F.C.A.

No. 64.

GOVERNMENT OF INDIA.
HOME DEPARTMENT.

PUBLIC.

To

THE RIGHT HONOURABLE LORD GEORGE FRANCIS HAMILTON,

Her Majesty's Secretary of State for India.

Simla, the 25th October 1900.

MY LORD,

We have had under our consideration for some time the question of the frequent transfers from one district to another of officers employed in the different branches of the civil administration in India. Experience of local conditions and knowledge of the people with whom they have to deal, needful as they are for all officers employed in every department of the civil administration, are especially requisite in the chief civil officer of a district, who is the direct representative of the Government in the eyes of the community. Continuity in the charge is most essential to the proper administration of a district in India—since a district officer's influence must in the main depend upon the extent to which he is known and trusted by the people. We are impressed with the belief that many of the difficulties which have occurred in recent years might have either been avoided altogether or, after they had arisen, been smoothed over much more quickly had the district officer been longer resident in the district, and had time to become acquainted with the trend of local politics, and to exert a more direct influence over the leaders of local opinion. To some extent indeed the decline of the influence of European officers is due to causes which are incapable of prevention. But here at any rate is one admitted and preventable reason. We think, therefore, that it behoves the Government to do all that lies in its power to secure that its civil officers shall not be placed at a disadvantage in their dealings with the people owing to their being deprived of the opportunity of obtaining that local knowledge which alone can enable them to carry out their duties thoroughly and efficiently.

2. It is an inherent condition of the different services in India that transfers of officers should be more frequent than is desirable in the interests of the administration. The number of European officers in the administrative services is limited to strict working requirements. Every time that leave is given, on every occasion on which a promotion is made, and in every instance in which an officer retires, a vacancy is created. It is impossible, therefore, to prevent transfers; all that can be done is to reduce their frequency as much as possible. As Your Lordship is aware, the question of reducing the number of transfers came under the consideration of Lord Ripon's Government and the Secretary of State nearly twenty years ago. It was at one time asserted that the change in the furlough rules of 1868, whereby officers absent on leave retain a lien on their appointments, had resulted in a largely increased number of acting appointments, and in frequent transfers or changes in the personnel of the administrative staff, to the detriment of the public interests. The Government of India made an inquiry from the Local Governments and Administrations as to whether the change in the rules had caused practical

The replies to this inquiry disclosed a very general opinion among the local authorities that the supposed effect of the rule in question had been much exaggerated and misunderstood, and that the statistics from the different provinces did not, when carefully analyzed, justify the withdrawal of the rule whereby an officer on furlough retains a lien on his substantive appointment or on a substantive appointment of like character and not less pay. Lord Ripon's Government were nevertheless of opinion that changes among the administrative, and especially among the district staff, had been too frequent in some provinces. This result appeared to be in some measure due to the Local Governments being too ready to defer to the personal wishes and inclinations of officers returning from leave. The Government of India therefore directed that, unless some special circumstances rendered it desirable to replace an acting officer by a returning incumbent, an officer in the regular line of district administration should on return from furlough be posted to such actually vacant office as might be suited to his rank and pay, and that, in determining where he should be posted, the only consideration which should be allowed to weigh should be the question how his services could best be utilized with the least possible disturbance of existing arrangements. The Local Governments were also directed to pay more attention to regulating the time of an officer's return to duty with reference to the convenience of the public service. Directions upon these two points were issued in the Home Department Resolution of 7th September 1882. Lord Ripon's Government further recommended to the Secretary of State two changes in the furlough rules of the Indian (then called Covenanted) Civil Service—one, that the first furlough should be admissible after five instead of after eight years' service, and the other, that if an officer, within two years of his return from furlough, again takes furlough on medical certificate, he should not retain any lien on his appointment.

3. In his Financial Despatch No. 66, dated the 22nd February 1883, Lord Kimberley expressed himself unable to sanction either of these changes. His Lordship also, while concurring with the view that the Government should certainly have the power of refusing an officer the full leave for which he applies, if there is reason to think that the grant of that precise amount will be prejudicial to the public interests, was of opinion that an officer should never be required to take more leave than he desired, and that he should not have the right, although prepared to pay the penalty of forfeiting the lien on his appointment or his claim to a similar one, to take an amount of leave (whether less or more) which would be inconvenient to the Government.

4. The measures taken by the Government of India have not been effective in keeping the number of transfers of the district staff within reasonable limits. The following table shows the extent to which the charge of districts was changed in the different provinces in the years 1898 and 1899:—

Province.	Number of districts the charge of which was not changed.	Number of districts the charge of which was changed once.	Number of districts the charge of which was changed twice.	Number of districts the charge of which was changed three times.	Number of districts the charge of which was changed four times.	Number of districts the charge of which was changed five times.	Number of districts the charge of which was changed six times.	Number of districts the charge of which was changed seven times.	Number of districts the charge of which was changed eight times.
Madras ...	...	...	...	...	...	...	...	...	...
Bombay ...	2	4	8	...	...	...	...	...	...
Bengal ...	1	3	2	4	4	...	...	...	...
North-Western Provinces and Oudh.	3	19	11	10	2	1	2	...	...
Punjab ...	2	5	16	8	1	3	...	...	...
Burma ...	...	3	5	8	8	8	...	...	...
Central Provinces ...	2	7	10	8	6	4	3	2	...
Assam ...	1	3	7	9	2	1	...	...	...
Total	11	48	61	49	27	23	6	5	2

5. In one province, the frequency of transfers in which was commented on some time ago in the public press, it appears that the Magistrate and Collector or Deputy Commissioner was changed twelve times in one district, ten times in three districts, nine times in five districts, eight times in four districts, seven times in seven districts, six times in eleven districts, and five times in nine districts in the years 1893-1897. In the same interval the District Superintendent of Police was changed eight times in one district, seven times in two districts, six times in four districts, and five times in ten districts of the same province. Some, but not, we think, a very considerable number of these changes merely represent the succession of an officer, already at the same station, to his senior during the latter's temporary absence. In the great majority of cases they represent the transfer to the district of an officer from another district.

6. The effect on the district administration of these frequent changes may be gathered from the figures which show how long the tenure of the officers in charge of districts had lasted on July 1st, last. There were on duty on that date twelve district officers, who had been appointed to the charge of the district in which they were then serving more than four years before, and ten who had been appointed more than three but less than four years before. There were only fifty-one officers then on duty who had been appointed as long as two years before to the charge of the particular district in which they were then serving. Nine of these officers were serving in Madras, six in Bombay, six in Bengal, six in the North-Western Provinces and Oudh, four in the Punjab, seven in Burma, eight in the Central Provinces and five in Assam.

7. In their Resolution of 7th September 1882 Lord Ripon's Government expressed the opinion that it is for the advantage of the public service that a Magistrate-Collector should, as a rule, remain for five years in the same district, but that, after an incumbency of six or seven years, a change is desirable. Lord Kimberley (paragraph 5 of his Financial Despatch No. 66, dated 22nd February 1883) concurred generally in this opinion, but considered that the advantage or disadvantage of retaining an officer after a few years in the district in which he has been serving, should be judged entirely on the merits of each case. It is apparent that in recent years changes have been far more frequent than were considered desirable when the matter was previously under discussion, and that the measures which were taken in 1883 have failed to secure the result at which they aimed. We have no doubt that Your Lordship will concur with us in thinking that steps should be taken to ensure that district officers especially, and civil officers generally, should hold their offices continuously for longer periods than is usual under present conditions.

8. It is sometimes urged that the chief cause of transfers is the fact that, after each eleven months of duty, an officer becomes entitled to one month's leave on full pay. In our opinion this contention cannot be supported. Even were it the common practice to take a month's privilege leave after eleven months' service, the general rule laid down in Article 119, Civil Service Regulations, that the duties of an officer absent on privilege leave should be discharged by another officer at the same station should operate to prevent a transfer to the office temporarily vacated of an officer not possessed of local knowledge. But it is not the case that privilege leave is now commonly taken in installments of one month. Your Lordship will be able to estimate the extent to which it is accumulated from the conditions that existed in respect of the Indian Civil Service and the mixed Commissions in the non-regulation provinces on July 1st, last. On that date 59 members of the Indian Civil Service and mixed Commissions were absent on privilege leave. No less than thirty-eight of this number were on the full period of accumulated privilege leave, and ten more were on periods of between two and a half and three months. Only five were on leave of not more than a month. It is evident that privilege leave has almost wholly lost the character of the annual holiday of a month which it was designed, when first granted, to provide. The practice of accumulating privilege leave is just as prevalent among other officers subject to the leave rules for European services, and also among the officers subject to the leave rules for Indian services. The reduction of the length of the voyage between India and England from 23 days in 1868 to 14 at the present time has made a very substantial difference in the amount of three months' accumulated privilege leave which can be spent in England. On the other hand, the fall in the value of the rupee and the increased

cost of living in India have contributed to make it less easy than it used to be for members even of the Indian Civil Service to proceed on long furlough. The tendency then is for the European members of all the services of Government to accumulate their privilege leave and to spend it on a trip to Europe.

9. Under Article 891, Civil Service Regulations, an officer applying for privilege leave is required to record a declaration that he has no intention of taking leave of any other kind for three months after his return to duty. An officer under the European leave rules, who has accumulated three months' privilege leave, can enjoy it during one hot season, revert to duty during the cold weather, and then apply for furlough in the ensuing hot season. So long as the aggregate number of furloughs is not exceeded, it is difficult to refuse his request except on special grounds, since he has rendered more than the continuous service required under Article 340, Civil Service Regulations, before furlough can be granted to him. His two periods of leave, which may have commenced within a period of six months, involve three changes.—a result which is most prejudicial to the proper conduct of any office in the civil administration.

10. We have considered the suggestion that a suitable and effective method of diminishing the number of transfers would be to withdraw the right to accumulate privilege leave as such. On the one hand it is beyond doubt that an officer who takes accumulated privilege leave to England derives far greater benefit both mentally and physically from his holiday than he does from privilege leave which he passes amidst the surroundings of his official life, and with only so much change of climate as is obtained by a removal from the plains of India to a hill station or even to Kashmir. On the other hand it may be urged that privilege leave is intended to afford a short respite from work during which health and vigour can be regained; that it is to the advantage both of the Government and the individual that it should be taken as it falls due; that frequent short absences to Europe may be unsettling; and that an officer's efficiency and usefulness may be increased by his spending his privilege leave in this country.

A discussion of these considerations led us to ask for the advice of Local Governments and Administrations upon a proposal that privilege leave to be taken as such should be limited to the amount earned after each eleven months of service; that the accumulation of privilege leave should be allowed as at present, one month a year up to three months, but that this accumulated leave should not be reckoned as privilege leave, and that, as a compensation for the withdrawal of the right to accumulate privilege leave an officer who had accumulated such leave should be permitted to receive full pay for a period not exceeding the first three months of his absence on other leave of not less than six months.

11. The reference which we made to Local Governments and Administrations upon this proposal has shown us that it is open to such serious objections that, after again carefully considering the matter, we have decided not to pursue it. The right of accumulating privilege leave was given thirty-two years ago when the furlough rules of 1868 were promulgated. The inquiries which we have made from Local Governments and Administrations have satisfied us that all officers of Government would regard the withdrawal of the right to accumulate leave on full pay up to a maximum of three months as a deprivation of one of the most valued privileges which they enjoy among the conditions of their service under Government, and that it would be impossible to set aside without substantial compensation the objections to the proposal that could with reason be made by the members of the different services. It is natural that all officers should apply for privilege leave during only one half of the year, and it is convenient to Government, as well as to the members of the services, that they should take their privilege leave during the hot season and the rains instead of during the cold weather months, in which official duties of all kinds are conducted at high pressure. Were privilege leave strictly limited to one month in the year, many more applications would have to be refused than is the case at present, or officers would have to take their leave at a time when their absence would be both inconvenient to themselves and inexpedient in the interests of the

State. With the refusal of an application for leave, the title to the leave would, in the great majority of cases, be extinguished. Officers who fall sick and require more than a month's leave would be compelled to take special leave or furlough and to forfeit their privilege leave. It seems to us inevitable that the permanent contraction of leave involved in the withdrawal of the right to accumulate privilege leave would lead to more break-downs than occur at present.

12. A change of the rules with the object of allowing privilege leave when accumulated only to be taken on full pay as a portion of other leave would, even if the amount corresponding to the privilege leave earned were treated as active service, have the effect of prolonging the period of residence in India for pension since it would not, we think, be expedient to enhance either the aggregate amount of furlough which can be taken during their service by officers to whom the rules for the European services apply, or the period of furlough which can be taken by them at any one time. Unless, however, such an extension of the amount of furlough admissible were granted, the combination of accumulated privilege leave with other leave in the form of furlough on full pay would result in a reduction not only of the amount of leave which can be taken, but also of the aggregate allowances that can be drawn by an officer on leave.

13. These objections, strong as they are in the case of the Indian Civil Service are intensified in the case of Europeans under the leave rules for European services, and still more in the case of officers, both European and native who are under the leave rules for Indian services. The fall in the value of the rupee has made long absence on small pay now impossible for the members of the poorer services, who have to rely mainly on their accumulated privilege leave to enable them to visit their families in England. If the right to accumulate privilege leave were abolished, European officers under the leave rules for the Indian Services would, even if they could afford it, only be able to visit Europe at intervals of six years. The withdrawal of the right to accumulate privilege leave would affect native officers under the Indian rules even more prejudicially. They rarely take furlough, and depend almost entirely on their accumulated privilege leave for visits of any length to their homes. Out of two hundred and sixty-seven officers in the Executive Branch of the Provincial Service in Bengal at the end of 1899, only twenty-six had taken furlough, not on medical certificate, or special leave, and in only one case had such leave been taken more than once. We are, for the reasons which we have given, emphatically of opinion that it is not advisable to make any alteration in the rule which permits the accumulation of privilege leave on full pay up to a maximum of three months.

14. While, however we have come to the conclusion that the right to accumulate privilege leave as such must be retained, we think that some check should certainly be placed upon the practice of taking accumulated privilege leave followed, after a short interval, by ordinary furlough. For the growth of this practice the rule in Article 891, Civil Service Regulations, that an officer when he applies for privilege leave must record a declaration that he has no intention of taking leave of another kind for three months after his return to duty, is largely responsible. The existing rules as to furlough were framed at a time when circumstances were quite different from those of the present day, and were designed to provide for officers getting home for reasonable intervals and not oftener. The object which in the interests of the administration it is desirable to attain is the prevention of the practice of taking privilege leave and furlough separately without the interposition of a sufficient interval. As Your Lordship will observe from the figures which we have given above, few members of the Indian Civil Service forego the right of accumulating their privilege leave up to the maximum of three months, and this is also the general practice in other Departments. We think that, when officers take accumulated privilege leave a substantial period of service should be required after their return to duty before they are permitted to proceed on ordinary furlough, and we recommend that as a compensation for this restriction on the present conditions under which leave can be taken, an officer who has earned privilege leave should be permitted to take it up to the maximum of three months in combination with any

other leave. We are of opinion that to this concession should be attached a limitation of the total period of the combined leave, so that it shall not exceed two years when furlough is taken, or six months when special leave is taken, and, on the other hand, that it shall be not less than six months.

15. We think it clear that this interval should not be prescribed in the case of leave on medical certificate when admissible to the European services under Article 340 or the Indian services under Article 369, Civil Service Regulations.

We also think that it should not apply to special leave on urgent private affairs admissible under the European service leave rules under Article 348, Civil Service Regulations, and leave on private affairs admissible to the Indian services under Article 370, Civil Service Regulations, or to extraordinary leave without pay admissible to the European Services under Article 366 and to the Indian services under Article 372, Civil Service Regulations. Special leave is intended for emergencies, and is granted on furlough allowances only once during an officer's service. The corresponding leave to the Indian services on private affairs can only be given when a man has not been on furlough for six years. The privilege of taking leave of this class when circumstances necessitate a man's doing so should not, we think, be curtailed.

The conditions attaching to the grant of extraordinary leave, *viz.*, (1) that necessity must be shown for it, (2) that no other leave is admissible and (3) that it must be without pay, render it impossible to justify the requirement that the interval proposed must elapse between the return from accumulated privilege leave and the departure on leave of this kind. The second condition which now attaches to the grant of such leave will, however, require to be modified.

16. It is essential, in our opinion, that the interval between the date when an officer returns from accumulated privilege leave and the date when he proceeds on ordinary furlough should be a substantial, without being an excessive, one. Three periods have been suggested, *viz.*, twelve months, sixteen months and eighteen months. The object being to check the frequency of transfers, it is evident that the longer the interval the greater should be the effect in securing this object. From this point of view there would be a distinct advantage in fixing the interval at eighteen months. We have ascertained from the Local Governments and Administrations that twelve months is the period which is generally favoured by the members of the different services, and this view is also taken by nearly all the Local Governments and Administrations themselves. It is, in our opinion, only natural that the shorter term should approve itself to the members of the services, but we do not think that the arguments advanced in favour of that period have sufficient weight to justify its adoption. In favour of the period of twelve months it is urged that there is not much advantage in a continuous administration of sixteen or eighteen months compared with one of twelve months; that in practice the shorter interval will be prolonged into the longer one, and that the twelve months' interval will obviate the recurrence of cases in which furlough most commonly follows closely on privilege leave, *viz.*, those of privilege leave taken in the autumn with furlough in the following spring. While we admit that an interval of twelve months would effectually prevent the occurrence of cases of this nature, we have no hesitation in regarding the continuous presence of an officer on duty for one hot season and two cold seasons as being likely to result in much more efficient administration than his continuous presence during one hot and one cold season only. The fact that officers will generally of their own choice let a longer period than twelve months intervene between their return to duty and their subsequent departure on leave seems to us to favour the adoption of one of the longer intervals. We do not think that the argument that there will be greater liability to break down if a period of continuous duty of eighteen months is enforced is of much weight, since in most cases the extended period will involve the addition of the season at which the climate is most temperate in all parts of India. The argument advanced in favour of the term of sixteen as against that of eighteen months is that it is hard, by imposing the latter term, to keep an officer who has returned from accumulated privilege leave on November 15th of one year on duty till May 15th of the succeeding year but one. Such a case would not, we think, be of frequent occurrence, since it is not a common practice to take privilege leave extending

November 15th; and stronger reasons than this would, we think, be required to justify the adoption of a broken period, such as sixteen months, in preference to one of eighteen months. The latter period is based on a recognized division of the year; it is substantial, without being excessive; it is the one which most officers will adopt, to suit their own convenience, and it is, in our view, for these reasons most suitable for adoption. We are, therefore, of opinion that the interval between the return from accumulated privilege leave and the departure on ordinary furlough should be fixed at eighteen months. We think that this restriction should be absolute.

17. We have considered, in communication with the Local Governments and Administrations, the question whether for the purposes of the rule which we have suggested in the last paragraph all privilege leave which extends beyond one month should be treated as accumulated privilege leave or not. We concur in the opinion generally expressed by Local Governments and Administrations that only privilege leave which exceeds six weeks in amount should for the purpose of the restriction just referred to be treated as accumulated privilege leave. We have been led to this conclusion by the considerations that it will almost always be possible to make local arrangements for the conduct of the duties of an officer on privilege leave for not more than six weeks, while it would often not be advisable to do so for a longer period; that an absence on privilege leave for six weeks enables an officer to visit Kashmir, while he cannot do so from most parts of India in a month; and that it will nearly always be possible to recall to duty promptly an officer who has taken not more than six weeks' leave.

18. We regard these proposals as advisable, because they will undoubtedly check the growing evil of transfers, and will do so by a method which does not involve additional expenditure and is consistent with the system on which the services have been constituted and are maintained, while they will continue to the different services of Government the leave which experience shows to be best suited to the conditions of the present time, and which is the only form of leave by means of which the poorer servants of Government can maintain their connection with England. The evils, which our proposals are designed to remove, are most noticeable in the case of offices held by the Indian Civil Service, both because the members of that service can afford to take leave more frequently than those of other services, and also because the evils of constant changes make themselves more felt in connection with the executive administration than in the case of other offices and departments. But we have decided to recommend to Your Lordship proposals which shall be suitable for the officers in all the departments to which the leave rules applicable to the European and Indian services respectively apply, because we think it undesirable to create a distinction between the Indian Civil Service and other services, and to give colour to any complaint on the one hand that any privilege was being taken away from the Indian Civil Service, while it was being continued to other services, or on the other that a privilege was being given to the Indian Civil Service which was being denied to other services.

19. We therefore recommend to Your Lordship the following proposals:—

- (i) that privilege leave should be allowed to accumulate and to be taken as privilege leave either (a) by itself or (b) combined as privilege leave with furlough, leave on medical certificate, special leave, leave on urgent private affairs and extraordinary leave;
- (ii) that when accumulated privilege leave of over six weeks in duration is taken by itself, an interval of eighteen months should elapse between the return to duty and the departure on ordinary furlough;
- (iii) that the restriction defined in (ii) should not apply to leave on medical certificate, special leave, leave on urgent private affairs or extraordinary leave;
- (iv) that when privilege leave is combined with furlough, the amount of combined leave should not be for more than two years;

- (v) that when privilege leave is combined with special leave, the combined leave should not be for more than six months ;
- (vi) that when privilege leave is combined with any other leave, the combined leave should not be for less than six months ;
- (vii) that the periods mentioned in (iv), (v) and (vi) should count from the beginning of the privilege leave to the end (under the ordinary rules) of the leave which is taken in combination with the privilege leave ;
- (viii) that officers to whom privilege leave under the ordinary rules and conditions is inadmissible under Article 306, Civil Service Regulations, should be allowed to combine vacations with long leave (either at the beginning or end thereof) on the same conditions as those on which other officers are allowed to combine privilege leave.

These proposals apply primarily to officers subject to the leave rules in Chapters XIII and XIV of the Civil Service Regulations, and, if Your Lordship approves them, we shall subsequently consider whether they shall be applied to any of the departments having special leave rules.

20. While we are of opinion that the proposals which we make for changes in the leave rules will have a material effect in checking the number of transfers in offices in the civil administration, we do not contend that they will in themselves reduce them to the extent that is desirable. We think, however, that this result should be effected by combining them with other directions to be observed by the Local Governments and Administrations in the grant of leave and the arrangements to be made for the conduct of the duties of officers absent on leave. We have in paragraph 2 of this Despatch referred to the instructions issued by Lord Ripon's Government in the Home Department Resolution of 7th September 1882. These instructions have been too much neglected in the past by the Local Governments and Administrations, and we propose to renew them and to supplement them in certain respects. We shall instruct the Local Governments and Administrations that the exact amount of furlough to be granted to an individual officer must depend on the public interests, and the possibility of making suitable arrangements for the administration, and that transfers must not be made to meet the private wishes of officers unless they are entirely consistent with the public interests. We propose to amend Article 119 of the Civil Service Regulations by making the requirement as regards the appointment of a local officer to officiate in a vacancy caused by the departure of an officer on privilege leave of not more than six weeks stricter than it is at present. Except in the case of offices for which special qualifications are required, such as those of Heads of Departments and the Secretariat and the higher judicial offices and certain medical appointments, it should, we think, rarely be necessary to appoint an officer to officiate who is not already serving in the same district. In the case of appointments held by the Indian Civil Service, if a member of that service is not available, a Provincial Service officer can hold charge for this short interval. We shall require the Local Governments to submit quarterly lists to the appropriate Department of the Government of India to show all cases in which this principle has not been followed in practice, and endeavour by a proper scrutiny of these returns to effectually secure that this rule is properly carried out in practice. When a vacancy is due to the absence of an officer on privilege leave of more than six weeks his place should also, if possible, as the rule already provides, be filled by an officer already serving in the district. This, however, is not always feasible, but it may be done, we think, oftener than has hitherto been the case, and we propose to issue orders to check the tendency that now prevails of bringing an officer to fill a privilege leave vacancy from another district merely because he happens to be senior to the officer on the spot. By these means we trust that we shall be able to reduce transfers on account of vacancies due to privilege leave very considerably, and we also anticipate that it will become an almost universal practice for members of the Indian Civil Service, and the better paid of the officers under the European service leave rules, to accumulate their privilege leave and combine it with furlough. By this process the vacancies in important offices will gradually cease to be for less than six months.

21. We shall be glad if Your Lordship's reply to this Despatch can be sent so as to reach us as soon as possible after January 1st, 1901, in order that, if Your Lordship sanctions our proposals, they may be announced in time to enable officers who contemplate taking leave in the hot season in 1901 to regulate their applications for leave in accordance therewith.

We have the honour to be,

MY LORD,

Your Lordship's most obedient, humble Servants,

CURZON.

E. H. H. COLLEN.

A. C. TREVOR.

C. M. RIVAZ.

T. RALEIGH.

E. FG. LAW.

No. 6 (Financial), dated the 4th January 1901.

From—The Right Honourable Lord GEORGE FRANCIS HAMILTON,
Her Majesty's Secretary of State for India,

To—His Excellency the Right Honourable the Governor General of India in
Council.

I have considered in Council your Excellency's letter, dated the 25th of October last, No. 64 (Public), proposing certain alterations in the Civil Leave Rules.

2. Your aim is to reduce the expense and inconvenience resulting from the frequent transfer of officers from one district or appointment to another; and I fully agree in the importance of adopting any practicable measures for the purpose. I am, however, led to believe that unnecessary transfers occur not only on the return of officers from leave of absence, and that to a great extent it is in the power of the Heads of the various Administrations to check the evil, if they would exercise firmness in refusing concessions of this kind, when sought merely for personal considerations, and not required for the good of the public service.

3. Subject to the following observations, I approve of the alterations mentioned in the 19th paragraph of your letter :—

Proposal 1.—I understand that the present restriction on the accumulation of privilege leave, to a maximum period of three months, will remain; and that neither when it is taken alone nor when it is combined with other leave, will full salary be permitted for more than three months.

Proposal 2.—As privilege leave cannot be taken at the same time by all who desire it, some must probably avail themselves of it at the end of the summer or in the autumn; and, if an interval of 18 months is insisted upon between the return from such privilege leave and the grant of furlough, the officer may be unable to take the latter in time to avoid the hot season in the year of his absence. On this account it may be thought desirable not to require the interval to exceed 16 months; but the point is one that I leave to the discretion of your Government. I presume also that the proposal would not apply to ordinary furlough, when the latter is to be granted on medical certificate.

Proposal 6.—If it is intended that privilege leave in combination with other leave is to be granted in India before an officer starts, I agree in the opinion that the combined leave should be for not less than six months. It has, however, been the practice to permit an officer returning from furlough, when not entitled to other leave, to receive a small amount of extraordinary leave without pay (usually for not more than a week), which he is desirous of obtaining in order that he may not incur any penalties attaching to the overstaying of his leave, through the slight excess of his absence occasioned by any delay in the arrival of his ship. When the hindrance to a combination of privilege and other leave is removed, it is probable that some moderate extension of the period of absence may frequently be sought: and it seems hard that it should be refused in all such cases, unless taken up to an aggregate of six months' absence. I am of opinion, therefore, that the discretion should remain with the Secretary of State to extend such leave for a week or a fortnight, as you may consider reasonable.

4. In giving effect to the changes your Excellency will no doubt allow such notice as may be fitting, in order not to interfere materially with plans formed by officers under the existing Rules for leave during the ensuing year.

5. In conclusion, I must point out that, in view of the important changes now sanctioned in regard to privilege leave, it should be clearly indicated that, if it be found undesirable to continue them, the concessions may be withdrawn, without claims to compensation being recognised.

No. 19.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

PUBLIC.

To

THE RIGHT HONOURABLE LORD GEORGE FRANCIS HAMILTON,
His Majesty's Secretary of State for India.

Calcutta, the 21st February 1901.

MY LORD,

WE have the honour to acknowledge the receipt of Your Lordship's Financial Despatch No. 6, dated the 4th January 1901, communicating your decision on certain alterations in the Civil Leave Rules which we proposed in our Public Despatch No. 64, dated the 25th October 1900, with a view to reduce the frequent transfer of officers from one district or appointment to another.

2. We forward, for your information, a copy of a Resolution* which we have issued giving effect to the changes sanctioned by Your Lordship.

* No. 224—240, dated the 25th January 1901.

3. We desire to explain that, after considering Your Lordship's remarks in paragraph 3 of Your Despatch with regard to proposal 2, which relates to the interval which should elapse between the return of an officer from accumulated privilege leave and his departure on furlough, we have come to the conclusion that it is necessary to insist on an interval of 18 months.

4. We are in doubt as to the meaning of Your Lordship's remarks in paragraph 3 with reference to proposal 6. The new rules do not in any way affect the existing rules on the subject of the grant of extraordinary leave in continuation of other leave; that is, such leave can, as heretofore, when no other kind of leave is by rule admissible, be granted under Article 366 of the Civil Service Regulations in continuation of furlough or any other leave. If, however, as is possibly the case, Your Lordship refers to the condition that privilege leave, if combined with extraordinary leave, must be for not less than six months, we think that the new rules need not prevent Your Lordship from granting extraordinary leave for short periods in continuation of privilege leave which has been granted by itself and not in combination with other leave, if you desire to do so for the purpose of saving an officer from the effects of overstaying his leave for a short time, and the condition that the combined leave must be for at least six months need not apply in such cases. But we are inclined to think that Articles 261, 262 and 263 of the Civil Service Regulations sufficiently provide for the matter.

5. The other points adverted to in paragraphs 3, 4 and 5 of Your Lordship's Despatch have been provided for in paragraphs 4 and 5 of our Resolution.

We have the honour to be,

MY LORD,

Your Lordship's most obedient, humble Servants,

CURZON.

E. H. H. COLLEN.

A. C. TREVOR.

C. M. RIVAZ.

T. RALEIGH.

E. FG. LAW.

ENCLOSURE.

Home Department Resolution No. 224—240, dated the 25th January 1901.

G. C. B. P., Simla.—No. 9 P. S. C.—18-9-12.—150.—F.C.A.

Nos. 224—240.

Extract from the Proceedings of the Government of India in the Home Department (Public), under date Calcutta, the 25th January 1901.

READ—

Despatch to the Secretary of State, No. 64, dated the 25th October 1900.

Despatch from the Secretary of State, No. 6, dated the 4th January 1901.

RESOLUTION.

The Governor General in Council has had for some time under his consideration the question of the frequent transfer from one charge to another of officers employed in the different branches of the Civil administration. The extent to which the members of the different Civil departments have been transferred in recent years is universally recognized to be detrimental to the proper discharge of public duties in every branch of the administration. The evil effects of frequent transfers are, however, especially manifest in the case of the chief civil officer of the district, who is the direct representative of the Government in the eye of the community. Continuity in the charge is most essential to the proper administration of a district in India, since a district officer's influence must in the main depend upon the extent to which he is known and trusted by the people.

2. It is an inherent condition of the different services in India that transfers of officers should be more frequent than is desirable in the interests of the administration. The number of European officers in the administrative services is limited to strict working requirements. Every time that leave is given, on every occasion on which a promotion is made, and in every instance in which an officer retires, a vacancy is created. It is impossible, therefore, to prevent transfers; the utmost that can be done is to reduce their frequency as much as possible.

The question of such a reduction does not come before the Government of India for the first time. It was the subject of correspondence between the Secretary of State and Lord Ripon's Government in 1882. It had been asserted that the change in the furlough rules of 1868, whereby officers absent on leave retain a lien on their appointments had resulted in a largely increased number of acting appointments, and in frequent transfers or changes in the *personnel* of the administrative staff, to the detriment of the public interests. The Government of India made an inquiry from the Local Governments and Administrations as to whether the change in the rules had caused practical inconvenience. The replies to this inquiry disclosed a very general opinion among the local authorities that the supposed effect of the rule in question had been much exaggerated and misunderstood, and that the statistics from the different provinces did not, when carefully analyzed, justify the withdrawal of the rule whereby an officer on furlough retains a lien on his substantive appointment or on a substantive appointment of like character and not less pay. Lord Ripon's Government were nevertheless of opinion that changes among the administrative, and especially among the district staff, had been too frequent in some provinces. This result appeared to be in some measure due to the Local Governments being too ready to defer to the personal wishes and inclinations of officers returning from leave. The Government of India therefore directed that, unless some special circumstances rendered it desirable to replace an acting officer by a returning incumbent, an officer in the regular line of district administration should, on return from furlough, be posted to such actually vacant office as might be suited to his rank and pay, and that, in determining where he should be posted, the only consideration which should be allowed to weigh should be the question how his services could best be utilized with the least possible disturbance of existing arrangements. The Local Governments were also directed to pay more attention to regulating the time of an officer's return to duty with reference to the convenience of the public service. Directions upon these two points were issued in the Home Department Resolution No. ¹³⁻¹³⁵⁴ of 7th September 1882.

3. The Governor General in Council agrees with the decision come to by Lord Ripon's Government regarding the concession made in 1868, but is of

opinion that the number of transfers has been greatly increased by the custom, which has grown more frequent as communication with Europe has become more rapid, of taking accumulated privilege leave followed, after a short interval of duty, by furlough—a practice not contemplated at the time when the furlough rules, which were designed to enable officers to visit England at reasonable intervals, and not oftener, were framed. Under article 891 of the Civil Service Regulations, an officer applying for privilege leave is required to record a declaration that he has no intention of taking leave of any other kind for three months after his return to duty. An officer under the European leave rules, who has accumulated three months' privilege leave, can enjoy it during one hot season, revert to duty during the cold weather, and then apply for furlough in the ensuing hot season. So long as the aggregate number of furloughs is not exceeded, it is difficult to refuse his request except on special grounds, since he has rendered more than the continuous service required under article 340 of the Civil Service Regulations before furlough can be granted to him. His two periods of leave, which may have commenced within a period of just over six months, involve three changes,—a result which is most prejudicial to the proper conduct of any office in the civil administration.

4. The Government of India have been in communication with the Local Governments and Administrations and the Secretary of State as to the best means of checking the evils which result from frequent absences due to the enjoyment of leave under these conditions. They are of opinion that the right to accumulate privilege leave as such should be retained, but that, in the interests of the administration, it is essential to put an end to the practice of taking accumulated privilege leave and furlough separately without the intervention of a sufficient interval. The Government of India have therefore determined, with the sanction of the Secretary of State, to require that an officer shall, after return from accumulated privilege leave of over six weeks in duration, render eighteen months' active service between the return to duty and departure on ordinary furlough. As a compensation for the restriction on the present conditions under which leave can be taken, the Governor General in Council has recommended to the Secretary of State, who has approved the proposal, that an officer who has earned privilege leave shall be permitted to take it up to the maximum of three months in combination with any other leave. To this concession will be attached a limitation of the total period of the combined leave, so that it shall not exceed two years when furlough is taken, or six months when special leave is taken, and, on the other hand, that it shall not be less than six months. His Excellency in Council is therefore pleased to announce that, with effect from January 21st, 1901, the date of the receipt of the Secretary of State's sanction, the rules in Chapter XIII (leave rules for European services) and XIV leave rules for Indian services) will be modified in respect of all the officers to whom these rules respectively apply, in the following particulars:—

- (i) privilege leave to the amount due will be allowed to be taken as privilege leave either (a) by itself or (b) combined as privilege leave with furlough, leave on medical certificate, special leave, leave on urgent private affairs and extraordinary leave, the maximum period in each case, for which full salary can be drawn, being three months;
- (ii) when privilege leave of over six weeks in duration is taken by itself, an interval of eighteen months must elapse between the return to duty and departure on furlough other than furlough on medical certificate;
- (iii) the restriction defined in (ii) will not apply to leave on medical certificate, furlough on medical certificate, special leave on urgent private affairs, leave on private affairs, or extraordinary leave;
- (iv) when privilege leave is combined with furlough, the amount of the combined leave must not exceed two years;
- (v) when privilege leave is combined with special leave on urgent private affairs, or with leave on private affairs, the amount of the combined leave must not exceed six months;

- (vi) when privilege leave is combined with any other kind of leave, the combined leave must be for not less than six months;
- (vii) the periods mentioned in (iv), (v) and (vi) will count from the beginning of the privilege leave to the end (under the ordinary rules) of the leave with which it is combined;
- (viii) officers to whom privilege leave under the ordinary rules and conditions is inadmissible under article 306, Civil Service Regulations, will be allowed to combine vacations with long leave (either at the beginning or end thereof) on the same conditions as those on which other officers are allowed to combine privilege leave;
- (ix) the rule that privilege leave allowances are not payable out of India will apply in the case of privilege leave combined with other leave.

5. The effect of these changes will be, the Governor General in Council anticipates, to cause a material reduction in the numbers of transfers, and His Excellency in Council trusts that the manner in which it has been determined to give compensation for the imposition of the restriction on the taking of furlough after the enjoyment of accumulated privilege leave will be appreciated by the members of the different services. The concessions now sanctioned in regard to privilege leave are of an important character, and the Governor General in Council notifies that, should it at any time be found undesirable to continue them, they be withdrawn without claims to compensation being recognized. It is unlikely that the introduction of the new rules will affect many members of the services injuriously, but, should a Local Government or Administration consider that the restriction that furlough may not be taken until the expiry of eighteen months after return to duty will operate with hardship or with inconvenience to the public interests in respect of any particular officer who takes accumulated privilege leave by itself before October 1, 1901, the Governor General in Council will be prepared to consider a proposal to relax the restriction in the individual case.

6. While the Government of India consider that these changes in the leave rules must operate to reduce the number of transfers which at present take place, they are convinced, as Lord Ripon's Government were in 1882, that many unnecessary transfers are caused by the manner in which the rules regarding the grant of leave are worked. The Governor General in Council therefore desires to supplement the announcement regarding the changes in the leave rules by directions to the Local Governments and Administrations as to other methods of reducing transfers. The Governor General in Council has already referred to the instructions in the Resolution of 7th September 1882, which have not, His Excellency in Council regrets, been always fully regarded. In accordance with the decision come to in 1882, it was provided in article 220 (b) of the Civil Service Regulations that the Local Government may refuse to grant the full amount of leave applied for in any case, and should, by the exercise of this power, so regulate the date of an officer's return from leave as to cause as little change as possible in administrative arrangements. In the opinion of the Government of India, unnecessary transfers can be reduced if Local Governments and Administrations generally will show less hesitation, whenever they anticipate difficulty in providing an officer with a suitable appointment on return from the full amount of leave for which he asks, in requiring him to return after the interval which may best suit the interests of the public service. The provision of the rules that an officer returning from ordinary furlough or special leave retains a lien, not on the actual appointment held by him before departure on leave, but on an appointment of like character and not less pay, and that he retains no lien on an acting appointment (article 240, Civil Service Regulations, should also be steadily kept in view.

7. The Governor General in Council also considers it essential that Local Governments and Administrations should follow more fully in practice the principle that transfers must be made to meet the private wishes of officers. The removal of an officer from one charge to another at his own request should only be allowed when it can be made with the certainty that the public interest will not suffer therefrom.

8. Another cause, in the opinion of the Government of India, of increase in the number of transfers is the rigid and unjustifiable adherence to the principle that every vacancy, for however short a time, must be given to the next senior officer unless he is unfit for promotion. The application of this rule multiplies transfers in several ways. An officer is often brought from a long distance to the exclusion of one on the spot who may be only his junior by a short period of service. Again, the supposed claim of a senior officer holding a less eligible appointment of similar duties to be transferred to a more eligible charge in place of a junior is constantly recognized, with the result that two transfers are made when one only is necessary. A third way in which this practice increases transfers is by the appointment (which is not in accordance with the principle laid down in article 240, Civil Service Regulations) of an officer to act in a higher appointment on return from leave in place of a competent junior appointed to officiate in that appointment when he himself was absent on leave. The Government of India cannot approve of transfers made in circumstances such as these, and trust that no countenance will be given to them in future.

9. Article 119, Civil Service Regulations, provides that, as a general rule, the duties of an officer absent on privilege leave should be discharged by another officer in the same station, and that the transfer of an officer from another station to act in consequence of the absence of an officer on privilege leave will only be allowed in exceptional cases. This article is constantly disregarded in practice, owing to the difficulty of making adequate local arrangements when the amount of privilege leave taken amounts to three months or nearly three months. As a measure supplementary to the above instructions, the Government of India will amend this article so as to make the requirement as regards the appointment of an officer, who is serving in the same station, to officiate in a vacancy caused by the departure of an officer on privilege leave of not more than six weeks stricter than it is at present. The Governor General in Council is of opinion that, except in the case of offices for which special qualifications are required, such as those of Heads of Departments, the Secretariat and the higher Judicial offices and certain Medical appointments, it should rarely be necessary to appoint an officer to officiate, during a privilege leave vacancy of not more than six weeks, who is not already serving in the same district either at headquarters or at some sub-divisional outpost. In the case of appointments held by members of the Indian Civil Service or of a Commission, if a member of that Service or Commission is not available, an officer of the Provincial Service on the spot can hold charge for this short period, in accordance with the rules published under Home Department Notification No. 2159, dated the 2nd November 1892. To ensure compliance with this regulation, His Excellency in Council directs that quarterly lists showing and explaining all cases in which the above principle has not been followed in respect of absences on privilege leave of not more than six weeks shall in future be submitted to the appropriate Department of the Government of India. The Government of India further direct that when a vacancy is caused by the absence of an officer on privilege leave of more than six weeks, his place should also, if possible, as the rule already provides, be filled by an officer serving in the same district. The Government of India admit that this is not always feasible, but it should be done oftener than has hitherto been the case. By these means the Governor General in Council hopes that transfers on account of vacancies due to privilege leave will be substantially reduced, and that it will become a general practice for members of the Indian Civil Service and the better paid officers under the European Service Leave Rules to accumulate their privilege leave and combine it with furlough. By this process the vacancies in important offices should gradually cease to be for less than six months.

ORDER.—Ordered that a copy of this Resolution be communicated to the Departments of the Government of India; and to Local Governments and Administrations for information and guidance.

Ordered also that the Resolution be published in the Supplement to the Gazette of India.

[True extract.]

No. 1671-Gaz., dated the 14th March 1911.
From—R. G. HAMILTON, Esq., Accountant General, Burma,
To—The Secretary to the Government of India, Finance and Commerce Department.

With reference to the Government of India, Home Department, Resolution No. 224—240, dated 25th January 1901, and the Finance and Commerce Department letter No. 883-P., dated 15th February 1901, addressed to the Comptroller, Assam, regarding the combination of privilege leave with furlough and other leave, I have the honour to solicit the orders of the Government of India on the following points:—

- (a) whether the provisions of Article 120, Civil Service Regulations, are to be applied when privilege leave is combined with furlough or other leave;
- (b) whether privilege leave can be combined with leave on medical certificate or extraordinary leave without allowances in the case of an officer holding a temporary or officiating appointment only under Articles 227, 273 (a), 369, rule 1, and 372, rule 1, Civil Service Regulations;
- (c) whether an officer who availed himself of accumulated privilege leave lasting more than six weeks before the date on which the new rules came into force and is not subject to the restriction that furlough other than furlough on medical certificate may not be taken until the expiry of 18 months after return to duty may, on obtaining such furlough within the period of 18 months, prefix thereto any privilege leave that may be due to him at the time the concession of prefixing privilege leave to other leave being allowed as compensation for the restriction which, in this case, is not imposed;
- (d) whether furlough not exceeding three months combined with privilege leave for three months can be taken without causing an interruption of continuous service and continuous active service with reference to Articles 26, 340 and 345 (ii) Civil Service Regulations;
- (e) whether privilege leave combined with furlough or special leave can be granted to officers of the classes mentioned in Article 341, Civil Service Regulations, if 20 per cent of the number are already absent on furlough or special leave at the time of commencement of the privilege leave, but it is expected that at the expiry of the privilege leave sufficient officers will have returned to reduce the number of absentees on furlough and special leave below 20 per cent;
- (f) whether the first sentence of Article 297, Civil Service Regulations, is to be interpreted literally when privilege leave is combined with furlough or other leave;
- (g) whether in the case of an officer who takes furlough combined with privilege leave and obtains extension on medical certificate beyond the period of two years mentioned in clause (iv) of paragraph 4 of the Home Department Resolution of 25th January 1901, he must have his privilege leave commuted to furlough on medical certificate.

No. 2585-P.

GOVERNMENT OF INDIA.

FINANCE AND COMMERCE DEPARTMENT.

LEAVE AND LEAVE ALLOWANCES.

To

THE ACCOUNTANT GENERAL, BURMA.

Simla the 14th May 1901.

SIR,

I am directed to reply as follows to the questions asked in your letter No. 1671-Gaz., dated 14th March 1901, regarding the combination of privilege leave with furlough or other leave under the rules promulgated with the Resolution in the Home Department No. 224-40, dated 25th January 1901:—

- (a) As already intimated in the letter from this Department No. 1566-P., dated 20th March 1901, privilege leave even when combined with other leave is still privilege leave and all the rules (including Article 120, Civil Service Regulations) applicable to such leave apply to it.
- (b) Provided the condition that no additional expense must be incurred in respect of the leave allowance of an officer holding a temporary or officiating appointment is fulfilled, such an officer may combine privilege leave with other leave admissible to him under the rules.
- (c) An officer who availed himself of privilege leave lasting more than six weeks before 21st January 1901, and in whose case therefore the interval of 18 months does not apply, may, if he takes furlough within 18 months of his return from privilege leave, prefix to the furlough privilege leave to the amount due to him.
- (d) Furlough not exceeding three months combined with privilege leave for three months does not constitute an interruption of "continuous service" and "continuous active service" within the meaning of Article 26, Civil Service Regulations. An interval of 18 months must, however, elapse from the date of return to duty from any leave with which privilege leave of more than six weeks in duration is combined and the departure on next furlough other than furlough on medical certificate.
- (e) For the purposes of Article 341, Civil Service Regulations, an officer taking combined leave under the new Leave Rules should be considered as absent on furlough or special leave, as the case may be, from the date when the privilege leave ends, and the furlough or special leave commences.
- (f) It has been decided to cancel Article 297, Civil Service Regulations, so as to do away with the distinction which at present exists between non-gazetted officers on less than Rs. 200 a month and all other officers, in the matter of receiving privilege leave allowances.

(g) When an officer takes furlough combined with privilege leave and obtains an extension on medical certificate, the privilege leave is not commuted to furlough on medical certificate, even though the extension be such as to cause the total period of leave to exceed the limit of two years prescribed in paragraph 4 (IV) of Home Department Resolution No. 224—40, dated 25th January 1901.

2. I am to add for your information decisions on two other points connected with the new Leave Rules which have not yet been communicated to you :—

(i) Though as stated in clause (a) of the letter from this Department No. 883-P., dated 14th February 1901, the period of privilege leave combined with other leave is not to be taken into account in calculating "average salary," it nevertheless counts as active service and therefore as service for the furlough with which it is combined.

(ii) In the case of privilege leave combined with leave on medical certificate, half average salary is admissible for 15 months under Article 373 (a) and for two years under Article 346, Civil Service Regulations, exclusive in both cases of the period of privilege leave for which full pay is drawn.

I have the honour to be,

SIR,

Your most obedient Servant,

H. HESELTINE,

Asst. Secy. to the Govt. of India.

Extract paragraphs 650-658 of the Report of the Royal Commission upon Decentralization in India.

650. We received overwhelming evidence* as to the frequency with which officers of Government are transferred from one appointment to another, and as regards the mischievous effects of such transfers. Collectors, for instance, are often moved before they can have gained any but a most elementary acquaintance with their districts, and the fact that officers follow one another in rapid succession must necessarily throw power into the hands of office clerks and subordinates. Further, it is impossible to expect that free communication will exist between Government officers and the people in their districts when they do not get time to become acquainted with one another. When, too, as is often the case, different languages are spoken in different parts of the same Province, it is most unlikely that an officer frequently transferred can obtain full proficiency in any of the local vernaculars, and a further barrier is thus placed between him and the great mass of the population.

8197, 17838, 37872, 388 Volume IX, Appendix II, 219.

Principal causes of transfers.

651. The principal causes leading to these transfers are briefly :—

- (i) The taking of leave, which must necessarily be allowed on a liberal scale in the case of services recruited largely from Europe.
- (ii) The weight given to seniority in filling up officiating appointments.
- (iii) The differences between districts, which often necessitate the removal of an officer from a light to a heavy charge or *vice versa*.
- (iv) The necessity of selecting district officers for employment at headquarters or on special duty.
- (v) The tendency to accede to the requests of officers to be moved from districts for personal reasons.

14238, Volume 14264-75, Appendix II, page 166.

652. The conditions of Indian service necessitate a considerable number of transfers, but the fact that this is so makes it all the more desirable not to add to the number unnecessarily. The constant transfers of officers throughout India attracted the attention of Lord Curzon's Government in 1900-01, and they took action in the following directions to minimize this evil :—

Measures taken by Lord Curzon's Government to reduce them.

- (i) The leave rules were modified so that leave might be taken at less frequent intervals and for individually longer periods.
- (ii) Stricter observance was enjoined of the principle that leave could not be claimed as of right, and of the rules governing the lien of absent officers upon appointments.
- (iii) Transfers were not to be allowed merely to meet the private wishes of officers.
- (iv) The practice of giving acting promotions by mere seniority was condemned.
- (v) Privilege leave vacancies were to be filled as far as possible by officers on the spot.†

Civil Service Regulations, Article 211.

The instructions then issued had, no doubt, a wholesome effect, and it was claimed on behalf of the Governments of Madras, the United Provinces, Burma and the Punjab, that transfers are now less frequent than they were formerly. They are, however, still far too numerous, and we cannot help thinking that the evils attendant upon the constant moving of district officers have not been adequately recognized in the Provincial Secretariats.

Volume II, Appendix VII, Appendix II, pages 166, 167, 392-51.

653. We consider that measures on the following lines would, if generally and firmly applied, afford material mitigation of the present evils :—

- (i) Officiating appointments in the place of officers absent on leave, or on other duty, should be made locally far more than is the case at present. The Government of India have already laid down,

Officiating appointments should be made locally (when possible) up to six months.

Civil Service Regulations, Article 211.

* 4165, 7622, 10896, 12111, 13689, 14238, 14267, 17920, 18504-9, 18800, 19243, 21474, 23571, 25642, 25860, 26993, 27851, 29515, 30556, 33181, 35237, 35766, 37473-5, 38113, 39251, 42325.

† 'Privilege leave' is leave on full pay, which is earned at the rate of one month for every eleven months' active

Home Department Resolution No. 224-40 of 25th January 1901.

24924-5.

1502-6, 4523-30, 11001-3, 29262, 31063, 39577.

as a general principle, that mere privilege leave vacancies (and more particularly those not extended beyond six weeks) should ordinarily be filled by an officer from the same station or district, and if necessary, by the appointment of a "Provincial" officer to fill a post usually reserved to a member of the Indian Civil Service. In the Central Provinces we were told that this principle was already applied in the case of vacancies up to three months, and various witnesses desired to make this practice one of general application elsewhere, while others* were prepared to extend to six months the officiating period to which such conditions should apply.

We are strongly in favour of this larger application; and it should be remembered that if a relatively senior officer should at one time suffer by the enforcement of such a rule, he would probably gain, or have gained, by it at another period of his service.

654. (i) In the case of vacancies likely to last for more than six months, great-
In the case of longer vacancies greater attention must necessarily be paid to the claims of seniority, but even here, when it is a question as between men of not very unequal service, preference should be given to one who knows something of the district in which the appointment arises.

655. (ii) An officer returning from long leave has necessarily to be provided with a post suitable to his standing, but we consider that such an officer should have a claim only to an appointment covered by his permanent rank, and should not displace a junior who may be acting in a higher appointment. This principle is indeed already recognized in the United Provinces, where an officer who is not a permanent Collector is now not allowed, on return from leave, to oust a junior who may be officiating in charge of a district. It was suggested in Bombay that an officer should be thus temporarily superseded only by one of approximately equal standing, but we do not think it necessary to hamper the application of the principle in this way.

Here, again, an officer who may lose by such a rule at one period of his service, will probably gain at another.

656. (iii) As we have already indicated, the present leave rules should be rendered more elastic, so that officers should be given leave when it best suited the Government to spare them. The principle that no officer is entitled to leave as of right is already laid down, but the rigid character of the present rules results occasionally in unnecessary changes of appointment†

657. (iv) Officers should not be nominated for acting or special appointments when it is known that they contemplate taking leave shortly. This principle was accepted by various witnesses, and so long as officers are given the option of foregoing their leave, there would be nothing unfair in its application. The general principle should, in fact, be that no officer should be allowed to take up the headship of a district, or any other appointment of similar or greater importance, unless he is prepared to guarantee, his health permitting, that he will occupy the post sufficiently long to do it justice. It is no doubt, difficult to lay down an absolute rule to this effect, but the principle should be observed as far as possible.

658. (v) Except in the case of leave on urgent private affairs or on medical certificate, an officer should not be considered as having a claim to leave unless he has given at least three months' notice of his intention to apply for it. Due opportunity will thus be allowed to the Local Government, or other authority concerned, to consider how the resulting vacancy can be filled with the minimum of inconvenience to the public service.

* 8792-5, 16125, 17696, 18719-20, 20086-7, 25694, 27216-7, 29714, 33199, 38251-3.

† Thus supposing a Collector to have been officiating as a Secretary to the Local Government, and to have been displaced in that capacity, it would obviously be convenient for him to take leave, if he meditated doing this shortly, before reversion to his district, where an officer would already have been acting for him. But under present rules he cannot take such leave unless he has put in a prescribed amount of active service since his last return from furlough, or from privilege leave of more than six weeks' duration. He might, therefore, though his total service had earned the leave required, have to return to his district, displacing his *locum tenens* there, for a short time, to comply with the rules in question, and would then again quit it on taking leave, thus involving a fresh acting appointment.

No. 538-C.S.R.

GOVERNMENT OF INDIA.
ANCE DEPARTMENT.

Simla, the 13th September 1912.

To

ALL LOCAL GOVERNMENTS AND ADMINISTRATIONS.

Sir,

The Government of India have had under consideration the question of simplifying the rules in the Civil Service Regulations regarding the combination of the various kinds of leave as well as the leave rules for the European Services in Chapter XIII of the Regulations. The Royal Commission on Decentralization, in paragraph 157(i) of their Report, made certain specific recommendations which may be summarised as follows:—

- (i) the removal of the restrictions in Articles 232 to 236 on combination of different kinds of leave;
- (ii) the removal of the restrictions in Article 308 on the grant, otherwise than on medical certificate, of furlough earned by an officer;
- (iii) the introduction of a "leave-ledger" system under which all leave earned by an officer under the general rules would be entered to his credit in his "leave-ledger," and he would be allowed to draw upon such credit at any time at which it was convenient to the Government to spare his services.

The Commission also suggested that it might be considered whether periods of furlough which are usually on half-pay might not be commutable with advantage to the public service to shorter leave of absence on higher remuneration.

2. The Government of India have given these recommendations their careful consideration, and they have also considered certain other proposals directed generally to a simplification of the leave rules. The conclusion which they have arrived at in the matter, subject to modification with reference to the advice of the Local Governments, is that the restrictions on the grant and combination of leave imposed in Articles 232 to 236, 260, 271 to 277 and 308 of the Civil Service Regulations are primarily administrative, and that, if in the opinion of the Local Governments there is no objection from the standpoint of administrative expediency to a removal of these restrictions, it would be desirable to do so and to frame a simple set of leave rules on the following basis:—

- (1) The existing rules as to the amount of privilege leave and furlough "earned" and "due" and the maximum amount of leave which can be taken at a time or throughout an officer's service, should remain unchanged.
- (2) Privilege leave (or vacation) and furlough due should be allowed to be combined without any restrictions.
- (3) All leave, whether privilege or furlough, should be granted at the discretion of the Local Government subject to—
 - (a) the paramount claim of the public service, and
 - (b) the condition that the total number of officers absent at any time on leave of any description granted otherwise than on medical

certificate shall not exceed a proportion to be fixed by the Government of India for "Imperial Services", and by the Local Government, subject to the approval of the Government of India, for other services.

- (4) Special leave should disappear as a rule. It is under present rules merely furlough taken under specially urgent conditions which justify the relaxation of the restrictions upon the taking of leave which the present rules impose. With the abolition of these restrictions, its principal *raison d'être* disappears and it will be sufficient to provide that once in his service an officer may be given furlough, not exceeding six months although (a) it is not due and (b) the proportion of men on leave may be thereby exceeded.
- (5) Subsidiary leave should be abolished. It is really an anachronism, being a survival from the days when moving from place to place in India was a far more difficult undertaking than it now is. The concession of combining privilege leave with furlough under certain conditions has already reduced the demand for it, and the demand will be further lessened on the removal of the restrictions which now limit the combination of privilege leave and furlough. Its total abolition, except in cases where it is given to an officer preparatory to retirement, is not therefore likely to cause any serious hardship, and any resultant disadvantage will in all probability be more than counterbalanced by the gain in convenience arising from the withdrawal of the troublesome restrictions mentioned above.

A tentative redraft of Articles 232 to 236, 260, 277 and 299 to 333 has been prepared with reference to these principles, as it may form a convenient basis for discussion, and is enclosed with this letter.

3. A revision of the leave rules on the lines mentioned in the preceding paragraph will practically amount to an acceptance of the specific recommendations of the Decentralization Commission mentioned in the first paragraph of this letter. The Government of India doubt whether the "leave-ledger" proposed by the Commission was intended to be more than a concrete embodiment of the principle of allowing an officer to utilise all the leave at his credit, whenever he may require it, subject to no restrictions save the exigencies of the public service; and they do not propose, unless any practical advantage is to be gained thereby, to substitute for the present system under which the Account office furnishes whenever required a report on the amount of leave at credit of any particular officer, the maintenance by each Account office of "leave-ledgers" in respect of every officer under its audit. Such an arrangement is likely to lead to a large and unnecessary increase of work in the Account offices, for while not more than a certain number of the officers in any province can, and will, take leave in any year, the "leave-ledgers" will have to be written up annually or at shorter intervals for every officer.

4. The Government of India are not prepared to accept the Commission's suggestion regarding the commutation of long leave which is usually given on half-pay into shorter periods on higher allowances unless (1) satisfactory evidence is forthcoming that the arrangement will result in advantage to the public service, and (2) it is possible to work out a scheme which will not involve any extra expenditure. In their opinion, the existing leave rules are on the whole liberal, and they hold that the first consideration should be whether the radical change suggested by the Commission is one which can be conclusively justified as necessary from an administrative point of view. They apprehend that the concession will inevitably result in an increase of expense to the State which may be either temporary or lasting in character. To narrow the basis of discussion, they think that any practical scheme intended to give effect to the Commission's suggestion should be directed to commuting to leave on full average salary half the amount of leave due under the present rules on half average salary. In the first place, such a scheme, unless accompanied by restrictions and limitations in other directions, will lead in all probability to a material and permanent increase in non-effective charges, for while it is unlikely that there will be any material decrease in the total amount of leave taken, a portion of such leave will under the scheme be taken on full pay, and to avoid this

increase in expenditure it will be necessary to impose special restrictions, e.g., in the shape of a rule providing that all periods of leave so taken on full pay will reckon at twice the amount against the maximum limit of six years prescribed in Article 299, Civil Service Regulations. In the next place, even if it were possible by the adoption of this or other restrictions, to provide adequate safeguards against a growth in the non-effective charges on account of leave allowances, it is doubtful whether a reduction in the actual period of relaxation from duty now admissible under the rules will be desirable from an administrative point of view. Moreover, in the case of regularly constituted services which contain a provision for a leave reserve calculated on the existing conditions of service, any material reduction in the total amount of leave taken by an officer during his service will have the immediate effect of turning a portion of the reserve into a surplusage of officers for whom there will be no need, and some extra expenditure will have to be incurred until the cadres of the various services can be re-adjusted. To give a concrete example, the strength of the Indian Civil Service has been fixed on the assumption that out of every 100 officers, 20 will on an average be on leave. If a change is made in the leave rules which has the effect of reducing the latter number to 15, there will be immediately a surplusage of 5 officers. Any reduction in the amount of leave now taken by senior officers will also adversely affect the emoluments of the junior officers and may necessitate an increase in the scale of remuneration of the lower grades of the service, and thus a permanent increase in expenditure. On the whole, of the Commission's suggestion seems to be one which is fraught with considerable difficulty; but before rejecting it definitely, the Government of India will be glad to have the views of the Local Governments on the subject, as well as any workable schemes which they may like to put forward to give effect to the suggestion.

5. I am to request that, with the permission of ^{His Excellency the Governor in Council} ^{His Honour the Lieutenant-Governor in Council,} ^{His Honour the Lieutenant-Governor} ^{the views of your Government} ^{your views} on the various matters dealt with in this letter and with any other suggestions which ^{your Government} ^{you} may desire to make with the object of further simplifying the existing leave rules, including those applicable to departments in which regular vacations are allowed. It is possible that ^{your Government} ^{you} may like to devote some time to the examination of the Commission's suggestion dealt with in paragraph 4 of this letter and to the preparation of a workable scheme. In that case it will be preferable to furnish the Government of India in advance with ^{the views of your Government} ^{your views} regarding the other matters dealt with in this letter so as to expedite the disposal of the specific recommendations of the Commission and of the question of simplification of leave rules on the lines indicated in paragraph 3 above, leaving the question of commutation of half-pay leave into full-pay leave for future consideration.

I have the honour to be,

SIR,

Your most obedient servant,

B. N. MITRA,

Asstt. Secretary to the Government of India.

Copy forwarded to the Comptroller and Auditor General for favour of opinion.

By order, etc.,

B. N. MITRA,

Assistant Secretary to the Government of India.

CHAPTER XI.—GENERAL CONDITIONS OF LEAVE.

Reference to
present rule.SECTION VI.—COMBINATION, EXTENSION AND COMMUTATION OF
LEAVE.

232. The authority which has the power to sanction leave may—

[232.]

- (1) grant to an officer any leave admissible under these Regulations (including extraordinary leave without allowances) in combination with any other leave so admissible;
- (2) grant to an officer any leave admissible under these Regulations in continuation of any leave already taken;
- (3) commute any leave granted under these Regulations retrospectively into any other kind or period of leave; and
- (4) commute retrospectively periods of absence without leave into leave without allowances (*see Article 421*).

1. Extraordinary leave without allowances cannot be converted retrospectively into furlough on medical certificate; but furlough on medical certificate may be given in continuation of extraordinary leave without allowances. [236.]

233. The grant of extensions of furlough, under Article 232 (otherwise than on medical certificate), is subject to proviso (ii) under Article 304 (b). [234.]

NOTE.—[In the case of an officer who is entitled to furlough without medical certificate, but who, by reason of proviso (ii) under Article 304 (b) and of the corresponding proviso in Article 320* can get it only on medical certificate, it should be stated in column 13 of the last-pay certificate in Form No. 16 that furlough without medical certificate in commutation and extension of his original leave cannot be granted to him, if by such grant the limit of the number of officers absent on leave otherwise than on medical certificate, fixed under Articles 304 and 320* would be exceeded.]

Extension of leave out of India.

234 (a) An officer absent on long leave in Europe, North Africa, America or the West Indies, who wishes to have his leave extended or commuted, must apply to the Secretary of State about three months before the expiration of his leave, and produce with his application evidence that the Local Government has been referred to by him, and has no objection to the extension or commutation desired. [237.]

1. In the case of a Commissioned Medical Officer the Local Government should make a reference to the Director-General, Indian Medical Service, before granting the permission.

(b) Officers returning to India, at times other than those fixed for them by their own Government, are liable to be kept on subsistence allowance until a suitable vacancy occurs to which to post them.

(c) The Secretary of State reserves to himself the power of granting extension or commutation of leave to an officer, in any case in which it appears to him that sufficient ground has been shown for the application being made without the previous approval of the Local Government; but in the event of it being found necessary by the Secretary of State to telegraph to India in regard to any such application, the cost of the telegrams to and from India will be charged to the applicant.

NOTE.—[The Secretary of State in granting extension of leave sometimes declines to guarantee retention of appointment, if there is no time to communicate with the Local Government in India.]

(d) Furlough out of India on medical certificate may be commuted into leave without medical certificate, if such leave was due at the time when the original Furlough was granted, and if the officer seeking commutation is certified, as prescribed in Article 224, to have recovered his health. When extension of the commuted Furlough is applied for, the application must be supported by evidence that the officer's Local Government consents to the extension of his leave.

* Corresponding rule proposed for officers subject to the Indian Service Leave Rules.

1. Application, for extensions of commuted Furlough on medical certificate should be dealt with by Local Governments in such a way that officers, who have preferential claims to Furlough under Article 306, are not thereby debarred for a considerable time from availing themselves of the Furlough at their credit.

NOTE.—[This Article applies to the placing of officers, who are on leave out of India; on special duty in extension of the leave.]

[238.]

235. An officer on Long leave in any place out of India not mentioned in Article 234(a) who wishes to have his leave extended or commuted, must apply three months before the expiry of the leave to the authority in India which granted it. Whenever leave is extended or commuted under this Article, the fact should forthwith be notified by the Audit Officer to the Government of India in the Finance Department in order to its being communicated to the Secretary of State with a view to the payments by Colonial Treasurers or Staff Officers being checked.

[240]

236. In the case of a Military Officer subject to the Military Leave Rules, leave may be retrospectively commuted, by the authority which granted it, to any other kind of leave which the said authority would have been competent to allow when the original leave was sanctioned.

NOTE.—[Articles 234 and 235 apply to Military officers subject to the Military Leave Rules]

SECTION VII.—LEAVE PREPARATORY TO RETIREMENT.

[321.]

237. (a) An officer leaving India on retirement from the service may be granted such privilege leave or furlough not exceeding fourteen days as may be due to him, provided that such leave will cease on the date preceding that of his embarkation or on the date on which he actually resigns the service, whichever may be earlier.

1. An officer, serving in Persia or Turkish Arabia, reckons leave preparatory to retirement to the port or frontier town by which he leaves the country. The date of departure must be certified by the British Consul or, if there be no British Consul, by the officer himself.

(b) Leave granted as above may, subject to the same proviso, in special cases, be extended by the local Government to such period not exceeding 30 days as may be due to the officer.

NOTE.—[The Local Government may delegate its powers under this Article to Heads of Departments.]

CHAPTER XII.—SHORT LEAVE.

SECTION II.—PRIVILEGE LEAVE—ORDINARY RULES.

[260.]

260. Subject to the exigencies of the public service, an officer may be granted the whole or any part of the privilege leave due to him.

NOTE.—[The grant of privilege leave to an officer, whether taken by itself or in combination with long leave, is subject to the condition in Article 304 (b) (ii) of these Regulations, unless the leave is taken on medical certificate or under Article 305].

SECTION III.—PRIVILEGE LEAVE IN CASE OF REGULAR VACATIONS.

[271.]

271. Privilege leave is not admissible to officers serving in departments in which regular vacations are allowed, during which the officers are permitted to be absent from duty, as Judicial Officers (other than District and Sessions Judges), Educational Officers, Officers in a High Court. But in case of urgent necessity and subject to the exigencies of the public service, privilege leave may be granted to any such officer under the ordinary rules, provided that the officer shall during his absence receive only half the salary and allowances ordinarily admissible during privilege leave. Privilege leave so granted may be combined with vacation.

NOTE.—[The rule in this Article does not apply to the Judicial Commissioners and Additional Judicial Commissioners of Oudh, Sindh and the Central Provinces in cases where the conditions of the note to Article 278 are satisfied.]

272. The preceding Article does not apply to the case of an officer who is [272] by general or special orders issued by competent authority prevented in any year from availing himself of the vacation or vacations by reason of his having to remain at his post on duty. In such a case, privilege leave may be granted under the ordinary rules, and may be combined with vacation.

NOTE.—[In the case of every officer to whom Articles 271 and 272 apply, the presumption is that he will avail himself of the vacation. No certificate of title to privilege leave, except the leave "in case of urgent necessity" under Article 271, can be given for the period of service rendered between two vacations, until the second vacation expires. If, however, the conditions required by this Article or by Article 273 to render an officer eligible for privilege under the ordinary rules are subsequently fulfilled in respect of the second vacation, any privilege leave which may have been granted on half salary under Article 271 in consequence of the presumption that the officer would avail himself of the vacation, may be commuted into privilege leave on full salary. Privilege leave on full salary may be combined with privilege leave on half salary, to the extent due, granted under Article 271.]

273. An officer whose work requires him to be present at his station for a [273] portion of the vacation is eligible for privilege leave under the ordinary rules, provided he has not been absent from his station for more than fifteen days of the vacation. If he has been absent for more than fifteen days, his title to privilege leave is regulated by Articles 271 and 274. Any such officer applying for privilege leave must attach to his application a certificate either—

- (i) that he was not absent from his station for more than fifteen days or
- (ii) that he was absent from his station for a specified number of days exceeding fifteen, in any of the vacations included in the period of service by which the privilege leave claimed has been earned.

NOTE.—[Absence on duty, whether within or out of jurisdiction, is not absence from station for the purposes of this Article.]

274. An officer who is, by general or special orders issued by competent [274] authority, prevented from availing himself of a part only of a periodical vacation, may, during privilege leave subsequently taken, draw his full salary for a period bearing the same proportion, if the vacation be annual, to a month, or if it be half-yearly, to half a month, as the time spent on duty during the vacation bears to the whole vacation.

275. An officer transferred from a department to which the ordinary privilege [275] leave rules apply to one in which Articles 271 to 274 apply, can take the privilege leave which was at his credit at the time of such transfer, either by itself or in combination with vacation.

277. Officers to whom privilege leave under the ordinary rules and condi- [276] tions is not admissible (Article 271), may combine vacation with long leave, either at the beginning or end thereof.

278. The foregoing rules do not apply to District and Sessions Judges: to [278] them privilege leave is granted under the ordinary rules, and they may take privilege leave in combination with vacation or long leave and may also combine vacation with long leave.

NOTE.—[The rule in this Article has been extended to the Judicial Commissioners, and Additional Judicial Commissioners of Oudh, Sindh and the Central Provinces, for such time as the Court of the Judicial Commissioners in each case consists of not less than three Judges and provided the Court's annual vacation does not exceed one month.]

CHAPTER XIII.—LONG LEAVE—EUROPEAN SERVICES.

SECTION II.—FURLOUGH.

General Limitation.

299. The total amount of Furlough admissible (a) to a member of the [299] Indian Civil Service or a Military Officer subject to the Civil Leave Rules is six

Reference to
present rule.

4

years and six months, and (b) to any other officer to whom these rules apply (see Article 297) is six years. All the rules in this part of the Regulations are subject to this limitation.

[300.] NOTE.—[The following leave under other rules is counted as Furlough under this Article:—

- [New.] (1) Special leave with allowances taken under the rules in the fifth and previous editions of these Regulations.
- [300 (a) (1) and (2).] (2) In the case of a Military officer subject to the Civil Leave Rules—Furlough under Rules 1 and 6 of the Military Furlough and Leave Rules of 1875; and Leave out of India under the Leave Rules for the Indian Army, 1886.
- [300 (b).] (3) In the case of an officer who becomes entitled to the rules contained in this Chapter, after being subject to the Indian Service Leave Rules—all leave counting towards the maximum in Article 317.*]

Leave after Completion of Term of Service.

[300] 300. (a) The limitations affecting members of the Indian Civil Service, whose term of service is complete, are prescribed in Article 555, and those affecting Military Officers in Article 620.

(b) Any other officer subject to the rules of this Chapter, who is retained in the service after the age of fifty-five years, may, after attaining that age, be granted Privilege Leave or Furlough without medical certificate to which he may be otherwise entitled, or leave preparatory to retirement under Article 237, or Extraordinary leave without allowances under Article 312. The total leave granted, under the heads of Furlough or Extraordinary, must not exceed six months in all. No furlough may be granted to such an officer on medical certificate; and any such furlough or other leave for a period exceeding six months granted to such an officer before the date on which he attains the age of fifty-five years, ceases to have effect on that date.

NOTE.—[Except in the case of an officer who, after the age of 54 years, has been refused leave owing to the exigencies of the public service, the grant of leave under Clause (b) of this Article is subject to the condition that the officer returns to duty at the end of the leave. In applying for leave the officer must record a declaration that he has no intention of retiring for three months after his return to duty.]

Furlough earned.

[302.] 301. The amount of Furlough "earned" by an officer is one-fourth of the Active Service rendered by him under the rules in this Chapter. Provided that a Member of the Indian Civil Service or a Military Officer subject to the Civil Leave Rules is entitled to have in addition an initial period of six months' Furlough placed at his credit immediately on his becoming subject to these rules.

Illustration.—The Furlough earned by a member of the Indian Civil Service who has rendered four years Active Service is one year and six months.

[303.] 302. (a) An officer, who becomes entitled to the rules in this Chapter after being subject to other Leave Rules may add to Furlough earned under Article 301 an amount of Furlough in respect of his previous service calculated as shown below. If, however, the result of the calculation is that the officer had before he became subject to the rules in this Chapter, enjoyed Furlough in excess of the amount earned by him, such excess should not be taken in reduction of Furlough earned under Article 301.

[303 (ii)] (b) The service for furlough of a Military Officer subject to the Civil Leave Rules who, before coming under the rules in this Chapter, was subject to the Leave Rules for the Indian Army (1886), shall be calculated in accordance with Article 301 retrospectively from the date of his arrival in India, i.e., he shall be credited with Furlough equivalent to one-fourth of his Active Service, as defined in Article 8, less any leave with pay out of India actually taken. The provisions of this clause apply to Royal Engineers in Civil employ who, while serving

* i.e., Furlough and Leave with allowances on medical certificate, and Leave on Private Affairs.

5

Reference to
present rule.

under British Army Leave Rules, either (a) have elected for continuous service in India, whether the election was made before or after their entry into Civil employment, or (b) have completed five years' Indian service and elect to come under Civil Leave Rules.

1. An officer of the Royal Engineers who has not elected for continuous service in India remains under British Army Leave Rules till he completes five years' Indian Service.

NOTE 1.—[In the case of a Military officer subject to the Civil Leave Rules who, before coming under the rules in this Chapter or the Leave Rules for the Indian Army, was subject to the Military Furlough Regulations of 1875, the amount of Furlough to be added in respect of such previous service should be calculated under Article 303 of the Fifth edition of these Regulations.] [303 (iii).]

NOTE 2.—[When a Military officer becomes subject to the Civil Leave Rules, the Account officer in charge of his record of pension service will, on application and on being furnished with the date of commencement of Active Service, furnish to the Audit Officer to whose audit he becomes subject a memorandum showing the Furlough earned, the different kinds of leave taken (distinguishing those which should be deducted from the maximum Furlough admissible) and the balance of Furlough due under Military Rules.] [303 (iii). Note.]

(c) *An officer who, after being subject to the Indian Service Leave Rules, becomes entitled to the rules contained in this Chapter, shall be credited with Furlough equivalent to one-sixth of his Active Service rendered under the former rules less any leave actually taken under such rules which counts as Furlough under Article 317. [305 (a).]

NOTE 1.—[An officer who is brought under the rules in this Chapter for the first time by the operation of the orders contained in the Secretary of State's despatch No. 188 of the 21st September, 1893 (received on the 11th October 1893), but who would have come under them at an earlier date (including the commencement of his service), if they had been in force at the time, should be held to have come under the rules in this Chapter on such earlier date, and all leave taken by him from and after that date should be treated as taken under these rules.] [305 (b).]

NOTE 2.—[An officer who comes under the rules in this Chapter, while he is on leave under the Indian Service Leave Rules, may at his option—

- (a) change his leave allowances to the amount admissible under the European Service Leave Rules and come under them immediately; or
- (b) postpone his coming under them until his return from leave.]

Furlough due.

303. The amount of Furlough "due" to an officer is the amount which he has "earned" diminished by the Furlough (including that given under Article 305) which he has enjoyed under these rules and the special leave with allowances taken under the rules in the fifth or previous editions of these Regulations. [304.]

Furlough admissible.

304. Furlough for not more than two years may be granted to an officer by the Local Government as follows:— [308.]

- (a) On medical certificate—unconditionally; see Articles 828 to 832.
- (b) Without medical certificate—subject to these provisos:—

- (i) that the Furlough be due to him;
- (ii) that the whole number of officers absent on leave of any description (privilege leave, study leave, Furlough without medical certificate or extraordinary leave) does not exceed (a) the corresponding portion of the leave reserve fixed by the Local Government for the particular service, or (b) if the service has no regular leave reserve, one-eighth of the strength of the service, or such other proportion as the Local Government may fix for the purpose.

1. In the case of isolated appointments not filled by members of a regularly organised service, the Local Government may lay down such conditions as it may consider administratively desirable to check the frequency of Furlough taken by officers holding them. [New.]

* This is intended to correspond to the existing Article 305 and will have to be amended with reference to the decision arrived at on the question of the amendment of the Indian Service Leave Rules.

[New.]

2. In applying condition (ii) to the case of services the cadres of which provide for appointments under the Government of India or in another province, the Local Government should take particular care that the needs of the other Governments are properly complied with.

[New.]

3. The Local Government may in special cases relax condition (ii) in cases of short or long leave for a period not exceeding six months, provided that suitable provision for discharging the officer's duties is made from the same or another service (including one the members of which are subject to the Indian Service Leave Rules) without unduly restricting the grant of leave in other service.

[New.]

NOTE.—[It is essentially necessary for the proper working of these rules that proviso (ii) should be very carefully worked. In the case of services for which regular leave reserves have been sanctioned, the Local Government should, in fixing the share of such reserve available to provide for vacancies other than those resulting from grant of leave on medical certificate, keep a sufficient margin for long leave on medical certificate as well as for sudden breakdowns necessitating the grant of short or long leave. An annual report should be submitted to the Government of India showing, for each European Service for which a regular leave reserve has been sanctioned, how the total absences on leave in each year compare with that reserve.]

[New.]

305. An officer may be granted, once in his service, Furlough on urgent private affairs for a period not exceeding six months, even if such furlough may not be due to him.

1. An officer who has already received furlough under Article 321* is not entitled to the concession in this Article.

[310.]

306. (a) If, under the operation of proviso (ii), Article 304, the applications for furlough (including those under Article 232) cannot all be complied with, Furlough will, at the discretion of the Local Government, be granted in the following order:—

First.—To the applicant to whom the most Furlough is due;

Secondly.—Of two or more applicants to whom the same amount is due, to him who has rendered longest Continuous Active Service;

Thirdly.—Of two or more such applicants who have rendered the same Continuous Active Service, to the Senior.

(b) This Article refers to applications registered for a Furlough not yet vacant. The order of date in which such applications are made has no significance. The Article cannot affect applications made for a Furlough already vacant unless they happen to arrive by the same post.

Extension of Furlough.

[312.] 307. (a) Furlough granted under Article 304 may, on medical certificate, be extended to a total period of not more than three years. Furlough granted under Article 305 may be similarly extended, but in that case the whole leave should be considered as taken under Article 304 (a).

(b) Otherwise, Furlough granted under Article 305 may be extended to a period not exceeding six months, and Furlough granted under Article 304 (b) may be extended to such period not exceeding two years as may be due to the officer.

Ordinary Furlough.

[313.] 308. Ordinary Furlough can, under no circumstances, extend beyond two years at one time; it includes—

(i) the first two years of each separate period of furlough under Article 304 (a), including any extension under Article 307 (a);

(ii) so much of each separate period of furlough under Article 304, including any extension under Article 307, as is "due" to the officer;

(iii) Furlough granted under Article 306 with any extension under Article 307 (b).

* Leave on Private Affairs under Indian Service Leave Rules.

Leave allowances.

309. An officer on ordinary furlough is entitled to a leave allowance equal to [314.] half his average salary, subject to the following limits:—

(a) In the case of a member of the Indian Civil Service—

(i) if paid at the Home Treasury of the Government of India, maximum £1,000 a year and minimum £500 a year, or the salary last drawn by him on duty, whichever is less;

(ii) if paid in India, maximum Rs. 833½ a month, and minimum Rs. 416½ a month, or the salary last drawn by him on duty, whichever is less;

(b) In the case of a Military officer, subject to the Civil Leave Rules, the same maxima and minima as in the case of a member of the Indian Civil Service: Provided that, during furlough added under Article 302 (a) to the furlough earned under Civil Rules, the minimum shall (in the case of an officer who became subject to the Civil Leave Rules on or after the 1st April 1888) be that prescribed by the Military Rules to which an officer was subject immediately before coming under the Civil Leave Rules, and that in the case of an officer of the Royal Engineers, whose case is governed by Article 302 (b), the minimum shall be the rate prescribed by the Leave Rules for the Indian Army, according to the length of his service for Indian pension. In the case, however, of an officer of the Royal Engineers, who was serving under British Army Leave Rules immediately before he became subject to the rules in this chapter, the minimum for so much of the Furlough credited under Article 302 (b) as has been earned by service in civil employment shall be at the rate of (1) £500 a year—if he elected for continuous service in India before the 1st February 1898, (2) £500 a year or the salary last drawn by him on duty, whichever is less—if he elects to come under the Civil Leave Rules after completing five years' Indian service.

NOTE.—[A Military officer in Civil employ, who is granted furlough on medical certificate in excess of the amount earned by him both under the Civil and Military rules, may be allowed the Civil minimum rate of leave allowance for the period of leave enjoyed in excess of the amount so earned; but such officer must exhaust all leave that he has so earned before he can be eligible for this concession.]

(c) In the case of any other officer subject to these rules—

(i) if paid at the Home Treasury of the Government of India, maximum £800 a year; no minimum, except as provided in Article 320;

(ii) if paid in India, maximum Rs. 666½ a month; no minimum except as provided in Article 311.

Provided always that the allowances of an officer during leave shall in no case exceed his actual salary when he takes leave.

1. An officer on furlough does not forfeit his past leave allowances by resigning the service without returning to India.

310. An officer on furlough other than ordinary is entitled—

(i) if a member of the Indian Civil Service or a Military officer subject to the Civil Leave Rules, to subsistence allowance [see Article 108 (a)];

(ii) if an officer not in the Indian Civil Service or the Army, to £480 a year paid at the Home Treasury, or Rs. 400 a month paid in India or to one-quarter of his average salary, whichever is less. In the case provided for in Article 311, quarter average salary is subject to the minima prescribed in that Article.

NOTE.—[Absentee allowances in respect of leave spent out of India if paid in India are subject to the rupee limits prescribed in Articles 309 and 310.]

311. The leave allowances of an officer of the classes referred to in Article 309 (c) on leave out of India (except in Ceylon or the Straits Settlements) are subject to the following minima :—

(a) if the leave is furlough on medical certificate under Article 304 (a) or Article 307 (a); or

(b) if the leave, although not furlough on medical certificate under Article 304 (a) or Article 307 (a) has been granted on account of ill-health.

N. B.—[In order to claim the benefit of this Article the leave application must be supported by a medical certificate in the form prescribed in Chapter XLIV, recommending leave out of India.]

Half average salary—

If paid in England ...

Minima.

£200 a year, or $\frac{2}{3}$ ths of the salary last drawn on duty, whichever is less.

If paid in India ...

Rs. 166 $\frac{2}{3}$ a month, or $\frac{2}{3}$ ths of the salary last drawn on duty, whichever is less.

Quarter average salary—

If paid in England ...

£100 a year, or $37\frac{1}{2}$ per cent. of the salary last drawn on duty, whichever is less.

If paid in India ...

Rs. 83 $\frac{1}{3}$ a month, or $37\frac{1}{2}$ per cent. of the salary last drawn on duty, whichever is less.

NOTE.—[The minimum rate of leave allowance prescribed in this Article is also admissible in the case of any leave out of India (other than extraordinary leave without pay) which has been extended on medical certificate, or which has been commuted into leave on medical certificate. The certificate should be in the same form as that required by the Civil Service Regulations to entitle an officer to leave on medical certificate, and should recommend leave out of India.]

SECTION III.—EXTRAORDINARY LEAVE.

312. (a) Subject always to the provisions of any Statute applicable to the case, the Local Government (or, if the officer be on furlough in Europe, the Secretary of State) may, in special circumstances and when no other kind of leave is by rule admissible, grant leave of absence from duty otherwise than under these Regulations: Provided that—

(i) an officer absent from duty on leave so granted shall receive no absentee allowance; and

(ii) if he is a member of the Indian Civil Service or a Military officer subject to the Civil Leave Rules, he shall retain no lien upon any office except when extraordinary leave, not exceeding a fortnight, is granted in continuation of other leave.

(b) No officer is entitled to extraordinary leave. But subject to the provisions of Article 198, there is no limit to the length or frequency of leave under this Article.

1. In cases in which the duration of the extraordinary leave to be granted does not exceed two months, the Local Government may dispense with the condition in this Article that the leave can be granted only when no other kind of leave is by rule admissible.

2. An officer who under the ordinary rules is entitled to furlough on medical certificate should not be compelled to take extraordinary leave without allowances.

313. A Military officer subject to the Civil Leave Rules, who has exhausted the full period of furlough admissible to him under these Regulations, and who is granted extraordinary leave on medical certificate, will continue to be treated

as wholly in Civil employ for all purposes, with the exception that, if the Medical Board at the India Office report that there is no prospect of the officer returning to duty within a reasonable period, he will be placed on Military half-pay. If an officer thus placed on half-pay is afterwards permitted to revert to the effective list and returns to duty in India, he will not be entitled to be re-instated in Civil employment, but will be posted to Civil or Military duty as may be decided in India.

314. Articles 312 and 313 do not refer to casual leave for short periods. [332 Note.] Such leave is not recognised and is not subject to any rule. Technically, therefore, an officer on casual leave is not treated as absent from duty, and his salary is not intermitted. Casual leave, however, must not be given so as to cause evasion of the rules regarding—

(i) Date of reckoning allowances ...

(ii) Charge of office... ...

(iii) Commencement and end of leave ...

(iv) Return to duty ...

} See Articles 52 to 55;

} See Articles 220 to 231;

or so as to extend the term of privilege or other leave beyond the time admissible by rule.

315. Article 314 is not to be read as precluding the treatment as casual leave, of absence from duty preceding or following on leave granted under the rules, so long as such absence is due to reasons involving no evasion of the rules in regard to the matters above specified, as for instance, when it is necessitated by—

(1) detention under medical observation in cases where during such detention the officer is not permitted by the authority competent to grant him leave, to retain charge of his duties; [326]

(2) waiting for a troopship in which the officer is entitled to a free passage under the rules of his service; [328.]

(3) delay in the issue of orders appointing an officer to a particular post on return from duty; [329.]

(4) detention in plague camps, on the way to rejoin; or [332 Explanation.]

(5) orders not to attend office in consequence of the presence of infectious disease in the family or household of the person concerned. [do.]

When, however, absence from duty, for reasons of the nature above indicated, exceeds the period which may reasonably be treated as casual leave under the discretion vested in the Local Government or the head of the office, the case should be dealt with as follows :— [do.]

(a) In cases where such absence precedes regular leave granted under these Regulations, the entire period of absence will be treated as part of such regular leave. [New.]

(b) In case (3) the officer will be treated as on-joining time from the date on which he reports himself for duty, and his allowances during such joining time will be equal to what he was drawing during his leave; Provided that the total period of such joining time shall not exceed 30 days. [329]

(c) In other cases, where such absence follows on regular leave granted under these Regulations— [332 Explanation.]

(i) If the person concerned has further leave due to him carrying the same allowances as the leave already granted, he will be required to take an extension of leave to cover his further absence from duty.

- (ii) If the further absence from duty cannot be covered in this way the period, or such part of it as remains uncovered, will be treated as leave without allowances, unless the person concerned prefers to substitute leave of another description for that which he has previously taken.

Example.—A, who has had two months' Privilege leave, is detained for a further period of one month in a plague camp. If he has a month or less Privilege leave still due this must be reckoned against the further period of detention. If he has no Privilege leave due, but has Furlough to his credit, he has the option of converting the entire period of his absence from duty into Furlough or of taking leave without allowances for the extra month.

- (d) In case (1) if the officer fails to obtain a medical certificate—his absence will be treated as privilege leave, or, if sufficient privilege leave is not due to him, as furlough, or if neither privilege leave nor furlough is due to him, as Extraordinary leave under Article 312.

[325] NOTE.—[If a Medical Board or Officer detains an applicant under observation, under Article 830, before finally granting or refusing a medical certificate, the Medical Board or Officer should give a certificate to the applicant as follows :—

A B having applied to us (or me) for a medical certificate under Article 829 of the Civil Service Regulations, we (or I) consider it expedient before granting or refusing such a certificate to A B, to detain him under professional observation for _____ days.]

NOTES EXPLAINING CHANGES SUGGESTED.

CHAPTER XI.

The only Section directly affected by the Commission's recommendation is Section VI.

- (1) Article 232 (present) has been amended with reference to the main recommendation of the Commission in paragraph 157 (i) of the Commission's Report—*vide* Article 232 of the draft. The amended article incorporates the ruling contained in the letter from the Government of India in the Finance Department, No. 5313-P., dated the 16th September 1908.
- (2) Article 233 (present) becomes unnecessary in view of the amendment mentioned in (1) and has been cancelled.
- (3) Article 234 (present) has been retained with necessary amendments and becomes Article 233 of the draft.
- (4) Article 235 (present) becomes unnecessary in view of the amendment in Article 232 and has been cancelled.
- (5) Article 236 (present) has been retained as rule 1 under the proposed Article 232, as it would be impossible to decide whether a man who has taken extraordinary leave could, at the time, have obtained the medical certificate necessary for the grant of furlough on medical certificate.
- (6) Articles 237-238 (present) have been retained in their present form as Articles 234-235 of the draft.
- (7) Article 239 (present) becomes unnecessary in view of the proposed abolition of subsidiary leave and is cancelled.
- (8) Article 240 (present) has been retained in its present form as Article 236 of the draft.

2. Section VII of the draft provides for the grant, subject to certain conditions, of subsidiary leave preparatory to retirement which it may be desirable to retain even though other kinds of subsidiary leave may be abolished.

CHAPTER XII.

Section II.—Article 260 (present) has been amended so as to omit the present restrictions regarding the grant of privilege leave due to an officer.

Section III.—The rules have been amended so as to omit the various restrictions regarding combination of privilege leave and vacation in certain cases as well as the restriction in Article 275 (present) on an officer taking privilege leave which was at his credit at the time of his transfer to a "vacation department." Article 276 (present) has accordingly been omitted.

CHAPTER XIII.

Section II.—(1) Articles 299-301 (present) have been retained, with suitable modifications with reference to the proposed abolition of special leave, etc., as Articles 299-300 of the draft.

(2) Article 302 (present) has been amended, with reference to the proposed abolition of special leave, so as to provide for a member of the Indian Civil Service or a military officer subject to the Civil rules getting a special initial credit of six months in his account of furlough earned in order to compensate him for the abolition of special leave which in his case does not count under the present rules against furlough earned. The amended article becomes 301 in the draft.

(3) Articles 302, 303 and 305 to 307 (present) have been amended with a view (a) to get rid of provisions (*e. g.*, for officers who at a certain period of their service were subject to the Military Leave Rules of 1868 and 1875) which have become wholly or nearly obsolete, and (b) to credit an officer, who, before coming under the European Service Rules, was subject to the Indian Service Rules, with furlough equal to one-sixth of his active service less furlough enjoyed under the latter rules. The latter amendment has been made tentatively with reference to an alteration which has been suggested in the Indian Service Rules. The amended rule becomes Article 302 in the draft.

(4) Article 304 (present) has been somewhat amended to suit altered conditions and becomes 303 in the draft.

(5) Articles 308 and 309 (present) have been amended with reference to the Commission's main recommendations and become Article 304 of the draft. The Local Government has been granted full discretion in the matter of regulating total absences of leave subject to the condition—intended to prevent an abuse of the new rules—that the leave reserve fixed by the Government of India for a particular service should not ordinarily be exceeded.

(6) Article 305 (new) is intended to remove any hardship, which may be caused by the abolition of special leave.

(7) Article 310 (present) has been retained in its present form as Article 306 of the draft. It will prevent a Local Government, while allotting furlough, from showing any undue favour to senior members of the service at the expense of the juniors and will probably meet any objections which may be raised against the proposed leave rules on this score.

(8) Article 311 (present) becomes unnecessary in view of the amendment in Article 308 (present) and has been omitted.

(9) Articles 312-313 (present) amended to suit altered conditions become Articles 307-308 in the draft.

(10) Articles 314-315 (present) have been retained in their present form as Articles 309-310 of the draft.

2. *Section III* (present) cancelled.

3. *Section IV* (present) has been retained in its present form as Article 311 of the draft.

4. *Section V* (present) has been cancelled. Provision has been made for leave preparatory to retirement in Article 237 of the draft, and the rules in Articles 325—329 have been provided for in Article 315 of the draft.

5. *Section VI* (present) becomes Section III in the draft.

(1) Article 332 (present) has been retained with suitable modifications as Article 312 of the draft. Rule 2 has been added to make it clear that an officer who is entitled to furlough on medical certificate should not be forced to take extraordinary leave.

(2) The note to Article 332 (present) has been expanded so as to include the provisions in the present Articles 325 to 329 and has become Articles 314 and 315 of the draft.

(3) Article 333 (present) has been reproduced in its present form as Article 313 of the draft.

CHAPTER VIII.

PENSIONS, INCLUDING FAMILY PENSIONS.

	PAGE.
1. Despatch from Secretary of State, No. 52, dated the 10th February 1871	535-539
2. Unrepealed portion of 37 Vict. Cap. 12	541
3. Despatch to Secretary of State, No. 235, dated the 30th June 1904	543-546
4. Despatch from Secretary of State, No. 148, dated the 28th October 1904	547-548
5. Home Department Resolution No. 77, dated the 21st January 1905	549-550
6. Despatch from Secretary of State, No. 18, dated the 27th April 1899	551-555
7. Despatch from Secretary of State, No. 75, dated the 16th November 1906	557-558
8. Extract paragraphs 1, 8 and 10 of Government of India's despatch No. 16, dated the 5th February 1903	559
9. Extract paragraphs 7 and 8 of Secretary of State's despatch No. 91, dated the 14th August 1903	560
10. Indian Civil Service Family Pension Regulations	561-568
11. Despatch to the Secretary of State, No. 278-Finl., dated 30th September 1896	569-570
12. Despatch from the Secretary of State, No. 11-Finl., (Funds), dated 12th November 1896	571
13. Despatch from the Secretary of State, No. 71-Finl., dated 14th June 1912	573-574
Nil.	

No. 52, dated 10th February 1871.

From—The Secretary of State for India,

To—The Government of India.

I have considered in Council your Financial letters, dated the 24th June and 14th July last, Nos. 155 and 171, which forwarded memorials from the Covenanted Civil Servants of the several Presidencies, praying for an increase of their retiring allowances. You estimate that the proposal contained in the Bengal memorial would cause an increased charge of 153,000*l.* per annum, and that contained in the Madras and Bombay memorials of 78,600*l.* per annum, if applied to the three Presidencies.

2 You inform me that you hesitate to recommend a scheme which involves so large a charge to the State, but, in lieu of it, you suggest another scheme for the same purpose, the cost of which you estimate at about 70,000*l.* a year.

3. I cannot but observe that this proposition comes before me at a time when the financial position of your Government is compelling you to reduce the Army, to limit largely public works, and to consider with great care, if not with some anxiety, how the revenues of the State can be maintained so as to meet the many demands made upon them for improved administration.

4. I will not affirm that these circumstances, connected with the financial condition of the Empire, of necessity condemn a proposal which adds 70,000*l.* a year to the non-effective charges of the Civil Service. But they are circumstances which render it incumbent on Her Majesty's Government to examine very closely the grounds upon which such a measure is proposed.

5. The complaints urged by the Civil Service against the present system of retiring allowances seem to be of two kinds. One complaint is, that the system operates in certain ways so unequally that dissatisfaction must continue as long as it remains unchanged. The other complaint is, that the Government does not contribute with sufficient liberality to the Fund out of which retiring allowances are paid.

6. Looking at these two complaints in the order in which I have now placed them, I observe that you have, in the 9th paragraph of your despatch, shortly enumerated those features of the existing system which you think must always continue, so long as they remain, to cause discontent among the members of the Civil Service. They are these,—*1st*, that the pension granted by the State is "mixed up with the pension purchased by the subscriptions of the officers themselves;" *2nd*, that the subscriptions made by an officer who dies before retirement "lapse to the State;" *3rd*, that a maximum limit is placed to the amount of annuity purchasable by an officer's subscriptions, "so that he feels that every day he remains in the service, after subscribing for the maximum, he is fined for the benefit of the State."

7. On these objections I have to observe, in the first place, that they are not objections to any mere incidents of the system, which are separable from it, but to its whole principle and intention. The very terms in which these objections are stated exclude from view the origin and the purpose of the Annuity Funds, and do not seem to represent correctly their present operation or effect.

8. (1) The pension granted by the State is mixed up with the "pension purchased by the subscriptions of the officers" only because the officers having originated the Fund in order to promote retirements and accelerate their own promotion were aided by the Government in so doing by the addition of a large subvention from the State. (2) The subscriptions made by an officer who dies before retirement lapse to the Fund (not to the State), only because the subscriptions of every member of the Civil Service are an essential part of the assets of the Fund which belongs to the officers as a body, and because that Fund was constituted on the basis of supplying annuities to a limited number of survivors out of the total number of subscribers. (3) A maximum limit was placed upon the amount of annuity purchasable by an officer's subscriptions only because

2

such limit was another essential feature in a scheme designed by the officers of the Civil Service themselves to accelerate promotion by encouraging retirements, and because this purpose would have been entirely frustrated by annuities increasing without limit in proportion to length of service.

9. Such being the case, I cannot but regret that your Excellency should have stated these grounds of complaint in a form which seems to imply some sanction to a very erroneous view of the facts. To speak of subscriptions as "lapsing to the State" because they are the property of a Fund to which the State subscribes, is a fallacy which your Excellency can hardly have intended to support. I presume your meaning to be that these ideas, whether correct or not, are ideas which it is difficult to eradicate from the minds of the officers concerned. They can only be eradicated by reminding them that the gains which accrue to the Fund from an average number of deaths was one of the elements in the calculation when the Fund was instituted, when the scale of subscription was arranged, and when the State calculated what its own contribution might fairly be.

10. The same observations apply to the feeling which you describe as existing in the mind of every officer who continues to serve after he has subscribed for the maximum, namely, a feeling that every day he remains in the service after that period "he is fined for the benefit of the State." The subscriptions of such an officer continue to be what they have ever been—subscriptions to a Fund for the benefit of the body to which he belongs, and for his own benefit in exact proportion as he may have chosen to take advantage of its terms. It was no part of those terms that he should be encouraged to prolong his service, after he had subscribed the maximum. On the contrary, one main object of the Fund was that he should have no inducement from it to do so. If he should prolong his service, he must find the inducement to do so in other advantages afforded by the Government which he serves.

11. It appears, therefore, that complaints against the present system of retiring allowances, on the ground that the subscriptions of an officer who dies are lost to his family, or on the ground that an officer's retiring allowance does not increase without limit in proportion to his length of service, are both of them complaints directed against the essential principles of the Annuity Fund, and cannot be met by any change short of establishing some system on a basis entirely new and having entirely different objects.

12. Farther, I have to point out to your Excellency that if dissatisfaction is to continue as long as these causes of complaint remain, then it follows that the same dissatisfaction will continue after all the increased cost of your proposal has been incurred. You do not propose, neither indeed do the memorialists suggest, that the subscriptions of officers towards their own annuities should cease. Whether in this present form, or in the form of a corresponding reduction of salaries, these subscriptions are to continue. Therefore the "pensions granted by the State" will still be "mixed up with the pensions purchased by the officers." You do not propose that subscriptions lost by death should be re-funded to the families of the deceased. Therefore this cause of dissatisfaction also will remain. You do not propose that annuities should increase without limit in proportion to length of service. Therefore officers may still think that they are "subscribing to the State" after they have subscribed for the maximum. The abolition of the Fund, as a mere matter of account, will not prevent each officer from computing exactly the amount of his contribution. Therefore all the essential features of the system would remain unchanged, and all the incidents which you represent as fatal to contentment.

13. I observe, indeed, that you introduce the new principle of regulating the annuity on which an officer may retire by the amount of salary he has enjoyed at the period of retirement. But neither is this principle consistently pursued. It is pursued only so far as it may cover an increase of 200% to the present maximum annuity. But beyond this maximum, the new principle is not allowed to govern the result. I fear that this arbitrary limit to the operation of an admitted principle would ultimately prove a new source of discontent, and that renewed agitation would assail the Government, to the end that this principle

3

537

should be allowed its unlimited application. Accordingly, I observe that, in a note at the end of the draft rules, it is suggested that the restriction to 1,200% might be omitted. It is my duty, therefore, to point out to your Excellency that this principle, borrowed from a system of pension designed to meet the case of superannuations, is not applicable to the totally different system of annuities granted on retirement after a fixed period of service. You argue that, on the whole, there is no better criterion of merit than the salary which an officer has enjoyed. But to this it is obvious to reply that if the salary is the criterion of merit, so also is the salary supposed to be its sufficient reward. A system which should give, out of a common fund, the highest retiring annuities to those who have enjoyed the most lucrative appointments, would not seem either just in itself, or likely to give satisfaction to the service as a whole.

14. Since, then, your proposal does not satisfy any new principle, and does not remove the objections which are felt against the existing system, I can only regard it as intended to increase the amount of assistance which the State gives, but on the same principles and with the same general intention as at present.

15. I come therefore to those other complaints in the memorials which imply that the State is not sufficiently liberal in the contribution which it makes towards the retiring allowances provided for under the existing system. On this point I have to observe that here again, the object and intention of the State in granting these annuities has been forgotten. That object was identical with the object of the officers themselves, namely, to promote retirements at a comparatively early age by the assurance of an adequate retiring allowance. Annuities granted with this object differ essentially from pensions on superannuation; and therefore the reference made in the memorials and in your Excellency's despatch to the plan on which pensions are granted in England, is a reference which points to a fundamental change in the relations which have hitherto subsisted between the Government of India and the pay and pensions of its Civil Servants.

16. If the demand now made be indeed a demand for such fundamental change, then it must be considered on other grounds, to which I shall presently advert. But assuming that the Government is not called upon to depart from the general principles and intention of the system under which retiring annuities are afforded to its Civil Servants, then it becomes important to point out to the memorialists that the changes which have been made by the Government since the institution of the Funds have all been in the direction of a more liberal dealing with its servants.

17. Originally the Government offered to subscribe one-half of the whole Pension Fund. But this never meant, or could possibly mean, that the Government was to provide the same proportion of the retiring allowance of each individual officer. It was a contribution founded, like the rest of the Fund, on a calculation of averages; and the complaint that, in some particular cases, the Government contribution is less than half the pension, or, in some cases, is reduced to nil, is a complaint founded on the same error as those other complaints which I have already dealt with. What the Government promised to do was this,—that in every case in which an officer chose to retire at the end of a given term, and had already subscribed, or was ready to subscribe, for the value of an annuity of 500%, the State would enable the Fund to make up that annuity to the full amount of 1,000%. But it was part of the same engagement that if an officer chose to remain longer than the specified term of years, and subscribed, consequently, to a larger amount, the Government was to be called upon for no more than the difference, whatever it might be, between his subscription and the full amount of 1,000%.

18. In the years 1835 and 1852 important concessions were made to the service in relation to their annuities, and in the year 1862 the whole question of the grant of further benefits in regard to annuities and absentee allowances was fully considered in connection with memorials from the Civil Servants of the three Presidencies, and changes were then made which greatly improve the terms on which the annuities were to be granted. Those concessions were, in fact, so important, that, in communicating them to your Government, in the Financial

despatch, dated the 25th November 1862, Sir Charles Wood pointed out that they would inevitably derange the calculations on which the funds were founded, and that thenceforth it would only be necessary that an account should be kept of the deductions from the salary of each Civil Servant, and of the interest thereon, with a view to his receiving the amount which his subscriptions would provide in excess of 600%, to which the fixed allowance was increased. The subscribers, however, objected to the abolition of the Funds, and the changes were incorporated in the rules.

19. In view of these changes made by the Government in the direction of greater liberality towards the Civil Service, since this system of annuities was begun, I took in the memorials you have sent for the argument on which farther claims are founded. The argument appears to be that the salaries of the Civil Service have been reduced since the Annuity Fund system was established, whilst the cost of living has been increased, so that, on the whole, that service is not now sufficiently well paid to enable the members of it to make adequate provision for their own retirement. I have now, therefore, to consider whether, taken as a whole, the allowances granted to Covenanted Civil Servants are an adequate remuneration for the duties discharged.

20. In order to obtain a clear view of the reductions which can be said to have affected the existing servants in India, a statement has been prepared, showing the effect of the changes made since the first revision of salaries in the time of Lord William Bentinck. It is as follows:—

—				Number of Civil Servants in employ at the several Presidencies.	Aggregate allowance per annum.	Average per annum.
					Rs.	Rs.
1827	...	...	...	592	1,49,51,305	25,255
1837	...	...	...	684	1,39,83,800	20,444
1847	...	...	...	607	1,21,41,833	20,003
1870	...	...	...	651	1,22,67,676	18,844

21. It appears from this table that, between 1827 and 1837, the reduction of salaries amounted to about 25 per cent, but that during the last 30 years the reductions which have been made are somewhat less than 8 per cent. The bearing of these reductions on the interests and prospects of the existing Civil Servants must be estimated with reference to the fact that there is not now in the service one Covenanted Civil Servant who was appointed so long ago as the year 1827, and that in the three Presidencies there are only five* of an earlier standing than 1837.

22. On the other hand, it must be remembered that the rules affecting furlough allowances formed a principal element of the arrangements made on the establishment of the Annuity Funds, and are obviously a most important part of the whole advantages afforded by the Government and enjoyed by the service. These rules have, during the same period, been extensively modified in favour of the Civil Service.

23. For 30 years subsequently to the establishment of the Annuity Funds, the law precluded the retention of office by Civilians coming to this country on leave. It the year 1853, by section 32 of the Act 16 and 17 Vict., Cap. 95, the restriction as to the retention of office was removed, and in 1855 rules were passed under which Civil Servants were allowed to take sick leave to Europe with retention of appointment and half salary (limited to 1,000% as a maximum) for a

period not exceeding two years, as well as leave on private affairs for six months, also with retention of appointment and half salary, which might be repeated after six years' service. On a reconsideration of the subject in the year 1864, the total period during which a Civil Servant was allowed to be absent in Europe without forfeiting his appointment was limited to 2½ years on medical certificate and six months on urgent private affairs. More recently, the Government of India considered it desirable that the Absentee Rules should be again revised, and they submitted a Code of Rules, which was, with some alterations, sanctioned by the Secretary of State in Council on the 13th March 1868. Under these rules, the total period during which an officer on furlough to Europe can retain his office was extended to six years, with or without the production of a medical certificate. In consequence of these changes, the Civil Absentee Allowances paid in England to Covenanted Servants, which, in the year 1827-28, amounted to 29,619%, and in 1837-38 to 33,811%, were in 1869-70, no less than 123,033%.

24. If the allegation of the Bengal memorialist, that the expenses of living in British India are higher than in Great Britain, be admitted, it cannot be denied that the emoluments of the Covenanted Civil Servants of India exceed in a much greater degree those of any other branch of the public service in this country or in the colonies, and it is apparent that, during the employment of the memorialists, the pecuniary benefits conferred by the Furlough and Absentee Rules have more than compensated for any reduction that has been made in salaries, while, as already shown, the rules applicable to the grant of retiring annuities have been modified greatly to their advantage.

25. Looking at all the facts which I have now reviewed, Her Majesty's Government can come to no other conclusion than that the Civil Servants of India are adequately paid for the duties they perform. It is true, indeed, that the service holds out a smaller number of the larger prizes than existed in the earlier days of the East India Company. It is true also that the price of living has risen considerably in recent years. But it still remains true that, on the whole, there is no other service in the Empire, or probably in the world, which is so liberally dealt with. Indeed, as regards one most important privilege, namely, the time during which Indian appointments can be retained by Civil Servants absent in England, concessions have been made respecting which serious doubts have arisen whether the privileges of leave have not been extended in a degree which is injurious to good government in India and detrimental to the service as a body. But on this subject I shall address you in a separate despatch.

26. There is, however, one rule of the existing system which, without any departure from its general principle and intention, is fairly susceptible of modification in favour of the service. And this modification Her Majesty's Government are all the more disposed to make, because its benefits will accrue mainly to the less fortunate, rather than to the most fortunate members of the service. If, on the one hand, Civil Servants who have served a given time are allowed no more than 1,000% a year, although their subscriptions may have exceeded the value of an annuity of 400%, it would seem, on the other hand to be a correlative arrangement that every Civil Servant who has served the same time should get no less than 1,000% a year, although he may have subscribed for less than 400%. But as the rule now stands, the latter is called upon to pay up the deficit as a fine, and Her Majesty's Government are willing that this fine should be abandoned, and therefore I have now to convey to you their decision that every Civil Servant who has completed 25 years' service and 21 years' residence in India, whether his salary has been large or small, shall, in future be allowed to retire on the full annuity of 1,000%.

27. In regard to Invalid Annuities, Her Majesty's Government cannot consent to any augmentation of the existing scale, but they will not object to the adoption of an annual increase of 20% instead of a quinquennial advance of 100% as at present.

28. As these changes, added to those which had already been made, will render the continuance of the machinery of the Annuity Funds entirely unnecessary, measures should be taken for their abolition; but it is of course to be understood that the four per cent. deduction from salaries is to be continued.

29. The changes authorised by this despatch may take effect from the 24th June 1870, the date of your Financial letter No. 155.

THE EAST INDIA ANNUITY FUNDS ACT, 1874.

(37 & 38 VICT., C. 12.)

An Act to make provision for the transfer of the Assets and Liabilities of the Bengal and Madras Civil Service Annuity Funds, and the Annuity Branch of the Bombay Civil Fund, to the Secretary of State for India in Council.

(8th June 1874.)

(Preamble.)

1. (Rep. as to U. K., 56 and 57 Vict., c. 14 (S. L. R.), No. 2. Omitted as being obsolete).

2. * * * * All existing liabilities of the said Funds shall be deemed to be liabilities of the revenues of India, and all such liabilities may be enforced against the Secretary of State for India in Council in like manner as they might have been enforced against the trustees of the said Funds if this Act had not been passed, and every civil servant who shall at the date of such notification be an incumbent of an annuity from any of the said Civil Annuity Funds, or from any earlier fund the assets and liabilities of which shall have been transferred as aforesaid, shall be entitled to receive from time to time the amount of such annuity from the revenues of India : and every covenanted civil servant who shall be a subscriber to any of the said Civil Annuity Funds at or after the date of such notification shall be entitled on retirement to the benefits granted by the despatch of the Secretary of State in Council to the Government of India, dated the tenth of February one thousand eight hundred and seventy-one ; namely,

If he shall have completed twenty-five years' service and 21 years' residence in India a full annuity of one thousand pounds payable in England, or Company's rupees ten thousand six hundred and sixty-six ten annas and eight pies payable in Bengal, or Company's rupees ten thousand six hundred and fifty payable in Madras or Bombay :

And if he shall be compelled to resign the service on account of ill-health, clearly proved by medical certificate,

If under five years' service, a grant of five hundred pounds ;

If of five years' service and under six, an invalid annuity of one hundred and fifty pounds ;

If of six years' service and under seven, an invalid annuity of one hundred and seventy pounds ;

and so on, an increase of twenty pounds being made to the annuity for each year's service, the highest invalid annuity being four hundred and fifty pounds for a service of twenty years.

3. Provided, that nothing in this Act contained shall prejudice any claim which may be made by any subscriber to the said Civil Service Annuity Funds, or by the representatives of any such subscriber, upon the funds so transferred ; and in case any question shall arise between any such subscriber or the representatives of any deceased subscriber on the one hand, and the Secretary of State for India in Council on the other, as to any liability or alleged liability of the said funds, such question shall be determined by the Court of Appeal appointed by the Judicature Act, 1873, in such manner as may be provided by any general orders, or as the said court may, on special application, think fit to prescribe, anything in the Statute of Limitations to the contrary notwithstanding.

No. 235.
GOVERNMENT OF INDIA.
FINANCE AND COMMERCE DEPARTMENT.
PENSIONS AND GRATUITIES.

To

THE RIGHT HON'BLE ST. JOHN BRODRICK,
His Majesty's Secretary of State for India.

Simla, the 30th June 1904.

SIR,

WE have the honour to refer to your predecessor's despatch No. 163 (Financial), dated the 18th September 1903, forwarding a copy of a petition from Mrs. Wolfe-Murray, wife of Mr. F. D'A. O. Wolfe-Murray, I.C.S., (retired), in which she prays that, in view of the very small amount by which the active service rendered by her husband fell short of the period qualifying for a full annuity of £1,000, a substantial addition may be made to her husband's invalid annuity of £450.

2. Lord George Hamilton stated, that he had been advised that it is very doubtful whether the Statute 37 Vict., Cap. 12, can properly be regarded as preventing the Secretary of State in Council from exercising his discretion as to the annuity to be granted in special cases. His Lordship was, however, very unwilling to sanction the grant of an annuity to a retired member of the Indian Civil Service in excess of the scale laid down in articles 561 and 564 of the Civil Service Regulations, unless the grounds for such a concession were exceedingly strong. He therefore desired to be informed whether, in the opinion of the Government of India, the claim of Mr. Wolfe-Murray was so exceptional as to justify the grant to him of a higher annuity than that which is admissible under the rules.

3. Lord Curzon's Government consulted the Government of Madras as to the claims of Mr. Wolfe-Murray, and we enclose a copy of their reply to the reference. You will see that the Governor-in-Council, having carefully reviewed the history of Mr. Wolfe-Murray's service and the circumstances of his case, is unable to find any reasons which would justify the grant of the special concession for which Mrs. Wolfe-Murray prays. We agree in this conclusion of His Excellency in Council.

4. While, however, we are of opinion that Mr. Wolfe-Murray's case does not present any feature which would justify an exception being made to the existing

rules, it has led us to take into our consideration the question whether these rules are in themselves reasonable and suitable. The case of Mr. Wolfe-Murray is by no means the only one of its kind which has been brought to the notice of the Government. We may recall, for instance, that of Mr. Allen who retired on medical certificate in February 1899 and was granted an annuity of £450 in place of the annuity of £1,000 to which he would have been entitled had he been able to serve in India for another 14 months. Mrs. Allen presented an application that her husband's pension might be increased; Lord Curzon's Government were unable to recommend that the rule should be infringed, and Lord George Hamilton accepted this view. But although the Government of India have felt themselves precluded from recommending exceptions in favour of particular officers, yet the hardship of these cases could not fail to impress itself upon them. The difference between the annuity of £1,000 for which an officer is eligible after twenty-five years' total and twenty-one years' active service, and the annuity of £450, which is all that he may be granted if his active service falls short by ever so small a period of either of these terms, is so great that acute feelings of disappointment and distress cannot fail to be aroused on every occasion when ill-health forces an officer to retire when he is within a short distance of completing his qualifying service.

5. A forcible representation on this subject was made by the Indian Civil Service Association of Bengal in March 1901. The Association urged that it is the inevitable result of a ruling which penalises a small deficiency of service by a wholly disproportionate reduction of pension that officers whose health has completely broken down struggle to the utmost to complete their full term of service, and they stated that some officers had been led to sacrifice their last chance of recovery in the vain attempt to avoid the loss of pension which the rule imposes. They instanced the case of the late Sir Edward Symes. The Government of Bengal supported the proposal of the Association that the scale of invalid pensions should be revised, but Lord Curzon's Government did not feel themselves able to recommend it to your predecessor. They pointed out that Her late Majesty's Secretary of State had, in the year 1871, declined to approve of a scheme for the augmentation of invalid annuities, and they did not consider that the circumstances had materially altered or that the representation disclosed new arguments which might be urged in its support. A copy of the correspondence is forwarded for your information.

6. We do not, however, on reconsideration, think that the decision of 1871 need preclude us from reopening the question if the scale of invalid pension is in fact unsuitable and the cause of hardship and of administrative inconvenience. And as we are very strongly of opinion that this is the case, we propose to resubmit the matter for your consideration. The points on which we would lay special stress are, *first*, that great hardship is occasioned whenever an officer is forced by ill health to retire shortly before he can earn a full pension, and, *secondly*, that a rule which compels an officer to struggle to complete his qualifying period in spite of failing health is incompatible with modern standards of efficiency. It cannot be to the advantage of the State to offer strong inducements to a broken down officer to remain in the service for the sake of securing his full pension.

7. The scale of pensions proposed by the Indian Civil Service Association is stated in paragraph 7 of their letter. We consider that their proposals are unduly

liberal, since they would give an invalid officer a full proportionate pension and would thus practically relieve him from any loss on account of his breakdown. Having given the subject our careful consideration, we would recommend the following scale in lieu of that contained in article 564 of the Civil Service Regulations :—

- (1) For less than 5 years' service—A gratuity of £500.
- (2) For 5 years' service or more up to 9 years—An annuity of £150 *plus* £30 for each complete year of service in excess of 5.
- (3) For 9 years' service or more up to 19 years—An annuity of £270 *plus* £35 for each complete year of service in excess of 9.
- (4) For 19 years' service or more—An annuity of £620 *plus* £40 for each complete year of service in excess of 19; provided that the whole annuity shall not exceed £750.

8. The following table compares the effect of our proposals with that of the existing scale, and with that of the scale proposed by the Indian Civil Service Association :—

Years of service.	Amount of annuity admissible under the existing rules.	Amount of annuity admissible under the rules proposed by the Association.	Amount of annuity admissible under the rules now proposed.
	£	£	£
Less than 5 years	Gratuity of 500	Gratuity of 500	Gratuity of 500
5 years	Annuity of 150	Annuity of 150	Annuity of 150
6 "	" 170	" 180	" 180
7 "	" 190	" 210	" 210
8 "	" 210	" 240	" 240
9 "	" 230	" 270	" 270
10 "	" 250	" 310	" 305
11 "	" 270	" 350	" 340
12 "	" 290	" 390	" 375
13 "	" 310	" 430	" 410
14 "	" 330	" 470	" 445
15 "	" 350	" 510	" 480
16 "	" 370	" 550	" 515
17 "	" 390	" 590	" 550
18 "	" 410	" 630	" 585
19 "	" 430	" 670	" 620
20 "	" 450	" 715	" 660
21 "	" 450	" 780	" 700
22 "	" 450	" 835	" 740
23 "	" 450	" 890	" 750
24 "	" 450	" 945	" 750

The amount of the invalid annuity becomes, as the officer advances in the service, considerably less than a full proportionate pension; but he is permitted to rise to a limit of £750 and the undue and mischievous disparity between the

4
maximum invalid pension and the ordinary pension admissible for full service is thus removed.

9. The cost of the proposals made in this despatch may be worked out as follows. It appears from the India Office List of 1904 that there are 61 invalid annuities now outstanding of which the oldest dates back to 1860. This gives a rate of less than $1\frac{1}{2}$ a year. The average amount of the seven annuities granted during the last five years is £344 a year, and the average of these annuities if the scale now proposed had been in force would have been £513 a year, or an increase of £169 a year. The average increase of annual expenditure would therefore be at first about £250, and this would continue to increase year by year for about 43 to 44 years, and would then reach its maximum of about £10,000 a year.

10. We do not think that this moderate and gradual increase of expenditure is too heavy a price to pay for the advantages of the scheme which we submit for your favourable consideration.

We have the honour to be,

SIR,

Your most obedient humble, Servants,

(Signed) AMPTHILL.

" KITCHENER.

" E. FG. LAW.

" E. R. ELLES.

" A. T. ARUNDEL.

" DENZIL IBBETSON.

" H. E. RICHARDS.

INDIA OFFICE, LONDON,

28th October 1904.

Financial,

No. 148.

To His Excellency the Right Honourable the Governor General of India in Council.

MY LORD,

I have considered in Council your letter No. 235 (Finance and Commerce), dated the 30th June last, in which, while you express the opinion that the case of Mr. F. D'A. O. Wolfe-Murray, I.C.S., (retired) does not present any feature which would justify an exception being made to the existing rules governing the admission of members of the Indian Civil Service to invalid annuities, you raise the question whether those rules are in themselves reasonable and suitable.

2. I concur in the opinion expressed by your Government on the case of Mr. Wolfe-Murray, and forward for your information a copy of further correspondence* with Mrs. Wolfe-Murray regarding her application for special treatment on account of the circumstances of her husband's retirement from the Indian Civil Service.

* From Mrs. Wolfe-Murray, dated 9th May 1904.
To Mrs. Wolfe-Murray, dated 30th June 1904.
To ditto, dated 27th October 1904.

3. With regard to the general question of the amount of invalid annuities in the Indian Civil Service, I fully realise the force of the considerations stated in the sixth paragraph of your letter, and agree that it is desirable to amend the existing scale.

4. I am not, however, satisfied that any enhancement of the present amounts is necessary in the case of officers who retire on grounds of ill-health during the first 12 years of service. The cases of hardship which have from time to time occurred under the rules are, as you point out, those in which an officer is forced to retire shortly before he has qualified for a full pension. I do not find in the correspondence which followed the application made by the Indian Civil Service Association in 1901 any grounds for considering that the existing invalid annuities are really inadequate in the earlier stages of service. In any case I agree that the scale of annuities suggested by the Association is unduly costly to the State. With regard to the scale now proposed by your Government, I observe that the maximum invalid annuity would be earned by 23 years' total service. I prefer to graduate the scale up to a maximum to be earned by 25 years' total service, since the cases of greatest hardship are not infrequently those in which an officer is forced to retire after 25 years' total service without having fulfilled the condition of 21 years' active service necessary to earn the full annuity of 1,000l.

5. Further, I consider that it will be sufficient to fix the maximum of the invalid annuities at 700l. instead of 750l. as proposed by your Government. The ninth paragraph of your letter under acknowledgment presents an estimate of the cost of your proposals, based on the average rate of retirement of Indian Civil Service officers on invalid annuities in recent years coupled with the assumption that that rate would remain unaffected by the altered scale of invalid annuities. But in any attempt to forecast the probable financial effects of the proposed change it cannot be overlooked that an enhancement of the scale will tend to encourage the retirement on invalid annuity of officers who, under present rules, would make an effort to qualify for the full annuity.

6. These considerations have led me to prefer to the scale suggested in your letter one arranged as follows: For less than five years' service, a gratuity of 500l.; for five years' completed service, an annuity of 150l., rising (as at present) by 20l. for each additional year up to 12; for 12 years' service, an annuity of 290l., rising by 30l. for each additional year up to 23; for 23 years' service, an annuity of 620l.; for 24 years' 660l.; and for 25 years' (of which less than 21 have been active service), 700l.

7. The effect of this scale is to enhance appreciably the annuities earned by service of more than 12 and less than 20 years, and very considerably those earned by service of more than 20 years.

8. I request, therefore, that if on further consideration you concur in the adequacy of this modification of your proposals, you will cause the present rules to be amended accordingly.

9. I do not consider it desirable to give retrospective effect to the introduction of the amended scale.

I have the honour to be,

MY LORD,

Your Lordship's most obedient, humble Servant,

ST. JOHN BRODRICK.

No. 77.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

ESTABLISHMENTS.

Calcutta, the 21st January 1905.

RESOLUTION.

THE Government of India have had under their consideration the question of the suitability of the existing rules governing the admission of members of the Indian Civil Service to invalid annuities. Under article 561 of the Civil Service Regulations, a member of the Indian Civil Service who has been twenty-five years in the service and who has rendered twenty-one years' active service is entitled on his resignation of the service being accepted to an annuity of £1,000. An officer who is declared by a medical certificate to be incapacitated for further service and is therefore permitted to resign the service before he is entitled to such an annuity, is entitled under article 564 of the Regulations to a gratuity or annuity calculated as follows:—

(i) if he has been in the service for less than five years—a gratuity of £500.

(ii) if he has been in the service for five years or more—an annuity of £150 plus £20 for each complete year of service in excess of five; provided that the whole annuity shall not exceed £450.

2. The Governor General in Council considered that the difference between the annuity of £1,000 for which an officer is eligible after twenty-five years' total and twenty-one years' active service, and the maximum annuity of £450 to which he can look if his service falls short by ever so small a period of either of these terms, was so great that acute feelings of disappointment and distress were naturally aroused on every occasion when ill-health forced an officer to retire when he was within a short distance of completing his qualifying service. His Excellency in Council recognized that as a consequence of this disproportionate difference between the two amounts officers whose health had completely broken down were sometimes led to struggle to the utmost to complete their full term of service to the serious detriment of their health. Moreover in the interests of the public business it appeared to the Government of India eminently undesirable that a strong inducement should be offered to officers of impaired physique to remain in the service for the sake of securing their full pension.

3. The Government of India accordingly made proposals to His Majesty's Government with the view of removing what they regarded as a reproach upon the administration and they are now pleased in accordance with the orders received from the Secretary of State, to lay down the following revised scale of invalid gratuities and annuities in lieu of that contained in article 564 of the Civil Service Regulations. In future an officer incapacitated within the term of that article will be entitled to receive:—

(i) for less than five years' service—a gratuity of £500;

(ii) for five years' completed service—an annuity of £150, rising by £20 for each additional year up to twelve;

(iii) for twelve years' service—an annuity of £290, rising by £30 for each additional year up to twenty-three;

(iv) for twenty-three years' service—an annuity of £620;

(v) for twenty-four years' service—an annuity of £660;

(vi) for twenty-five years' service (of which less than twenty-one have been active service)—an annuity of £700.

The effect of these orders is to enhance appreciably the annuities earned by service of more than twelve or less than twenty years, and very considerably those earned by service of more than twenty years. It is not intended to give retrospective effect to the introduction of the amended scale. The Governor General in Council trusts that these orders will obviate the occurrence of all such cases of hardship as have occasionally resulted in the past.

H. H. RISLEY,

Secretary to the Government of India.

India Office,

London, 27th April 1899.

Judicial,

No. 18.

To His Excellency the Right Honourable the Governor General of India in Council.

MY LORD,

I have considered in Council the letter of Your Excellency's predecessor, No. 227 (Finance and Commerce), dated the 4th August last, in which your Government bring to my notice certain representations which have been made regarding the necessity for taking measures to improve the position of the Judges of the several High Courts in India, and for removing certain grievances which are alleged to impair the efficiency of the Judicial Service in Bengal. The correspondence on the first of these two subjects relates immediately to the High Court at Calcutta, and among the enclosures of the letter there are no communications from other Governments in whose territories High Courts exist, showing whether similar measures are required there; but it is recognised, in paragraph 7 of the letter, that any proposals for a change in the present rules regulating pay, pensions, and leave in the case of the Calcutta Court could not be carried out for that Court alone, and that it is therefore necessary to treat the case as affecting all the High Courts in India.

2. Your Government are of opinion that, although it must be admitted that, owing to the depreciation of the rupee and the increase in the cost of living in India, especially in Presidency towns, which have occurred since the present salaries were fixed, the attractions offered by a puisne judgeship in a High Court have been diminished to a serious extent, there is no ground for considering the enhancement of the pay of Puisne Judges who belong to the Indian Civil Service, or of Native Puisne Judges, to be necessary or desirable. You think, however, that in the case of Judges drawn from the Bar in England and India there are strong arguments in favour of raising the salary. But in the case of the Indian Bar, you believe that no change in the rate of pay which you could reasonably contemplate would have the effect of rendering a seat in a High Court attractive to a barrister of eminence, and you do not, therefore, propose any. To increase the pay in the case of appointments made only from home would, you consider, be open to objection because a differentiation of salaries might give rise to the opinion that one class of Puisne Judges was superior or inferior to another. You propose, therefore, to secure that increase of the attractiveness of a seat in a High Court to members of the Bar in the United Kingdom which you hold to be necessary by means of a modification of the pension and leave rules. In the case of the modifications proposed in the pension rules, you think that they should be strictly limited to Judges recruited from the Bar in the United Kingdom, while the changes in the leave rules which you advocate are apparently intended to be of general application. While not proposing any limitation of tenure in the case of Barrister or Native Judges, you think that all Civilian Judges appointed in the future should be made subject to a rule that a Judge, like any other member of the Indian Civil Service except Lieutenant-Governors and members of Council, must retire at the end of 35 years' service, or, if he has not completed five years as a permanent Judge of the High Court by that time, then on the completion of five years from the date of his permanent appointment to the Court; and you recommend that, if it is considered that Parliamentary legislation is required in order to give effect to this reform, such legislation should be undertaken.

3. I have given these recommendations that careful consideration which the importance of the subject demands. There can be no question that the Government in India is vitally interested in securing for the bench of the highest Courts in the country the best possible standard of professional ability, vigour, and intellectual capacity in the Judges; and I agree with Your Excellency's Government that, in consequence of the causes to which you have referred, it has of recent years become increasingly difficult to induce men of the necessary qualifications in this country to accept a seat in the Courts. I also entirely agree that, for the reason stated by Lord Hartington in his Despatch No. 24, of the 3rd August 1882, it is not possible to make a distinction between the Puisne Judges of the different High Courts in India, and that any increased advantages, which it may be thought necessary to grant, should be applicable to all alike.

4. I am not, however, able to accept the proposal that differential treatment should be applied to Judges of the High Courts according as they are recruited from the Bar of the United Kingdom on the one hand, and from the Civil Service, the Indian or Native Bar, or the Provincial Judicial Service on the other. It appears to me that any such difference would lead to a feeling of dissatisfaction among those who are placed in an inferior position, and thus tend to disturb the harmony of the Courts, besides being inconsistent with the decision given, in paragraph 35 of his Despatch No. 104, dated the 12th September 1889, by Lord Cross in announcing the conclusions of Her Majesty's Government upon the Report of the Public Service Commission. With reference to the Indian Bar in particular, in regard to what is said in paragraph 17 of the letter under reply, I must remind Your Excellency that two Chief Justices have recently been drawn from that source, and that any refusal of equal advantages with those offered to their fellow barristers who have practised at home would probably be much resented by barristers in India. Nor does it seem to me that any distinction should be made in the case of Civilian Judges. All alike perform the same functions and hold office under Her Majesty's Patent; and any difference of treatment would, in my opinion, be likely to prejudice the smooth working of the Courts. For these reasons I consider that one set of rules should be applicable to all Judges of the Courts, whether in respect of pay, pension, age of retirement, leave privileges.

5. I recognise the force of the arguments used in paragraphs 6 to 9 of your letter against any general increase in the salaries of Puisne Judges. Except in Calcutta their salary has always been Rs. 45,000 a year, as at present. But the reduction made in Calcutta in 1881 from Rs. 50,000 to the lower figure has undoubtedly created a feeling of dissatisfaction in that, by far the largest Court; and the salaries as now fixed compare unfavourably with those drawn by Members of the Board of Revenue at Calcutta and Secretaries to the Government of India, which are Rs. 48,000 a year. The raising of the salaries of the Puisne Judges generally from Rs. 3,750 to Rs. 4,000 a month seems therefore to me a desirable measure, as tending to remove inequalities which have an invidious appearance between offices of like importance and dignity in the judicial and in the executive line, respectively, and in some degree compensating for the greater expensiveness of living which is generally admitted to have been a marked feature of recent years in the Presidency towns. I have accordingly decided that, from the commencement of the financial year 1899-1900, the salary of a Puisne Judge of a High Court in India shall be Rs. 4,000 a month.

6. I notice that in his memorandum forwarded with your letter Mr. M. D. Chalmers suggests a substantial increase in the outfit allowance given to Judges appointed in England. The question is not referred to in the letter, and I do not at present see any reason for reconsidering the existing scale of outfit allowances, which applies to many other officers besides Judges, and was the result of much deliberation.

7. In paragraph 29 of the letter it is recommended that in the case of Civilian Judges of the High Court the 4 per cent deduction for annuity at present levied be in future foregone. I regret that I am unable to accede to this recommendation. The deduction is one of the conditions of an Indian Civilian's covenant, and it is in virtue of his position under the covenant as a

member of the Indian Civil Service that he obtains a seat in the Court. I do not consider that liability to this form of insurance creates any such distinction between a Civilian and a non-Civilian Puisne Judge as to call for special orders relieving the former from an obligation to which all other members of his service are subject.

8. I have carefully considered the proposal made in your 20th paragraph that Civilian Judges should be compulsorily retired after 35 years' service, or, if they have not then completed five years' service in the Court, after the completion of that period. It appears to me, for the reasons before stated, that it would create an undesirable inequality between different Judges in the conditions of tenure of appointment if such a rule were made for Civilians alone. I recognise, however, the force of the arguments adduced in favour of the change, and I think that the result desired may be attained in another way. It seemed to me that a rule prescribing retirement at a fixed age, applicable to Civilian and to other Judges alike, would be likely to have a good result in promoting the efficiency of the Judicial Bench; and I have ascertained that it will be sufficient if notice is given to a Judge on accepting the appointment that he is expected to resign on attaining the age of 60. I enclose a copy of a Resolution in Council to this effect which has been recorded in this office, and will be communicated to any person to whom an offer of a judgeship is in future made in this country. It will be for Your Excellency's Government to arrange that a similar communication is made officially to any person in India selected for the High Court Bench before he accepts office, and that an acceptance of the condition stated in it is obtained and duly recorded. As the average age at which Civilians now enter the service is 24*, 35 years' service brings an officer to 59. I do not think it would be expedient, in the case of high judicial officer, like a Judge of the High Court, to admit the possibility of making an exception to the rule of retirement on attaining the age limit, and it should therefore be understood that no relaxation of the rules is practicable.

*Vide Home Department letter No. 86, dated 10th November 1898, paragraph 9.

9. Turning now to the proposals made as regards pensions, I understand that your Government are of opinion that the extension in 1891 of the time required to be served for full pension from 11½ to 14½ years has not worked satisfactorily, and that the most desirable course would be to revert to the former term and the other conditions as they stood before that date. It is said that "the increase in the term which must be served before the maximum pension can be earned is regarded by the Judges as one of the most serious of their grievances," and that you "have been forced to the conclusion that a modification of the pension rules is very necessary if the position of a High Court Judge is to continue to be attractive to a member of the English Bar." In these circumstances the proposal, put forward in your 16th paragraph, to retain the present term of service for the maximum pension, but to give somewhat better graduated pensions at earlier dates, is, I assume, suggested only in order to avoid the appearance of reversing a decision deliberately arrived at eight years ago. After the fullest consideration of this part of the subject, I have come to the conclusion that the system of graduated pensions, advancing by substantial amounts after short additional terms of service, is, upon the whole, open to objection, as likely to afford an inducement to a man whose health and powers are failing to remain at his post longer than is either safe or expedient. I think it best, therefore, to return to the conditions as they stood before the change of 1891, any Judge now on the Bench being allowed the option, if he desires it, of adhering to the rules then introduced. Accordingly, except in cases where this option is exercised, graduation will disappear, the old period of 11½ years' service for maximum pension will be reverted to, and the only pension claimable for a shorter term will be the half pension obtainable on medical certificate after 6½ years' service.

10. In paragraph 18 of the letter you suggest for my consideration a proposal that, in the case of barristers appointed from England, who may shortly after their arrival desire, either for climatic or other reasons, to resign their appointments, a lump sum should be fixed which would enable them to return to England without loss before they become eligible for a pension on medical

certificate. It does not appear to me that such an arrangement would be expedient; it is not desirable that a person who, after due deliberation, has accepted an important post in India should have facilities offered him for reconsidering his decision.

11. The remaining proposals affecting Judges of the High Court relate to privilege leave and the combination of the annual vacation therewith and with furlough. It is urged that as regards privilege leave, the rules advocated by Lord Lytton's Government in 1877, and embodied in Clause 18 of Article 600 of the Civil Service Regulations (which now apply only to one Judge, Sir H. T. Prinsep, of the Calcutta Court), should be substituted for those contained in Clause 16 of the same Article, on the understanding that not more than two months' vacation may be combined with privilege leave. I have carefully considered this proposal, but regret that I am unable to accept it. In the first place, it appears to me that so long as the very necessary condition is maintained that privilege leave can only be granted to a Judge of the High Court "subject to the exigencies of the public service"—that is, if the state of the Court's work permits of its being granted without making necessary the appointment of an officiating Judge, any concession of the kind suggested would be rather illusory than real; for it is evident that such leave could very seldom be obtained. And in the second, I have reason to think that the Judges would regard a condition which compelled them to restrict the present annual vacation to a bare two months with much dissatisfaction. The recess as at present fixed in most of the High Courts admits of a short visit to England every year for all except the Vacation Judge; if it were cut down to two months, this privilege would no longer be available, and the period of relaxation of all the Judges except those who take the vacation duty would be curtailed in order to admit of one or two Judges in a year combining privilege leave with vacation. It seems to me that the present rules, which have now been in force for nearly twenty years, since which time every Judge now on the Bench except one has been appointed, are sufficiently liberal, and do not call for amendment.

12. Nor am I able to recognise the expediency of the proposal made in the 24th paragraph of the letter, to alter the present rule (No. 24 of Article 600 of the Civil Service Regulations), which debars a Judge whose furlough extends into the vacation from drawing full pay before he returns to India. It appears to me that to apply to the annual vacation, extending for more than two months, the rule applicable to other authorised casual holidays would be such a substantial advantage that, if it were granted, every Judge who proposed to take furlough would, if possible, time his leave so as to include the vacation therein. This would probably lead to more frequent furloughs being taken and thus to increase expenditure, while it might cause considerable difficulty in supplying the place of the absent Judges. The proposal is also combined with the condition that the vacation should be cut down to two months, on which I have commented in the preceding paragraph. It seems to me that there is nothing unreasonable in the present rule, which was determined upon after very careful deliberation, and I trust that further reflection will remove any feeling of dissatisfaction which may be felt by individual members of the Calcutta Court in regard to it.

13. This completes the consideration of the proposals made in the letter under reply so far as they relate to the Judges of the High Courts; and I forward, for Your Excellency's information and for communication to the Courts, a copy of the Statutory Rules made under the Act 34 and 25 Vict, c. 104, s. 6, as revised in accordance with the decisions conveyed in this despatch.

14. Turning now to the alleged grievances of the Judicial Service in Bengal, I recognise, with Your Excellency's Government, the importance of removing any ground of dissatisfaction which may interfere with the selection of that line of service by competent men. The rule which I have approved for requiring Civilian equally with other Judges of the High Courts to retire on attaining the age of 60 years (which, as above pointed out, is nearly equivalent to compulsory retirement after 35 years' service) will remove one of the grievances on which much stress is laid in the correspondence. The others relate

chiefly to leave privileges, and in regard to these I authorize Your Excellency to give effect to the proposals made in the 26th paragraph of the letter, so as to remove, as far as possible, the obstacles at present interposed to the enjoyment by District and Sessions Judges of the usual Civil Court vacation, and to provide that its incidence shall not affect the grant of regular leave. The conditions which you propose—including that which requires that the arrangements made shall involve no additional expenditure—are suitable and have my approval.

15. In the 30th paragraph of your Government's letter, my sanction is asked to a redistribution of the grades and salaries of the District and Sessions Judges in Bengal so as to provide a more suitable gradation for the Judicial Service. You propose to consult the Lieutenant-Governor on the grading which you think desirable, and ask my authority, if it or any other similar scheme approves itself to you and the Bengal Government and can be carried out without increase of expenditure, to bring it into effect. I have no objection to this course; should any increase of expenditure be found necessary, the proposals will doubtless be submitted for my specific approval.

16. In the 27th paragraph of the letter the question is raised whether the concessions in regard to vacation recommended by you for Judges of the High Court and District and Sessions Judges should not be extended to other officers serving in Departments in which regular recesses are recognized. So far as regards the High Courts, you will have learnt from the preceding paragraphs of this Despatch that I have not been able to accept the proposals of the letter; and the grievances of the District and Sessions Judges, for which I have agreed that a remedy is required, appear to me to be of a special character and not such as should be assumed, without further evidence, to exist in the case of the other Departments referred to. It is not indeed stated in the letter what these Departments precisely are; but it is presumed from Article 306 of the Civil Service Regulations that they are the Judges of the subordinate Civil Courts and Courts of Small Causes, the teaching staff of Government colleges and schools where a vacation is allowed, and the officers of the High Courts. The conditions applicable to these officers are widely diverse, and as at present advised I am unable to admit that it is necessary to grant them the concessions recommended.

INDIA OFFICE, LONDON,

16th November 1906.

Judicial,

No. 75.

To His Excellency the Right Honourable the Governor General of India in Council.

MY LORD,

I have considered in Council the letter of Your Excellency's Government in the Finance Department, No. 337, dated the 20th September last, with which you submit an application from Mr. J. Pratt, lately a Civilian Judge of the Calcutta High Court, requesting that he may be granted a pension in respect of his service of seven years in that Court, in addition to the ordinary annuity of 1,000l. a year which he has earned as a member of the Indian Civil Service. You review the course of policy in respect of the service for pension of Judges of the High Courts, the last important settlement of which was contained in Lord George Hamilton's Despatch No. 18, dated the 27th April 1899; and you recommend that, in order to make service in the judicial line more attractive to Indian Civilians, a system of intermediate pensions should be introduced, which, while maintaining the rule of retirement at 60 years of age, will offer some increase over the ordinary Civil Service annuity to Civilian Judges who have to retire before completing the full service for pension of $11\frac{1}{2}$ years. The scale you recommend is an extra pension of 100l. for $6\frac{3}{4}$ years and one of 150l. for $9\frac{1}{4}$ years. As you consider it necessary to apply the same scale to Barrister and Pleader Judges of the Courts, you would grant in their cases pensions of 600l. and 900l. after the same periods of service, which, as I understand your proposal, you would allow to be claimed without insisting on the production of a medical certificate, which is at present necessary, in order to obtain the half pension provided by the rules.

2. It appears to me that Mr. Pratt's claim proceeds on a serious misapprehension of the facts. He states, in paragraph 4 of his letter of the 5th April, that had he been appointed as a Barrister Judge, he would have been entitled, on completion of $6\frac{3}{4}$ years as a High Court Judge, to a pension of 600l. a year. I need hardly point out that this is incorrect. Mr. Pratt did not retire by reason of ill-health, which is a necessary condition for the grant of a pension for less than the full term of service, but because he had attained the age of 60. He accepted, on appointment to the Court, the obligation of retiring at that age, and he is not entitled to complain that he has not during his term of service been fully aware of the condition on which he held office.

3. As regards the attractions offered by the judicial as compared with the executive line of the service, I observe that when Mr. Pratt elected for the former there were, exclusive of the Lieutenant-Governor, only two appointments in the province tenable by Civilians on the executive side carrying a salary equal to that of a Civilian High Court Judge, while there cannot be less than five such Judges in the Court. In 1900* a grade of District and Sessions Judges on Rs. 3,000 a month was introduced, expressly with the object of placing the prospects of the judicial line in Bengal on a level with those of the executive branch. Previous to 1899, as Your Excellency is aware, there was no rule requiring a Civilian Judge who had attained the age of 60 to retire; and the consequence was that Judges remained on the bench, and blocked the promotion of their juniors, for an indefinite time. Under the present conditions, when those Judges who were appointed previous to 1899 (of whom in

Judl. A., June 1900, Nos. 175-176.

* See Lord George Hamilton's Despatch No. 16 (Judicial) of the 17th May 1900.

578

2

Bengal only one remains) have retired, it is probable that many more Civilians than formerly will have the prospect of attaining to a Judgeship; and even if the majority of them do not serve long enough to earn the full pension of 1,200l., they will be able to retain their office up to the age of 60, whereas Civilians in the executive line would generally be retired somewhat earlier. At all events they will be in no worse position than their colleagues in the executive line, who have filled the most important posts in the Indian Empire. Indeed, I observe that in all the previous discussions of the question it appears to have been generally considered unnecessary that Civilian Judges of the High Courts should receive a higher pension than that open to Lieutenant-Governors and Members of the Indian Executive Councils.

4. For these reasons I am unwilling to re-open the settlement arrived at in 1899, and to introduce again the system of graduated pensions which was in that year deliberately, and after very full consideration, abandoned.

Judl. A., June 1899, Nos. 391-398.

I have the honour to be,

MY LORD,

Your Lordship's most obedient, humble Servant,

JOHN MORLEY.

579

Extract paragraphs 1, 8 and 10 from a despatch to the Secretary of State, No. 16, dated the 5th February 1903.

MY LORD,

We have the honour to address Your Lordship with reference to two subjects which have for some time past engaged our consideration, namely, the rate of emoluments drawn by certain high officials in India, and the pensionary allowances of officers who retire after having filled the responsible position of Lieutenant-Governor of a Province.

8. Turning now to the question of the pensionary allowances which can be drawn by a Lieutenant-Governor on his retirement, we venture to urge that, quite apart from the fact that an officer who retires after from 35 to 40 years' service and after holding the highest appointments in the service, not infrequently contributes in subscriptions the full actuarial value of his pension, it does not seem right that the four picked men of the Civil Service for the time being, who have served with distinction for many years, and who retire from a conspicuous position of the very greatest responsibility, should be rewarded by no higher pension than a man who retires at the end of 25 years' service, often of no special merit, without having risen beyond the charge of a district. Your Lordship is aware that Judicial officers in the High Courts, who retire after a briefer period of not more distinguished service, receive pensions which in some instances may amount to £1,800, and are never less than £1,200. There are, moreover, reasons why an officer who has held the position of Head of a Province is entitled to special consideration in respect of his pension. He cannot, of course, expect in retirement to maintain, or to attempt to maintain, a shadow of the position which he occupied as Head of a Province. But he has, for the last few years of his service, lived surrounded by a certain style and circumstance, and enjoyed emoluments which were advisedly and deliberately fixed with the intention of placing him beyond the reach of petty pecuniary anxieties. To such a man, the sudden return to very restricted means must be especially distasteful.

10. As regards the pensions to be drawn upon retirement by officers who have held the rank of Lieutenant-Governor, we suggest that such an officer should be allowed to draw a special additional pension of £100 for every completed year during which he has held office, subject to a maximum of £500. We think that an officiating tenure of the appointment should be allowed to count if the officer afterwards holds it substantively, but not otherwise, and that this special pension should be suspended if and while an officer, otherwise in receipt of it, is appointed to the Secretary of State's Council and thereby receives an additional income from Indian revenues. We are aware that our proposal involves a consideration of the question whether, having regard to the terms of section 2 of the Statute 37 and 38 Vict., Cap. 12, the pension of any retired Civil Servant can be allowed to exceed £1,000 per annum. As regards this, we would urge that the Statute, if correctly interpreted by us, seems only to affirm the liability of the revenues of India for annuities of that amount consequent upon the transfer of the Civil Annuity Funds to Government, and that there is nothing in it to prevent an enhanced annuity or additional allowances after retirement being paid by Government.

Extract paragraphs 7 and 8 from a despatch from the Secretary of State, No. 91, dated the 14th August 1903.

7. Turning now to your proposal to increase the pension of Lieutenant-Governors, I think it important that the principle which awards to Civil Servants in India a uniform scale of annuity on retirement should be maintained; to make an exception in the case of Lieutenant-Governors would, I apprehend, lead to similar applications on behalf of other high officers which it would be difficult to refuse, and I am not satisfied there is any sufficient reason to think that the absence of an increased annuity will entail difficulty in finding suitable candidates to hold these important posts.

8. For these reasons I regret that I am unable to sanction your proposal.

THE INDIAN CIVIL SERVICE FAMILY PENSION REGULATIONS.

(Revised edition, 1908.)

The following regulations are designed to secure suitable provisions for the widows and orphans of members of the Covenanted Indian Civil Service (except Natives of India) not being subscribers to the Bengal, Madras, or Bombay Civil Funds.

The Secretary of State for India in Council reserves to himself the absolute right to regulate from time to time the contributions to be required from Civil Servants under these regulations, and to make any alterations in the regulations themselves that may appear to him equitable: provided always, that the scale of pensions fixed thereby shall not be reduced in the case of actual incumbents. The Secretary of State in Council will endeavour to adjust the contributions to be levied from officers exactly, so that they shall neither be too large nor too small to supply the pensions provided for by these regulations. But if it should appear on experience that they have been fixed too low, the Government will not require any supplementary retrospective payments; and if they are found to have been fixed too high, no claim to refund will be admitted.

No insurance fund is established by these regulations. The contributions will be credited and the pensions charged directly to the Indian revenues as civil receipts and charges. But in order to adjust the rates of contribution from time to time to what is necessary to supply the pensions provided for by these regulations and no more, a separate *pro forma* account will be kept of all contributions levied and all payments made under these regulations, and of the interest which would have been allowed upon such contributions if a mutual insurance fund had actually been established.

In accordance with the principle announced in this notification, that the Government does not intend that the pensions provided by these regulations shall bring any charge on the Indian revenues in excess of the amount specially sanctioned for the purpose, the rates of interest and of exchange with England, to be allowed in this *pro forma* account, will be the rates which may be fixed from time to time by the Secretary of State in Council, upon a consideration of the market rates of the day.

All needful statistics of ages, births, deaths, and marriages will be carefully registered, and these statistics, with the *pro forma* accounts, will be submitted at such periods as may be determined by the Secretary of State in Council to such actuary or actuaries as he may select, with instructions to investigate and ascertain whether the rates of contribution are such as will, at the rate of interest and exchange then to be reconsidered and refixed, supply the pensions payable under these regulations, and no more. The expense of such actuarial enquiries and reports shall be debited in the *pro forma* accounts reported upon.

Upon the report of the actuary or actuaries the Secretary of State in Council will order any necessary alterations in the rates of contribution.

The report of the actuary or actuaries, with the orders of the Secretary of State in Council thereupon, shall be published in the *Gazette of India*, and no alteration ordered in the rates of contribution will take effect before the beginning of the month following the date of such publication. No retrospective adjustments will be made.

The benefits provided at the cost of the State are shown in the regulations; but should it at any time appear from a valuation that the aggregate liabilities on account of those benefits, when the pension list shall have reached a normal state, will exceed 35,000% per annum, they will be subject to such reduction as may be necessary to restrict the annual assistance to 35,000% per annum, but the reduction shall in no case affect the benefits payable to incumbent annuitants.

Regulations for the provision of pensions for the widows and Orphans of Covenanted Civilians (except Natives of India) in the service of the Government of India.

1. Every covenanted civil servant (except Natives of India), not being entitled to the benefits of any of the late Civil Funds, must as a condition of his appoint-

ment, make the contributions and payments prescribed by these regulations according to his class, whether he is married or unmarried, and with or without children. Subscriptions will commence from the date of arrival in India.

2. For the purposes of these regulations civil servants are classed as follows :—

- Class I.—From 18 years' completed service.
 „ II.—From 15 to 18 years' completed service.
 „ III.—From 12 to 15 years' completed service.
 „ IV.—From 7 to 12 years' completed service.
 „ V.—Up to 7 years' completed service.

3. The pensions provided under these regulations are payable quarterly in advance, on or after 1st January, 1st April, 1st July and 1st October.

4. The amounts of the pensions provided are as follows :—

TABLE I.—*Annual pension to a Widow during Widowhood, according to the Class of her Husband at the time of his death.*

	CLASS OF HUSBAND AT DEATH.				
	I.	II.	III.	IV.	V.
	£	£	£	£	£
Provided by subscribers	300	240	180	140	100
Do. Government	—	60	120	110	150
Total	300	300	300	250	250

Widows retain half pension on re-marriage and revert to full rate on second widowhood. Reduction to the half rate to have effect from the commencement of the quarter following that in which the re-marriage takes place, and the full pension to be restored from the day following the death of the second husband.

TABLE II.—*Annual pensions to the Orphan Children of all Classes alike.*

	From Birth, till age of 6 years.	From age of 6 till age of 12 years.	From age of 12 till age of 21 years for boys, and for girls till marriage.
	£ s. d.	£ s. d.	£ s. d.
Provided by Subscribers	18 15 0	37 10 0	75 0 0
Do. Government	6 5 0	12 10 0	25 0 0
Total	25 0 0	50 0 0	100 0 0

The pensions of motherless orphans at all ages will be made up by the Government to 100l. An orphan in receipt of pension who becomes motherless is entitled to the increased rate, with effect from the day following that of the mother's death.

On marriage, daughters will be granted a donation of 250l. to be provided by the Government.

Annuity holders residing in India may either receive their pensions in Indian currency at the official rate of exchange, or in England in sterling, but having once exercised the option any subsequent change can only be permitted at the commencement of the official year.

5. The pension of a minor orphan will be paid to his or her mother, or other duly appointed or recognised guardian.

Contributions.

6. The contributions for pensions under these regulations, and the pensions of widows, will be regulated by the class of the contributing member. A subscriber cannot secure a higher pension for his widow by contributing as if he belonged to a higher class.

7. Contributions will be deducted from salaries at the time of issue.

8. The circumstance that an officer is not in receipt of pay does not relieve him from the necessity of paying his contributions.

9. *Donations* may be paid in one sum, or in 12 equal monthly instalments. If a donation be paid in instalments, interest on the unpaid portion will be levied at the rate of 4½ per cent. per annum. The balance of any contribution due at an officer's death will be recovered rateably, without interest, from the pensions of his widow and orphans in four quarterly instalments.

10. (Obsolete.)

11. The following are the rates of donations, disparity fines and monthly contributions prescribed for the present.

Table III.—*Donations on entering the service married, on marriage or re-marriage, according to the age of Members.*

Member's age on marriage.	Donation.	Member's age on marriage.	Donation.	Member's age on marriage.	Donation.	Member's age on marriage.	Donation.
	£		£		£		£
21	60	30	92	39	190	48	450
22	62	31	96	40	220	49	470
23	64	32	100	41	260	50	490
24	68	33	105	42	300	51	505
25	72	34	110	43	330	52	520
26	76	35	115	44	360	53	535
27	80	36	125	45	385	54	560
28	84	37	140	46	410	55	580
29	88	38	160	47	435	56	600

Table V.—Monthly contribution by every Subscriber according to his class.

Class.	Years' Service.	By each Married Subscriber.		By each Subscriber who is Unmarried or a Widower.	
		Fixed Sterling Rates.	Reduced temporarily 12½ per cent.	Fixed Sterling Rates.	Reduced temporarily 12½ per cent.
		£ s. d.	£ s. d.	£ s. d.	£ s. d.
V.	0 to 7	1 13 4	1 9 2	1 5 0	1 1 10
IV.	7 to 12	2 16 8	2 9 7	1 15 0	1 10 7
III.	12 to 15	4 6 8	3 15 10	2 12 0	2 5 6
II.	15 to 18	6 16 8	5 19 7	3 12 0	3 3 0
I.	18 and over	9 13 4	8 9 2	...	...
	18 to 23	...	...	4 15 0	4 3 1
	23 to 28	...	...	5 15 0	5 0 7
	28 till retirement	...	...	7 5 0	6 6 10
After retirement, irrespective of Class		4 3 4	3 12 11	2 1 8	1 16 5

Table VI.—For children.

	Fixed Sterling Rates.	Reduced temporarily 12½ per cent.
	£ s. d.	s. d.
For a son	0 11 5	10 0
For a daughter	1 1 3	18 7

The monthly contribution continues in the case of sons until 21 years of age, and for daughters until marriage.

Arrears.

12. Interest at the rate of 4½ per cent. per annum will be charged on arrears. Donations become due from the date of marriage; but interest will not be charged on sums paid within one month from the date on which they become due.

Reports of Marriages, Births and Deaths.

13. A Civil Servant who is married at the date of his admission into the service must report the fact of his marriage* on his arrival in India, and the names and dates of birth of his children, if any have been born to him. A member in the service must report his marriage,* or the birth of a child born in wedlock, or the death of a wife or child within one month of the occurrence, to the Comptroller, India Treasuries, Calcutta, or the Director of Funds, India Office, when an officer is out of India.

* Reports of marriage must be accompanied by certificate copy of the registry, together with the dates of birth of the member and his wife.

DISPARITY OF AGE.

Table IV.—If the age of the husband exceed that of the wife by five years or more, then the marriage donation shall be increased according to the following scale:—

DIFFERENCE OF AGE BETWEEN HUSBAND AND WIFE.																																		
Member's Age.	Up to 5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35			
21	0	1	2																															
22	0	1	2	4																														
23	0	1	2	4	6																													
24	0	1	3	5	8	9																												
25	0	1	3	5	8	10	12																											
26	0	2	4	6	9	11	14	16																										
27	0	2	4	7	10	13	16	19	21																									
28	0	2	5	8	11	15	18	22	25	28																								
29	0	3	6	9	13	17	21	25	29	32	35																							
30	0	3	7	11	16	19	26	31	36	40	47																							
31	0	4	8	13	19	22	31	37	42	47	46	57	61																					
32	0	5	10	16	22	26	36	42	49	55	53	66	71	76																				
33	0	6	12	19	26	31	41	48	55	62	63	77	82	87	92																			
34	0	7	14	22	30	38	46	54	62	70	78	86	93	99	104	108																		
35	0	8	17	27	37	47	57	69	80	89	97	105	111	116	120	123	126																	
36	0	9	21	32	44	58	68	83	98	109	122	124	128	132	136	139	142	146	169															
37	0	11	24	37	50	67	80	98	115	128	142	142	146	149	152	155	159	163	187	192														
38	0	13	28	43	57	76	91	112	133	148	161	161	163	165	168	171	175	180	187	205	211	215												
39	0	15	31	47	61	82	102	127	151	167	175	180	181	182	184	187	191	197	205	230	236	243												
40	0	16	34	51	69	88	108	133	156	173	180	191	195	197	200	203	210	219	235	258	268	271	282											
41	0	17	37	55	74	94	115	138	161	179	191	202	209	212	215	219	229	242	255	261	262	268	271	282										
42	0	19	40	60	80	100	121	144	166	185	200	214	222	228	231	235	249	264	275	280	282	286	292	295	298									
43	0	21	43	64	85	107	128	149	171	191	208	225	236	243	246	253	268	287	305	310	312	317	320	323	326	329	332	335	338	341	344	347	350	
44	0	23	46	68	90	112	134	155	176	197	218	236	250	258	262	272	287	309	325	335	339	342	345	348	351	354	357	360	363	366	369	372	375	
45	0	24	48	72	95	119	142	165	187	209	230	249	264	274	281	292	309	331	349	360	366	371	375	379	384	388	392	395	398	401	404	407	410	
46	0	25	51	76	100	126	151	175	199	222	243	261	278	290	300	313	331	354	372	385	393	399	405	411	416	422	427	432	437	442	447	452	457	
47	0	26	53	79	106	133	159	185	210	234	256	275	292	307	320	335	353	376	396	411	420	428	435	442	449	455	462	469	475	481	487	493	499	
48	0	27	56	83	111	140	168	195	222	247	270	288	306	323	339	356	375	399	419	436	447	456	465	474	481	489	497	505	513	520	527	534	541	
49	0	29	58	87	116	146	176	205	233	259	282	301	320	339	358	377	397	421	443	461	474	485	495	505	514	523	532	541	550	558	567	575	584	
50	0	30	60	91	121	152	183	213	242	269	294	318	340	360	380	398	418	442	467	487	501	513	525	536	547	557	567	578	588	598	608	618	628	
51	0	31	62	94	126	158	190	221	251	280	308	335	359	381	401	419	439	463	491	512	528	541	554	567	579	591	603	615	626	637	647	657	667	
52	0	32	64	97	130	163	197	232	264	294	322	351	375	397	418	440	464	491	518	539	556	571	585	599	612	625	638	650	662	674	686	698	710	
53	0	33	66	100	134	168	204	242	276	308	338	366	390	412	436	461	489	518	544	566	584	600	615	630	644	658	672	685	699	711	724	737	750	
54	0	34	68	103	138	173	211	253	288	322	352	382	406	428	454	482	514	546	561	583	602	618	634	649	664	679	693	707	720	734	748	762	775	
55	0	35	70	106	142	178	218	262	301	336	366	397	421	443	471	503	539	574	577	600	620	638	655	672	688	704	720	735	750	765	780	795	810	
56	0	36	72	109	146	183	225	273	314	350	380	413	437	459	489	524	564	602	594	617	638	659	705	723	740	757	774	790	806	822	838	854	870	

The amounts in this table are in pounds sterling, and are convertible into rupees at the official rate of exchange fixed from time to time.

14. The birth of every child born alive must be reported; but if a child die before it is 30 days old, no payment in respect to it will be required. If the report of birth be not made within one month of the occurrence a fine of 12s. will be imposed, and an additional 2s. will be charged for each succeeding month's delay.

15. If the report of a marriage be not made within one month of the occurrence, the donation payable will be increased $2\frac{1}{2}$ per cent., and interest thereon charged from the date of marriage. After six months' delay the donation will be increased 5 per cent. and interest charged as above.

16. In the event of the report of a marriage or the birth of a child not being made by a subscriber during his lifetime, in accordance with the rules, the widow or child will not be entitled to any benefits.

Posthumous Child.

17. A pension will be granted to a posthumous child without any payment, provided the birth be reported within one month of the occurrence.

Duration of Pensions.

18. If a widow re-marry she will retain half her pension during coverture, but if she again become a widow she will be entitled to revert to full pension as widow of her first husband, or, if her last husband have been a contributor, to receive a pension at her option as his widow. A widow can only receive one pension.

19. The pension of a male orphan is payable until he attains the age of 21 years.

20. The mother or guardian of a male orphan who has completed the age of 16 may, with the sanction of the Secretary of State for India in Council, at any time thereafter (on application as in Forms A, B, and C, annexed to these regulations), have the residue of his pension commuted into a single payment, for the due application of which the mother or guardian will be held responsible.

21. The pension of a female orphan continues until her marriage, and then ceases absolutely. It does not revive on widowhood.

Good Conduct.

22. The pensions provided under these regulations shall in all cases be held during good behavior only, and will be withheld if any pensioner is found to be leading an immoral life, or on proof of any gross misconduct. The order of the Secretary of State for India in Council in any such case shall be final and conclusive.

Alienation of Pension.

23. A pension paid under these regulations may not be transferred or assigned, or in any way alienated from the pensioner to whom or for whose benefit it is payable.

Retired Members.

24. All members who retire from the service on annuities may continue to subscribe at the monthly rates laid down in these regulations.

25. Married annuitants may commute their monthly contribution by a single payment representing the value thereof during the joint lives of husband and wife, and father and child.

26. In the event of the wife dying after the date of commutation, contribution at the unmarried rate must be resumed, or, as an alternative, it may be commuted.

27. An annuitant who has commuted will on remarrying become liable for marriage donation and the difference between the married and unmarried rates of contribution, or the commuted value on the joint lives.

28. Widowers and bachelors may also commute their monthly contribution for life. On each subsequent marriage they will become liable for the donation and difference of contribution laid down in the previous article.

29. Contribution or its commuted value must be paid for all children born to a subscriber after his retirement from the service.

30. An annuitant withdrawing his name from the list of subscribers will forfeit all claim to pension in respect of his widow and children, and will not be entitled to any refund of his payments under these regulations.

Dismissed Members.

31. A subscriber who is dismissed the service by competent authority will cease, *ipso facto*, to be a contributor. He will have no claim to any refund, and his family will not be entitled to any pensions under these regulations.

Certificates.

32. Declarations as to continued widowhood and the survival of children must be furnished quarterly to the Accountant-General, India Office, by whom pensions in Europe are paid under the authority of the Director of Funds, or to the proper office, in India.

APPENDIX.

Note.—In England all reports and applications for pensions must be made to the Director of Funds, India Office, Whitehall, London, S. W.

FORM (A.) of Application for the Commuted Value of the Pension of a Male Orphan over 16 years of age. (See Regulation 20.)

Sir,—I, *A.B.*, being the mother (or guardian) of *C.D.*, son of *E.F.*, late a ...
... in the service of the Government of India, having now an opportunity of
... placing my son (or ward) in a suitable position, request that the commuted value of the
remaining portion of his pension may be granted to me under my guarantee for its proper
application to his use.

The age of my son (or ward) is now ... years ... months, and I
submit herewith a certificate of his health.

FORM (B.)—Medical Certificate to be furnished by Mother or Guardian applying for
commutation of a Male Orphan's Annuity. (See Regulation 20.)

We do hereby certify that we have carefully and personally examined into the state
of the health of *C.D.*, son of the late *E.F.*, and that we consider him free from any disease
likely to prevent his attaining the age of 21 years.

(Sd.) *G. H.* } *M. D.*
(Sd.) *I. K.* }

FORM (C.)—Mother's or Guardian's Receipt for Commuted Value of a Male Orphan's
Annuity. (See Regulation 20.)

I, *A.B.*, mother (or guardian) of *C.D.*, son of the late *E.F.*, in consideration of the
payment to me of the sum of ... being the commuted value
of the pension receivable by the said *C.D.*, from ... till he attains the
age of 21 years, do hereby bind myself to account, if called on by the Secretary of
State for India, for the due application of the said sum for the use and benefit of the
said *C.D.*

No. 278, dated 30th September 1896.

From—The Government of India, Finance and Commerce Department,
To—The Secretary of State for India.

WHEN we received Sir H. Fowler's Despatch No. 7, dated 20th September 1894, we had under consideration the expediency of introducing a scheme for providing family pensions for Native members of the Indian Civil Service. The question had been raised on a memorial submitted by Mr. Mohammad Yusuf, an Assistant Commissioner in Burma, in which he prayed for permission to secure for his family the pensions granted under the Indian Civil Service Family Pension Regulations by subscribing to the general revenues.

2. The question has, as Your Lordship is aware, been discussed on several previous occasions. It was last raised in the despatches of your predecessor Nos. 1 and 13, dated respectively the 7th January and 14th October 1886. After considering the matter in connection with these despatches the Government of India decided that the introduction of the scheme should for the time being be left in abeyance. Very great difficulties were found to exist in the way of any satisfactory arrangement and moreover the necessity for introducing a compulsory system of family pensions was deemed much slighter in the case of Native than in the case of European Civil Servants. It was considered that a Native Civilian serves in his own country and is not dissociated from his relatives and friends, and his position is not therefore analogous to that of an Englishman serving in India. In the event of the death of a Native Civil Servant his relatives, it was thought, would make adequate provision for his family according to the custom of the country.

3. We have, however, examined the whole subject again as we thought it undesirable to postpone any longer the consideration of some arrangement under which Native Members of the Indian Civil Service would be enabled to make a suitable provision for their families in the event of their death.

4. We considered that the best and easiest way of attaining the end in view would be to take from Native Civil Servants the subscriptions, and promise them benefits generally similar to those laid down in the rules of the Bengal Uncovenanted Service Family Pension Fund. One great advantage of those rules is that the subscription for each wife and child is a separate and self-sufficient one, and that officers now in the service could begin to subscribe at once without having to pay arrears. We thought it necessary that an obligation should be imposed on each member to subscribe for a certain minimum pension for each wife and child, that the minimum should advance with the length of the officer's service as under the Indian Civil Service Family Pension Regulations, and that the condition of monogamy should be enforced. We did not intend to propose the formation of any Fund, but that the subscriptions should be revenue of the Government and the pensions charges against the Revenues of India. We also intended to propose that the Government should as is now done in the case of European members of the Indian Civil Service, make some contribution towards the pensions of the families of Native Civilians, the contribution being made by an addition to the pensions corresponding to those of the Uncovenanted Family Pension Fund for which only the subscription of the officer would suffice to provide.

5. These were the broad lines on which we intended to proceed. It was however principally in the case of Native Members of the Indian Civil Service who have married, or may in the future marry, English wives that we considered the scheme would be necessary. In such cases we could not rely on the surviving relatives of a deceased Native Civilian supporting his widow and children, and widow would usually desire to return to England and take her family with her. Before making any definite proposals, therefore, we deemed it advisable to obtain information as to the family circumstances of the Native Members of the Indian Civil Service and Statutory Civil Servants and to ascertain their views in the matter. Our enquiries show that the time has not yet come for introducing any general measure for providing family pensions for Native Members of the Civil

Service. A copy of the correspondence, which has passed between the Government of India and Local Governments and Administrations, is appended for your Lordship's information. From the summary of the replies contained in the statement on pages 31—42 of the enclosures, it will be seen that only two Native Members of the Indian Civil Service, exclusive of those mentioned in Article 617 of the Civil Service Regulations, are married to English wives, namely Messrs. Yusuf and Chetti, and that the latter is not in favour of the scheme contemplated by us. Your Lordship will also observe that our enquiries have been in many cases replied to by a claim to share in the benefits of the Indian Civil Service Family Pension Regulations which has already been negatived. In these circumstances we have decided to drop the scheme for the present, and we invite Your Lordship's concurrence in this decision.

6. With regard to the special case of Mr. Chuckerbutty, referred to in paragraph 3 of the Despatch dated 20th September 1894, we beg to explain that on receipt of the Despatch No. 13 dated 14th October 1886, the Government of India came to the decision, in accordance with the conclusions on the general case then arrived at, that Mr. Chuckerbutty should not be allowed the option of becoming a subscriber under the Indian Civil Service Family Pension Regulations. The special circumstances of Mr. Chuckerbutty's case were considered, but were found not to justify an exception to the general rule that Native Civil Servants were not to be permitted to subscribe. The decision was not communicated to Mr. Chuckerbutty at the time; but he made a formal application in 1893 for admission to the Indian Civil Service Family Pension Regulations, and we then informed him that we were unable to comply with his request.

7. As regards the case of Mr. D'Souza referred to in the Despatch, dated the 20th September 1894, we have issued instructions cancelling his admission to the Indian Civil Service Family Pension Regulations.

We have the honour to be,

MY LORD,

Your Lordship's most obedient, humble Servants,

(Signed) ELGIN.

„ G. S. WHITE.

„ J. WESTLAND.

„ J. WOODBURN.

„ M. D. CHALMERS.

„ E. H. H. COLLEN.

„ A. C. TREVOR.

No. 11 Financial (Funds), dated 12th November 1896.
From—The Secretary of State for India (LORD GEORGE HAMILTON),

To—The Government of India.

I have considered in Council your Financial (Pensions) letter No. 278, dated the 30th of September last, in which you report the proceedings taken by your Government with reference to the formation of a system for the provision of pensions for the families of Native members of the Indian Civil Service.

2. After enquiry and careful consideration, your Excellency in Council is of opinion that the time has not yet come for the introduction of any general measure on the subject, and in the circumstances, I concur in your decision to abandon for the present the scheme you had in view.

India Office, London,

14th June 1912.

Financial,

No. 71.

To His Excellency the Right Honourable the Governor General
of India in Council.

MY LORD,

My attention has been drawn to the question of modifying the present rule
Provision of Pensions for families of Indian Members of the Indian Civil Service. which debars Indian members of the Indian Civil Service from subscribing for provision of pensions for their families under the Indian Civil Service Family Pension Regulations.

2. The question of providing family pensions in the case of these officers was last under the consideration of the Government of India in 1895-96, but they decided that the time had not come for introducing any general measure for the purpose.

3. Since 1896 the importance of requiring officers in the service of Government to make due provision for their families has received fuller recognition than ever before, and subscription to a Provident Fund is now made compulsory on all Europeans and Eurasians in the service of Government on a substantive pay of Rs. 100 a month or more, unless they either belong to a recognised Family Pension Fund or insure their lives under prescribed conditions. Subscription to the General Provident Fund is open to Indian members of the Indian Civil Service: but in the case of an officer who dies young, the amount received from the Provident Fund does not suffice to provide for the widow and children of the subscriber on a scale at all similar to that on which provision is made for the families of European members of the Indian Civil Service.

4. Two alternative methods of avoiding or lessening the difference between the position of European and Indian members of that service have been suggested. One course would be to make subscriptions for the benefits secured under the Indian Civil Service Family Regulations compulsory on Indians entering the Indian Civil Service in the future. If this course is adopted, it will be for consideration whether the same rules and rates should apply to Indians as to Europeans, or whether modifications should be made either in the contributions payable or in the rates of pension permissible to widows and children, in view of the various differences between Indian and European customs, such as the infrequency of re-marriage of Indian widows, and the earlier age at which girls marry in India than in Europe, perhaps also on account of differences in life statistics. The results of the investigation of the lives of some 50,000 Government servants now being made by Mr. Ackland (see correspondence ending with Sir T. Holderness' letter to your Secretary in the Home Department, dated 22nd March 1912) may be useful in this connection, if modifications are held to be desirable.

5. This method of dealing with the question was deliberately rejected in 1896 although the enquiries which were addressed to the Indian Members of the Service show the existence of a considerable body of sentiment in favour of it. It should now be re-considered on its merits.

6. Another alternative course which was considered by the Government of India in 1896 consisted in fixing the subscriptions from Indian members of the Indian Civil Service generally in accordance with the rules of the Uncovenanted Service Family Pension Fund, and in securing to the families benefits similar to those derived from that Fund, but increased by a contribution from the Government revenue similar to that made towards the pensions of European members of

the Indian Civil Service. It is not clear to me what advantages, financial or otherwise, can be shown in favour of the second of these alternatives as compared with the former, which appears in some respects the more appropriate treatment of the case, but I shall be glad to be informed of your views on the subject. In considering the question raised in this Despatch you will doubtless bear in mind the objections which exist on general grounds to distinctions between the treatment of Indian and European members of the same service, and my inclination, as at present advised, is in favour of admitting Indian members to the benefit of the Indian Civil Service Family Pension Fund as far as possible on the same terms as Europeans.

I have the honour to be,

My Lord,

Your Lordship's most obedient humble Servant,

(Signed) CREWE.

CHAPTER IX.

MEASURES TAKEN FOR THE EMPLOYMENT OF INDIANS IN POSTS RESERVED FOR THE INDIAN CIVIL SERVICE.

GENERAL MEASURES.

	PAGE.
1. Despatch to the Secretary of State No. 58, dated the 9th October 1888, with enclosure No. 18	577-591
2. Despatch from the Secretary of State No. 104-(Public), dated 12th September 1889	593-606
3. Despatch to the Secretary of State No. 9, dated the 10th February 1892, with its enclosure, being a draft resolution and Appendix A	607-627
4. Despatch from the Secretary of State No. 30, dated the 24th March 1892	629
5. Despatch to the Secretary of State No. 39, dated the 7th June 1892, with enclosure 1, viz., Home Department Resolution No. ^{9 Public} 1342-1352, dated the 21st April 1892 and Appendix A., and enclosure 21, viz., Draft Rules framed under section 6 of the Government of India Act, 1870 (33 Vic. Cap. 3)	631-642
6. Despatch from the Secretary of State No. 85-Public, dated 31st August 1892	643
7. Home Department Notification No. 2159, dated the 2nd November 1892	644
8. Government of India, Home Department, letters Nos. 2194-2199, dated 10th November 1892 to Madras, Bombay, Bengal, North-Western Provinces and Oudh, Punjab and Central Provinces	645-647
9. Home Department Resolution No. ^{7-Public} 47-49, dated the 7th January 1893	649-650
10. Extract paragraph 334 of the Report of the Royal Commission upon Decentralization in India	651
11. Despatch to the Secretary of State No. 16, dated the 19th May 1910, paragraphs 1-3 with enclosures 1 and 2	653-656
12. Despatch from the Secretary of State No. 79-Public, dated the 8th July 1910, paragraphs 1-3	657
13. Home Department Notifications, Nos. 1128 and 1129, dated 26th August 1910	659-661
14. Proceedings of the Council of the Governor General of India assembled for the purpose of making Laws and Regulations dated the 17th March 1911	663-695
15. Statement showing posts listed as open to the Provincial Civil Services...	697
16. Statement showing the number of Indians, as compared with others, recruited for the Indian Civil Service from 1853 to 1910 inclusive	698-699
17. Statement showing the number of Indians actually in the Indian Civil Service on the 1st April each year from 1886-1912	700

Appointment of Subordinate Judges to be Assistant Sessions Judges.

18. Despatch to the Secretary of State No. 51, dated the 3rd October 1894	701-702
19. Despatch from the Secretary of State No. 104-(Public), dated the 8th November 1894	703
20. Home Department Notification No. 67, dated the 24th January 1895	705
21. Home Department Notification No. 1859, dated the 8th November 1895	707
22. Despatch from the Secretary of State No. 6-(Judicial), dated the 13th February 1896	709

23. Home Department Notification No. 661, dated the 26th March 1896 ... 711
 24. Home Department Notification No. 1713, dated the 30th October 1896 ... 713
 25. Despatch to the Secretary of State No. 122, dated the 25th April 1901 ... 715-716
 26. Despatch from the Secretary of State No. 23-(Judicial), dated the 14th June 1901. ... 717
 27. Despatch to the Secretary of State No. 22, dated the 3rd November 1904. 719-720

Admission of Subjects of Native States to the Indian Civil Service.

28. Despatch from the Secretary of State No. 146-(Public), dated the 12th November 1909. 721-722
 29. Despatch to the Secretary of State No. 101-(General), dated the 21st July 1910. 723-724
 30. Despatch to the Secretary of State No. 1-(General), dated the 30th November 1911. 725-726
 31. Despatch to the Secretary of State No. 20-(Judicial), dated the 8th August 1912. 727-728

NDIA.

HOME DEPARTMENT.

PUBLIC.

The Right Hon'ble Viscount Cross, G.C.B., Her Majesty's Secretary of State for India. Simla, the 9th October 1888.

In our Despatch No. 6 (Public), dated 24th January 1888, we forwarded to Your Lordship copies of the Report presented by the Commission appointed under our Resolution No. 34—1573-98, dated the 4th October 1886, to consider the question of the admission of Natives of India to higher and more extensive employment in the various branches of the public service connected with the civil administration of the country. At the same time we stated that the report would require mature consideration, and that some time must necessarily elapse before we should be in a position to place Your Lordship in possession of our views regarding it. Having since then carefully considered the report, we are now able to communicate to you our conclusions on the principal questions discussed therein.

2. Before proceeding to do so, however, we desire to express our appreciation of the manner in which the Public Service Commission has discharged the onerous duties confined to its care. The Commission was composed of members representing many phases of opinion and an extreme diversity of interests. The subjects of discussion were of the most important nature, and had for many years been debated in the public press and in educated Indian society with an increasing degree of interest and fervour. That under such conditions the Commission arrived at an unanimous conclusion affords, in itself, strong testimony to the good judgment of its members and to the public spirit which animated them. But the weight of this testimony is enhanced when it is recognised that, whatever differences of opinion may exist as to method and detail, the report is, on the whole, as marked by moderation and fairness in its main principles as by a thorough grasp of the many intricate subjects with which it deals. We believe Your Lordship will agree with us in thinking that the best thanks of Government are due to Sir Charles Aitchison and to the members of the Commission, for the valuable assistance they have afforded the Government in its efforts to arrive at a satisfactory solution of this difficult and important question.

I.

3. The history of the efforts which have from time to time been made by Her Majesty's Government to admit Natives more largely to the higher posts in the Administration is given with sufficient fullness in Chapter III of the Commission's Report, and we do not propose to repeat it here. It will be sufficient to advert very briefly to the circumstances which led to the appointment of the Commission. Your Lordship is aware that the rules framed in 1879 under 33 Vict., Cap. 3, section 6, with the object of regulating the appointment of Natives of India to posts ordinarily reserved for members of the Covenanted Civil Service were, after a short experience of their working, found to be unsatisfactory. The question of amending them came under consideration towards the close of Lord Ripon's administration; and the Government of India, after consulting Local Governments on the subject, communicated its views to the Secretary of State in the Despatch No. 51 (Public) of 12th September 1884. The Government of India was of opinion that of the two modes by which Natives of India can be admitted to the Civil Service in this country, viz., the competitive

examination held under 21 & 22 Vict., Cap. 106, section 32, and the rules framed under 33 Vict., Cap. 3, section 6, the former should be primarily relied on; and the Statutory system should only be resorted to as a secondary mode of recruitment to the extent to which the number of Natives entering by the competition in London might fall short of the proportion desired. The proportion of Natives to be admitted under the Statutory system had been fixed in the rules at one-sixth of the whole recruitment for the year. Allowing for Natives passing in the open competition, the Government of India considered, on a scrutiny of the results of past years, that 18 per cent might fairly be taken as a proper proportion of the whole recruitment to be reserved for Natives. It was accordingly proposed to make certain changes in the conditions of the competition in England, with a view to afford facilities to Natives to enter by that avenue; and to make up any deficiency in the 18 per cent by Statutory appointments, to be made under revised rules in which wide latitude of arrangements should be left to Local Governments, subject to the control and approval of the Government of India.

4. These proposals were not approved by Lord Kimberley, who, in his Despatch No. 1 (Public), dated 8th January 1885, objected to them on grounds of policy and also because they appeared to him to be founded on an erroneous view of the legislation of Parliament respecting the Indian Civil Service. He did not think that Parliament intended the examination held under Statute 21 and 22, Vict., Cap. 106, section 32, to be the primary method of selecting Natives of India for the Civil Service, or that the provisions of Statute 33, Vict., Cap. 3, section 6, should fall into a secondary place. On the contrary, he considered the Act of 1870 to be the remedy provided by Parliament itself for any defects that might show themselves in the competitive system established in 1853, and for any inconvenience or injustice which the Natives of India might be shewn by experience to suffer through the necessary adaptation of the examination in London to the circumstances of home-born rather than of Indian competitors for the Civil Service. He described the Act as a measure of remarkable breadth and liberality, affording an unlimited field of experiment in methods of selection, and added that it was the plain duty of both branches of the Indian Government to exhaust this remedy before undertaking the possibly impracticable task of completely adapting competitive selection in England to the circumstances both of European and of Indian candidates. Lord Kimberley therefore requested the Government of India to give its fullest deliberation to the Act of 1870, and to the question of effecting the utmost possible improvement in the rules deriving force from its provisions.

5. On receipt of this Despatch, the whole question was reconsidered by the Government of India in the light of the Secretary of State's instructions. Revised draft Rules under the Act of 1870 were prepared and circulated for the opinion of Local Governments and Administrations; and after considering the replies received, we again addressed the Secretary of State in our Despatch No. 11 (Public), dated 9th February 1886, forwarding a copy of the draft rules as finally revised with reference to the criticisms received from Local Governments. At the same time the Government of India invited the serious attention of the Secretary of State to the comments of the Local Governments upon the radical defects of the Statutory system. The Government of India feared it would be over-sanguine to anticipate a permanent and satisfactory settlement of the matter from any revision of the Statutory rules which was not based on a radical change of system. From this point of view, we declared ourselves willing if the Secretary of State agreed, to reconsider the whole question; but expressed the opinion that any scheme, to be entirely satisfactory, would require Parliamentary legislation; and that, unless the Secretary of State was willing to undertake such legislation as might be shewn to be necessary, it would be impossible to devise a satisfactory scheme.

6. The Secretary of State's reply is contained in his Despatch of 15th July 1886, in which he declared it to be very desirable that the question should be reopened and carefully reconsidered in the manner suggested in our Despatch of 9th February 1886. He accordingly requested the Government of India to appoint a Commission, with power (if the Governor General in Council thought

fit) to go into the whole subject independently of the limitations at present imposed by Act of Parliament, and with a view to Parliamentary legislation if necessary. The Commission was to contain a proportion of Native Members and to be sufficiently representative of the different classes and modes of thought in India. Particular heads of inquiry were prescribed, which it is unnecessary to repeat in detail; but the object of the Commission was, following our suggestion, broadly defined to be "to devise a scheme which might reasonably be hoped to possess the necessary elements of finality, and to do full justice to the claims of Natives of India to higher employment in the public service."

7. A Resolution embodying the Secretary of State's instructions was issued by us on 4th October 1886; and the sittings of the Commission, which was composed of 15 members, presided over by the Honourable Sir Charles Aitchison, then Lieutenant-Governor of the Punjab, commenced shortly after. On the completion of the work of collecting evidence in regard to the Covenanted Civil Service and the Judicial and Executive branches of the Uncovenanted Service, it was arranged by our orders of 8th March 1887 that the second division of the inquiry, embracing the question of the admission of Natives of India and of Europeans to the marginally noted branches connected with the civil administration of the country, should be conducted by a Sub-Committee, presided over by Sir

Accounts, Archaeology, Customs, Education, Forests, Geological Survey, Jails, Mint, Opium, Pilot Service, Police, Post Office, Public Works, Registration, Salt, Surveys and Telegraphs.

Charles Turner. On the completion of the Sub-Committee's inquiries, the Commission met in November 1887 for the consideration of the evidence, and presented its Report on 18th January last. This report was subsequently referred to Local Governments and Administrations for opinion on certain points stated in our letter No. 21-621-30, dated the 16th March 1888, of which, as well as of the replies received from Local Governments, we enclose copies for Your Lordship's information.

8. Having thus traced briefly the circumstances which led to the appointment of the Commission, we now proceed to consider the fundamental recommendations made in its Report. Those recommendations are grouped under five heads—the Competitive System; the Statutory Service; the Covenanted Service; the Uncovenanted (Judicial and Executive) Services; and the Special Departments, the last head embracing the various branches of the public service enumerated in the margin of the preceding paragraph. In the following observations we shall to some extent depart from this order of subjects, and deal first with the recommendations concerning the Statutory and Covenanted Services.

II.

9. Lord Kimberley, in the Despatch of 15th July 1886, to which we have already referred, desired that a careful inquiry should be made as to the existence and extent of the alleged feeling of dissatisfaction on the part of Natives of India with the existing Statutory Service, and also into the question whether it was the Statute of 1870 itself that was objected to, or the rules framed under it. These and other questions relating to the Statutory Service which were laid before the Commission are dealt with in Chapter VI of the Report. The Commission states that the existing Statutory Service has failed to fulfil the expectations formed in regard to it, and that it is for sufficiently good reasons condemned, not only by the particular sections of the Native community, but also by the very large majority of officials, both European and Native, who have had practical experience of its working. Having carefully examined the evidence recorded on this part of the subject, we agree with the Commission's conclusion that the existing Statutory Service should be abolished. Without desiring to add to the Commission's detailed examination of the efforts which have been made to give effect to the Statute of 1870, we would remind Your Lordship that it was originally the purpose of the Government of India to select its Statutory and Civilian from among its tried and successful officers in the Judicial and Executive branches of the Uncovenanted Service. From this purpose, however, the Government of India was diverted by the interpretation placed upon the

Statute by the Law Officers of the Crown in England in 1874. New rules were accordingly framed the object of which was declared by the Government of India in 1879 to be "not the transfer to the superior ranks of the civil administration of a class of officers whose services have already been secured by Government in the inferior ranks, but to attract to the service of Government young men of good family and social position, possessed of fair abilities and education to whom the offices opened in the inferior ranks or uncovenanted service, have not proved a sufficient inducement to come forward for employment." The result of this policy was that men experienced in affairs and tried in the public service were passed over, while young men of good family were selected in the hope that they would make up for defective training and education by bringing territorial or political influence to the support of the Government. The earlier selections under the Statute of 1870 were therefore made more on grounds of political expediency than of administrative advantage. The result of this experiment was very disappointing, and accordingly it soon became necessary to widen the field of choice by giving to the Local Governments greater liberty in making their selections. The results of the latter method of appointment have also been unsatisfactory. "The persons appointed," as the Commission states, "do not bear favourable comparison in regard to their work as public servants with Native Civilians who have entered the Civil Service through the channel of the English competition. In the majority of cases such persons cannot be said to be superior, while they are in some cases inferior, in education and ability, to the average of those appointed or promoted to the higher ranks of the Uncovenanted Service; and it is doubtful whether any, except a few of them, enjoy a higher social consideration or belong to more influential families". There can thus be no doubt that the Statutory system has failed to secure properly qualified officers for the Public Service.

10. The objections to the Statutory system, however, as the Commission observes, have been directed rather against the rules than against the Statute itself. At the same time, as Your Lordship is aware, the obscurities and difficulties of interpretation which surround the Statute have more than once formed the subject of correspondence with Her Majesty's Government. The general objections to it are stated in paragraph 67 of the Report. The Statute would certainly have to be amended before any satisfactory rules could be framed. Those who have expressed themselves in favour of retaining the Statutory system for the most part desire it to be so altered as to restrict the selection of Statutory Civilians to men whose merit and ability have been actually proved in the higher ranks of the Uncovenanted Services or the legal profession. This object appears to us to be equally well attained by the formation of a Provincial Service in the manner proposed by the Commission. One valuable feature in these rules which we think should be retained, is the security they afford for the introduction of a system of special selection for the appointments which are at present reserved for the Covenanted Civil Service. This feature we preserve in the constitution which we propose for the Provincial Service. Subject to this condition and considering that the Commission, after careful deliberation, found itself "unable to suggest any amendment either of the Statute or of the rules such as would adequately meet the issues which it has had to consider," we unanimously recommend that the Statutory Service be no longer retained, that section 6 of 33 Vict., Cap. 3, be repealed, and that the Services be reconstructed on the basis of an Imperial and Provincial Service, in accordance with the Commission's recommendation. We consider that the terms "Imperial" and "Provincial" are well adapted to express the character and scope of the two Services; and agree to their being respectively substituted for "Covenanted" and "Uncovenanted", the use of which should be discontinued.

11. In the 73rd and 81st paragraphs of its Report, the Commission explains the principles on which this reconstruction should, in its opinion, be effected. Briefly stated, these principles are, first, that the strength of the Covenanted Service should be reduced by transferring a certain number of appointments now ordinarily filled by Covenanted Officers to the Provincial Service; second, that the Provincial Service (comprising the Judicial and Executive appointments transferred from the Covenanted Service and the higher appointments in the

present Judicial and Executive branches of the Uncovenanted Service) should be locally recruited from Natives and Europeans resident in India who satisfy prescribed conditions; lastly, that the conditions of pay, leave, and retiring annuity of the members of the Provincial Service should be determined on independent grounds, and bear no fixed proportion to those of the Imperial Service. On the second and third proposals we shall offer some observations when we come to deal with the Provincial Service. Here we restrict our remarks to the proposed reduction in the strength of the Covenanted Service.

12. In the 76th paragraph of the Report, the Commission proposes that no change in principle should be made in the Statute 24 and 25 Vict., Cap. 54, which directs that all vacancies in certain specified offices in the Regulation Provinces shall, save under special circumstances, be filled from among the Covenanted Civil Servants of the Crown in India. But, while maintaining the principle of the Statute, the Commission recommends a two-fold alteration in its details. On the one hand, it recommends that certain offices now reserved to the Covenanted Service in the Schedule, annexed to the Statute, should be excluded from the Schedule, and that, of the appointments so excluded, the judicial and revenue appointments should be gradually transferred to and amalgamated with the Provincial Service. On the other hand, it proposes that the executive orders of the Secretary of State, directing the reservation of appointments in non-Regulation Provinces analogous to those reserved in the Schedule, should be embodied in the substantive law.

Dealing with the latter of these two proposals first, we strongly recommend that it be accepted, provided that the number of appointments entered in the Schedule be substantially reduced. As the Commission points out, the distinction between Regulation and non-Regulation Provinces may now be said to have practically ceased to exist; and the Secretary of State has himself applied to Provinces known as non-Regulation the same system of recruitment for the Civil Service as that established elsewhere. The system so applied reserves for the Covenanted Civil Service in non-Regulation Provinces appointments analogous to those reserved by the Statute in the Regulation Provinces. The adoption of the Commission's proposal therefore will make no change in existing practice, while it will, by the Parliamentary guarantee which it affords, provide in non-Regulation Provinces that security of tenure which has been considered necessary in other Provinces. On the other hand, it will restrict by law the power now possessed by the Executive Government to appoint Natives of India to such offices at its discretion; we are therefore of opinion that the extension of the Statute to non-Regulation Provinces should be accompanied by a reduction of the appointments specified in the Schedule.

13. The appointments which the Commission proposes to exclude are set out in the 77th paragraph of the Report. Against these proposals we have but three objections to make, and they are objections of detail.

In the first place, we are of opinion that it is not advisable to exclude from the Schedule one member of the Board of Revenue in Madras, Bengal, and the North-Western Provinces and Oudh, and one Financial Commissioner in the Punjab. Your Lordship will observe from paragraph 77 of the Report, in which the arguments for and against the proposal are given, that six members of the Commission dissented from this recommendation; and you will also observe from the enclosures to this Despatch that objections are entertained to it by Local Governments. Having regard to the division of opinion in the Commission and to the views of Local Governments, we are of opinion that those appointments should be included in the Schedule. From our views upon this point our Honourable Colleague Sir Charles Aitchison desires to dissent, for the reasons given on page 74 of the Report.

In the next place, while we agree to the exclusion from the Schedule of one of the chief Revenue officers of divisions in all Provinces, except Bombay and Assam, which the Commission excludes from its proposal, we think it undesirable that the appointments so excluded should be amalgamated with the Provincial Service. The Commissioner of a Division holds a post which should be filled by men who possess the highest qualities of tact, firmness, judgment as well as

physical ability. It is not desirable that, in selecting an officer to fill even the one unreserved Commissionership, the Government should be restricted to the Provincial Service. But, while we do not think it desirable in the public interests that any of these posts should be amalgamated with the Provincial Service, so as to compel us of necessity to select from that service, we consider that the office of Commissioner is an object of legitimate ambition to the Provincial Service, and that we should not be debarred by law from making occasional selections from that service of men who have proved themselves fit for such advancement. We therefore accept the recommendation to exclude from the Schedule one of the appointments in question in all the Provinces, except Bombay and Assam, but we do not propose to amalgamate it with the Provincial Service.

In the same way we concur with the recommendation of the Commission (paragraph 77 of the Report) that the posts of Under Secretaries to the several Governments be excluded from the Schedule, but not amalgamated with the Provincial Service; and we have also agreed that one of the Secretaries to the Board of Revenue in Madras, Bengal, North-Western Provinces and Oudh and to the Financial Commissioner of the Punjab, when there are more than one [Report, paragraph 77 (7)], should be treated in a similar manner, that is to say, that the post, though excluded from the Schedule, should not be amalgamated with the Provincial Service. This arrangement meets the objection taken by the Bombay Government to the exclusion of Under Secretaries from the Schedule.

Our last objection is to the recommendation made in paragraph 93 of the Report that the office of Accountant General should be removed from the Schedule. On this point we would invite Your Lordship's attention to the correspondence ending with our Despatch No. 380, dated the 16th November 1880, from which you will perceive that the question of the best way of filling these appointments has been the subject of long discussion between the Government of India and the Secretary of State, and that, with the approval of Her Majesty's Government, we decided that those offices should be retained in the Schedule. We are unwilling to alter a decision so deliberately pronounced, especially as the Commission itself "considers that ordinarily the appointments will be most efficiently held by members of the Imperial Service". But, while we are of opinion that the post of Comptroller General and that of Accountant General may in the larger Provinces be most suitably filled by Covenanted Civilians, we are desirous of affording encouragement to the best officers belonging to the "Enrolled" list of the Accounts Departments by holding out to them as a reward for conspicuous merit the prospect of succeeding to one of the Accountant Generalships. We accordingly propose to exclude from the Schedule one Accountant Generalship and to adopt the rule of ordinarily filling it by selection from the enrolled list. We propose to deal similarly with the Comptrollership of Burma if, as appears probable, it be necessary to raise it to the status of an Accountant Generalship. From this decision to retain the offices of Accountant General in the Schedule, His Excellency the Viceroy and the Honourable General Chesney and the Honourable Sir Charles Aitchison dissent.

We beg leave to forward as an enclosure to this Despatch the Schedule as now altered by us, which we desire to substitute for the Schedule N of the Commission's Report.

14. In the 77th and 81st paragraphs of the Report, the Commission points out that the effect of its proposals is to remove about 108 appointments from the list of offices now reserved by law or by the Secretary of State's orders to the Covenanted Service; and it recommends that, if the cadre or working body of the Covenanted Civil Service is larger than would be required under the proposals now made to fill the remaining appointments, the Government should in the future recruitment for the Civil Service have regard to the reduced schedule in order to give due effect to these proposals. We intend at an early date to address Your Lordship on the subject of the future strength of the Imperial Service. Meantime we may observe that the ultimate effect of the Commission's proposals will be to fill about one-sixth of the appointments now reserved for Covenanted and Statutory Civilians with members of the Provincial Service.

Thus stated, the result as it affects the recruitment of the Civil Service does not materially differ from that produced by the Statutory system. Since 1881 the Government of India has made arrangements for the recruitment of five-sixths of the requirements of the Covenanted *cadre* in England and of one-sixth in India. As the Commission does not propose a reduction in the aggregate strength of the *cadre*, but a redistribution of offices between the Covenanted or Imperial and the Provincial Services, it would seem that, so far as the Commission's proposals are concerned, no reduction in the scale of recruitment for the Imperial Service is at present called for; and that, in order to give effect to these proposals in regard to the Provincial Service, all that need be done is to cease to recruit officers under the Statute of 1870 and commence recruiting Provincial officers to the same extent to which Statutory officers have been hitherto recruited. The old system will thus merge in the new without any dislocation of existing arrangements.

15. It will be convenient if, before passing from this part of the subject, we here express our opinion on the recommendation made in paragraph 87 of the Report, namely, that Statutory Civilians should be absorbed into the Provincial Service in such positions as, having regard to the circumstances of each case, the Government of India may consider to be equitable. The question is not free from difficulty, because the status of a Statutory officer is now superior to that of an officer in the Unconvenanted Judicial and Revenue Service, and any measure of amalgamation, if not carefully qualified, might be regarded as an infringement of just expectations. There are three possible ways of dealing with Statutory officers in active service. We may treat them as the Commission proposes, or we may allow them to retain their existing status, or they may be absorbed into the Imperial Service by Parliamentary legislation.

We cannot recommend the third course, because its effect would be to introduce into a limited and reduced *corps d'elite* officers not possessing the qualifications essential for membership of such a body. With reference to the second course, it is to be remembered that a Statutory officer is appointed to a Service, but to a particular post. He has no admitted claim to advancement in ordinary course apart from the special consideration he may earn by special merit and ability displayed in the particular post he holds; and although in practice it has not been unusual to advance him side by side with his Covenanted contemporaries, yet each step is treated as a fresh appointment under the rules. The maintenance of the *status quo* in this respect would simply mean that his appointment would continue as hitherto to be specially treated outside both the Imperial and the Provincial Services. This arrangement would be of no benefit to the Statutory officers concerned, while it would have the effect of postponing to some extent the operation of the Commission's proposals for the amalgamation with the Provincial Service of the higher appointments excluded from the Schedule. This effect should be, if possible, avoided. We think it may be avoided, without injury to the interests of the Statutory officers, if the proposed transfer be qualified by a provision that, *ceteris paribus*, the latter shall, if considered, have a preferential claim over members of the Provincial Service to promotion to the transferred appointments. Subject to this condition, which confers upon Statutory officers a benefit over and above what the Commission thought necessary, we consider that the unanimous conclusion at which the Commission arrived on this part of the subject should be accepted.

16. In paragraph 80 of the Report, the Commission suggests that, in giving effect to its proposals regarding the higher appointments excluded from the Schedule of 1861, regard should be had to the claims of officers appointed before 1870, that is to say, before the enactment of 33 Vict., Cap. 3, but not to the claims of officers subsequently appointed. This is practically the view taken in paragraph 9 of our Despatch No. 11 of 9th February 1886. But inasmuch as it was not till 1880 that the Statutory system began to be regularly carried into effect, we are of opinion that it would be more equitable to take the later year. In modification, therefore, of the recommendation made in paragraph 80 of the Report, we are of opinion that the year 1880 should be substituted for the year 1870 in the Commission's 21st recommendation (Report, page 142), and that, in dealing with officers appointed before the year 1880 to the Covenanted

Civil Service, effect should be given to the intentions expressed by the Secretary of State in the Despatch of 27th May 1875 in connexion with the subject. With regard to officers appointed to the Covenanted Civil Service after 1880, we agree with the Commission in thinking that as the measures now recommended will be gradually introduced, the reasonable claims and expectations of such officers will not be injuriously affected.

17. In the 77th and 78th paragraphs of its Report the Commission makes two proposals, in the expediency of which we cannot concur. In the first place, it proposes that the Schedule to 24 & 25 Vict., Cap., 54, modified as suggested in paragraphs 12 and 13, above, should be liable to change without further Parliamentary legislation; and, in the second place, it proposes to confer upon the Government in India a wider power of direct appointments to offices included in the Schedule than is now conferred upon them by the Statute. In regard to these points, we considered that the adoption of the Commission's proposals or either of them would seriously diminish the value of the Parliamentary guarantee on the basis of which the Imperial Service will be constituted. We have, however, no objection to offer to the suggestion for improving the method of procedure under section 4 of the Act which the Commission makes in the 79th paragraph of its Report.

III.

18. The next portion of the Commission's proposals on which we desire to remark is concerned with the open competitive examination held in England. In connexion with this portion of the subject, the Secretary of State observed that the chief points for enquiry were—(1) whether the competitive examination for Native candidates should be held in India as well as in England; (2) whether, if the existing system which permits Natives to compete in England be substantially maintained, there should be any change in the limit of age for Native candidates, or in the character of their examination; and (3) whether it was desirable, as suggested by the Government of Bengal, that the number of Native probationers to be selected by competitive examination in London should be first fixed, and the Native candidates afterwards selected by an examination separate from that for Europeans, and specially adapted as regards limits of age and otherwise to the conditions of Natives of India. With reference to the first of these important questions, the Commission decides that it is inexpedient to hold an examination in India for the Covenanted Civil Service simultaneously with the examination in London. The Commission points out that while the Covenanted Civil Service is only large enough to man 765 appointments all told, the duties which the officers composing that Service are called on to discharge involve wide and serious responsibilities, and require very high qualifications and special training in the agency employed. It recognizes that as the Covenanted Civil Service represents the only permanent English official element in India, the importance of recruiting that Service with reference to the maintenance of English principles and methods of government cannot be overrated. Having regard to the general considerations set forth with great force in paragraph 60 of the Report, the Commission concludes that recruitment in India for the Civil Service is undesirable. We are unanimously of the opinion that this conclusion is correct. The true principle on which the Commission has very strongly insisted is, that the conditions of the open competitive examination should be framed with the object of securing candidates trained in the highest and best form of English education. If under such conditions Native candidates succeed, they will then, as Lord Macaulay said, "enter the Service in the best and most honourable way". The establishment of simultaneous competitive examinations in India and in England would sacrifice the principle we have stated. It would be entirely foreign to the intentions of the framers of the competitive system, and be open to grave practical objections. We therefore fully agree with the Commission in deprecating the entertainment of any such proposal.

19. It follows from what we have stated that we are also opposed to any change in the conditions of the examination which would differentiate Native

from English competitors at the examination held in London. We therefore agree with the view expressed in the 64th paragraph of the Report that a separate examination in London for Natives of India, as proposed by the Bengal Government, should not be held; and we also concur with the Commission in thinking that any lowering of the standard or of the distinctively English character of the examination could not fail to be attended with consequences injurious to the public interests. From this point of view, and after a full consideration of the evidence given upon the subject, we are of opinion that, while the existing scale of marks in regard to Sanskrit and Arabic fairly represents the educational value of these languages as compared with the other subjects which it is open to candidates to select, and should therefore remain unaltered, the examination in these two subjects should be materially increased in strictness, and the standard of knowledge in regard to them raised. We consider it to be conclusively proved that, as the examination is now conducted, it is far easier for a candidate to obtain high marks in Sanskrit or Arabic than in either Latin or Greek, and that even as regards English candidates *inter se*, the present arrangements in regard to Oriental classics are calculated to give an advantage in favour of the less deserving.

20. As regards the question of the age at which candidates should compete, we are strongly of opinion that, like the other conditions of the open competitive examination in London, it must be determined mainly with the object of securing candidates trained in the highest and best form of English education. Under the existing rules which fix the age-limits for the examination at 17—19 years, we are satisfied that this object is not attained. Your Lordship is aware that the introduction of the existing age-limits was preceded, during Lord Northbrook's administration, by a careful enquiry the results of which were summed up in our Despatch No. 57, dated September 30th, 1875. As was to be expected, there was considerable difference of opinion on the question of age. At that time the limits were from 17 to 21, and the arguments for raising the limits to 19—22 are forcibly stated in Lord Northbrook's Minute of September 22nd, 1875. For reasons given in his Despatch No. 19 (Public), dated 24th February 1876, however, the Secretary of State decided at that time to lower them to 17—19 years with effect from 1878. The existing system has accordingly been in operation for nearly ten years, and the Government of India is thus in a position to apply to it the test of experience. Judged in this way, the system in our opinion is not the one best suited to the present circumstances of India. Four years ago the Government of India recommended that the limits of age should be raised, and we consider that the general tendency of the measure now proposed is to enhance the necessity for reverting to the limits that were prescribed when the competition system was first introduced. The Covenanted Civil Service is so strictly limited and reduced in numbers that very wide powers are necessarily entrusted to officers shortly after their arrival in the country, and the increasing complexity of the administration demands greater maturity and judgment and more thorough education on the part of our officers. For these and other reasons we consider it undesirable that the Civilians sent out from England should begin their service in this country so young as under the existing system they do. We are therefore of opinion that the age-limits for all candidates at the open competition in England should be raised to 19—23.

While we have arrived at this conclusion on general grounds, the Commission has unanimously and strongly made the same recommendation as regards Native candidates, and its recommendation is supported by evidence of unquestionable authority. Under such circumstances we consider it to be expedient that effect should be given to the recommendations from considering the question in its relation to English candidates. But we think that it would be impossible for us to deal with the question satisfactorily under the limitation imposed for good and sufficient reasons upon the Commission, and we could not approve of raising the age for Natives while that for English candidates is retained unaltered. In this view the fact that the evidence taken by the Commission in respect to Native candidates has led it to the same conclusion at which we on independent grounds have arrived on the general question, is an additional argument in

favour of our recommendation that the age at which all candidates shall compete should be raised to 19—23 years. From this conclusion our Honourable Colleague Sir Charles Elliot, who is in favour of retaining the present age-limits dissents. Our Honourable Colleague Mr. Westland, while not objecting to the raising of the maximum, would prefer to leave the minimum limit of age as at present stands, or at least not higher than 18 years.

It would be a necessary corollary of the raising of the age limits that the standard of examination should also be raised and adapted to testing the comparative merits of young men who at the Universities have acquired a highly finished general or special education. If Your Lordship adopts our views on the question of age, we would further recommend, as proposed by Lord Northbrook in his Minute of 22nd September 1875, that the period of study which probationers should, after the open competition, be required to spend in England should be reduced to one year as formerly.

21. The preceding observations have reference to the Commission's proposals in connexion with the Covenanted and Statutory Services; we now proceed to consider its recommendations in connexion with the proposed Provincial Service. As stated in the 11th paragraph of this Despatch, the Commission proposes to constitute the field of employment of this Provincial Service partly out of appointments which are at present reserved to the Covenanted Civil Service and partly out of the existing Uncovenanted appointments. We have already expressed our approval of this proposal, so far as it affects the Covenanted Service. With respect to the Uncovenanted appointments, it is proposed (Report, paragraphs 75 and 81) to unite the higher of these appointments with the appointments transferred from the Covenanted Service; and having thus created a new Provincial Service, the lower appointments at present filled by Uncovenanted officers will be formed into a "Subordinate Civil Service". The precise point at which the dividing line should be drawn may vary slightly in different Provinces, and will therefore be fixed by Local Governments with the sanction of the Government of India. But it is anticipated that, as a general rule, it will be found to conform to existing well-known administrative arrangements. As regards *personnel*, it is proposed (Report, paragraph 82) that the Provincial Service should be manned partly by promotion from the "Subordinate Civil Service," and partly by recruitment from all natural-born subjects of Her Majesty, who fulfil certain conditions regarding residence in the Province, and possess other qualifications (Report, paragraphs 82 and 84) to be prescribed by the Government. It is recommended that persons so recruited shall be subject to a period of probation or training during which time their appointments will be provisional only, unless in exceptional cases the Government decides otherwise. Finally, it is proposed (Report, paragraph 85) that the grades of pay in the Provincial Service shall be determined on independent grounds, and shall not necessarily bear any fixed proportion to those of the Imperial Service.

22. To this scheme, as a whole, we give our support. Subject to a modification which we shall presently state, we specially approve the recommendations that each Provincial Service shall be recruited from residents in the Province; that the length of residence, subject to the stated minimum of three years, shall be prescribed under rule by us with reference to local and other circumstances; that first appointments shall be on probation; that the rates or grades of pay shall be fixed at definite amounts so as not to be open to the objections which now attend the operation of the two-thirds rule, and to effect a substantial economy in the public expenditure.

The modification to which we have referred in connexion with the Provincial recruitment is that not only all natural-born subjects of Her Majesty, but also the subjects of Native Princes in alliance with Her Majesty shall be eligible for admission to the Public Service in British India, provided they be qualified in other respects. With reference to the remarks of the Commission in paragraph 59 of the Report, we are further of opinion that the subjects of such Native States should be eligible for the open competition in London for the Imperial Service. On many grounds we consider it to be desirable that our service should not be closed to the well-disposed inhabitants of Native States,

but that they be encouraged to look to our Government for an honourable career and lucrative employment conditional on approved and loyal service.

23. But, while thus accepting the scheme for the Provincial Service as a whole, we consider that the recommendations of the Commission require to be supplemented by further provisions on some points of detail, more especially with regard to the method to be adopted in filling the higher appointments to be transferred from the Covenanted Service, and the plan to be followed in recruiting for the junior posts. With respect to the former, we are strongly of opinion that promotion within the Provincial Service to the higher offices (*i.e.*, District Magistrates and Sessions Judges) to be transferred from the Covenanted Service should be altogether special, and that the service rules should contain a distinct provision that such promotion is not to be expected and will not be made as a matter of ordinary course, but that in every case selection will be made of the fittest and most capable men without regard to their individual standing in the Provincial Service. We feel very strongly that it will be impossible to treat these higher appointments as seniority appointments in a service which will necessarily be mainly recruited with reference to the qualifications required for officers of a less responsible and less independent character. We observe that in paragraph 89 of the Report the principle is laid down that, "inasmuch as the posts of chief administrative officers of districts and Judges involve very responsible duties, the principle of selection should be more completely adopted in regard to these appointments". This principle, which we understand to be applicable to the Imperial as well as to the Provincial Service, is good so far as it goes; but it needs to be emphasized. It must, therefore, be made quite clear that admission to the Provincial Service does not of itself, and apart from special proved fitness, carry with it any claim to promotion to the higher appointments referred to, and that for these appointments selection not limited to any grade of the Provincial Service, is essential. It may also be necessary from time to time to attach such special conditions to those appointments as experience may shew to be necessary, with a view to give effect to the Commission's intention that Natives of India shall enjoy the full advantage of the measures now proposed.

24. The next point to be considered in this connexion is the plan to be followed in recruiting for the Provincial Service generally. Promotion for conspicuous merit from the Subordinate Service is one way of filling Provincial appointments, but, for the present purpose, 'recruitment' is to be understood in the sense of first admission to Government employment. On this very important matter the Commission says (Report, paragraph 82) that no uniform system applicable to all Provinces can at present be adopted; and it recommends that recruitment should be made separately by the Local Governments to meet their own special requirements, but in all cases under rules to be sanctioned by the Government of India, and that, whatever system of recruitment be adopted,—whether nomination, limited competition, or open competition,—the rules should be so framed as, on the one hand, to secure for the Service the best Natives obtainable in the Province, and, on the other hand, to admit of all claims to admission to the Service being fully considered. We view with entire approval these important recommendations; and if we do not hear from Your Lordship to the contrary, we propose to take early measures in communication with Local Governments to frame rules of recruitment for the different Provinces.

25. We do not consider it necessary in this connection to enter upon a discussion of the subject of open competition in India. The question has a very different aspect in this country from that which it bears in England. In obedience to its instructions the Commission has reported very fully on the subject, but such support as it may be held to give to open competition as a means of recruitment for the Provincial Service is very hesitating and qualified. Its own leaning appears to be to a system of limited competition among candidates previously selected on grounds of general fitness. There are indications in the papers submitted with this Despatch that none of the Local Governments is likely to adopt open competition to any extent, and for our own part we do not consider that it would be a suitable method of recruitment under present circumstances in India. But without anticipating the recommendations of Local

Governments in regard to this or any other possible methods of recruitment, it shall be our care that the rules to be framed while making due provision for indispensable educational attainments, shall be such as are adapted, on the one hand, to obtain for each Province thoroughly efficient candidates, and, on the other hand, to secure the due representation in the public service of the different classes of the community. It is quite clear, however, that in any system that may be adopted, educational qualifications must be insisted on; and from this point of view we fully approve of the proposal made by the Commission in paragraph 90 of the Report, that a Board of Examiners should be appointed in each of the larger Provinces, which shall perform duties similar to those entrusted to Her Majesty's Civil Service Commissioners in England.

V.

26. Subsidiary to the main proposals for filling up the Provincial Service, the Commission makes two recommendations which, with a slight qualification in the case of one, we approve. One recommendation is, that no barrister, advocate, or pleader should be appointed to the Provincial Service, unless he can speak the Provincial vernacular, and has been at least three years actually practising his profession. The recommendation we accept with the qualification, that the barrister or advocate shall have practised his profession for three years in India. This other recommendation, which we accept without qualification is, that the Government should reserve the power (similar to that conferred by 24 & 25 Vict., Cap. 54, in regard to the Covenanted Service) of making in special cases and under prescribed conditions direct appointments of Natives of India to the higher grades of the Provincial Service. We are willing to agree to the Commission's stipulation, that such appointments when made to judicial offices should be restricted to barristers, advocates, or pleaders of an Indian High or Chief Court of not less than ten years' standing and acquainted with the Provincial vernacular.

27. The Commission (paragraph 83 of its Report) recommends that in the High Courts of Calcutta and Bombay the number of Judges selected from the Judicial Branches of the Provincial Service, or from advocates or pleaders of the High Courts, should be increased; and that a similar course should be pursued in regard to the High Court at Madras, in the event of the strength of that Court being increased to six Judges. The High Courts of Judicature in India are established under 24 & 25 Vict., Cap. 104; and section 2 of that Statute provides that not less than one-third of the Judges of such Courts, including the Chief Justice, shall be barristers (of not less than five years' standing), and not less than one-third shall be members of the Covenanted Civil Service. We agree that within the limits set by the Statute the number of Native Judges may be properly increased on a suitable opportunity. This would give three Native Judges to the Calcutta, and two each to the Bombay and Madras Courts. The adoption of the recommendation of the Commission in this respect does not necessitate any alteration of the Statute.

We may add that in our Despatch No. 16, dated 17th May 1887, we anticipated the Commission's recommendation (paragraph 83 of the Report), that advocates of a High Court should be eligible for appointment to the Judicial Bench; and that Your Lordship, replying on the 21st July 1887, promised that if an amendment of the Statute should hereafter be deemed desirable, our recommendations will be taken into consideration.

28. In connexion with the Provincial Service, only five of the Commission's recommendations now remain to be considered. The first of these is, that the orders of 1879 forbidding the appointment without previous sanction of persons other than Natives of India to offices carrying salaries of Rs. 200 a month or upwards in certain departments of the Public Service should be cancelled (paragraph 84 of the Report). The second is, that the pay and conditions of leave and pensions of gentlemen appointed to high office by Her Majesty, or by the Secretary of State under 24 & 25 Vict., Cap. 54, should be the same, whether the gentleman appointed be a member of the Imperial or Provincial Service, or hold no appointment in the service of Government (Report, paragraph 85). The third

is, that retrospective effect should not be given to alterations in Pension Rules against the will of persons injuriously affected thereby (Report, paragraph 85). The fourth is that, before dismissal for misconduct, a member of the Provincial Service should be entitled to demand an enquiry into his conduct under whatever law may be at the time in force relating to enquiries into the behaviour of public servants (Report, paragraph 88). The last is, that officers of the Imperial and Provincial Services, if declared ineligible for promotion, should be liable to be compulsorily retired on reduced pensions (Report, paragraph 89).

29. Taking these proposals in inverse order, we wish to point out, in regard to the last, that the proposal here made was put forward by the Government of India in its Financial Despatch No. 39, dated the 17th January 1873; and that the Secretary of State in his letter No. 163 of the 27th March following declined to sanction any general arrangement by which pensions not authorized by existing rules could be granted without reference to him. The Secretary of State, however, added that he would be prepared to consider any proposal which the Government of India might make for the grant of a special pension in a case of the nature referred to. On consideration we think it inexpedient to prescribe any former rule on the point or to recommend to Your Lordship any relaxation of the procedure thus laid down in 1873 by the Duke of Argyll.

30. With reference to the fourth recommendation mentioned above, we would observe that at present no officer of Government charged with misconduct has a right to demand a Court of Enquiry. It is true that laws do exist which enable the Government to hold a Court of Enquiry into the conduct of an incriminated officer; but the institution of an enquiry under these laws is the prerogative of the Crown, not the privilege of the officer concerned. We consider it undesirable and unnecessary to alter this procedure; but we have no objection to provide by rule that no member of the Provincial Service shall be dismissed otherwise than on the result of a judicial or formal departmental enquiry. Such a rule would practically coincide with the existing custom and with standing orders.

31. To the third recommendation we are opposed. We consider it inexpedient that the Government should, by any such stipulation with its servants, preclude itself from taking steps which, under circumstances impossible to foresee, may be dictated by urgent necessity or by public interest. Such changes as those contemplated by the Commission's proposal are rarely undertaken, and never except under pressure of public necessity or with the object of benefiting a Service as a whole; and it may safely be said that all alterations hitherto made have been such, that an officer (except in the contemplation of immediate retirement) would seldom hesitate to range himself under the new conditions of service in preference to the old. When the last change was made in September 1887, this excepted case was provided for by giving an option to all persons retiring within six months; and it was safe to assume that officers, who meant to stay even a few years in the service, would prefer the new to the old conditions.

32. To the second recommendation, which we understand chiefly refers to His Court Judgeships, we have no objection to offer, so far as the question concerns pay. But we consider it undesirable to re-open the questions of leave and pension allowances, which we think were satisfactorily settled by the Secretary of State's Despatch No. 18, dated 27th May 1886. We concur in the reasons therein given for regulating the leave and pension allowances of Natives of India with reference to Indian rather than to English consideration.

33. The last recommendation to which we have to refer raises obvious considerations of some little difficulty; but it is in keeping with the general principles on which the Commission's Report is framed and which we have in the main accepted. The high preliminary qualifications in Oriental languages prescribed as a condition of eligibility to the Provincial Service, the requirement of recent residence of at least three years in the Province, the periodical publication of the rules framed with the previous sanction of the Government of India, and generally the considerations indicated in paragraph 84 of the Commission's Report, appear to us to be sufficient safeguards, and to fully meet the objections which naturally present themselves to the withdrawal of the orders of 1879. We therefore concur with the Commission in recommending that European British

subjects resident in the Indian Provinces be eligible in common with others for admission to the Provincial Service under the ordinary rules, but that, when it is considered necessary to recruit persons of that class for the Provincial Service otherwise than under the prescribed local rules, the recruitment shall be effected through the Secretary of State.

34. We conclude our remarks on the Commission's proposals regarding the Provincial Service by saying that it seems unnecessary to make any such provision as that recommended in the 75th paragraph of the Report for placing the members of the Imperial and Provincial Services on a footing of social equality. When members of the Provincial Service hold offices mentioned in the Warrant of Precedence, they will, in accordance with it, rank with members of the Imperial Service holding similar offices. This, we understand, is practically what the Commission desired; and further than this it seems undesirable to go.

VI.

35. We have now placed Your Lordship in possession of our views on all the proposals made by the Public Service Commission in connexion with the two great Services through which the Judicial and Executive administration of the country is carried on. There remain the various Special Departments, enumerated in the margin of paragraph 7 above, in respect to which the Commission has made suggestions. As a general rule, it may be said that the Commission has recommended the application to the special Departments of the principles, so far as they may be practicable, which it has applied to the Covenanted and Uncovenanted Services. To this general rule no exception can be taken. No doubt a good deal will depend on the application of the rule; but this is an aspect of the question which we do not propose to consider until we have learned what Your Lordship's conclusions are on the Commission's recommendations regarding the Covenanted, the Statutory, and the Uncovenanted Services, and on the observations which we have now made upon that portion of the Report. We may indeed find it necessary to modify in certain respects the definite suggestions which the Commission makes in regard to some, at all events, of the Special Departments. But these are questions of detail, which need not now be further pursued. We will only add that, taken as a whole, the Commission's suggestions in regard to the Special Departments seem to us to be as strongly marked by moderation and good judgment as the more far-reaching recommendations which we have now considered.

We enclose a Minute by His Excellency the Viceroy.

LIST OF ENCLOSURES.

1. Circular to Local Governments and Administrations, Nos. 21—621-30, dated 16th March 1888.
2. From the Government of Madras, No. 580, dated 5th June 1888, and enclosures.
3. From the Government of Bombay, No. 2966, dated 7th June 1888.
4. From the Government of Bengal, No. 2166-A., dated 4th May 1888, and enclosures.
5. From the Government of the North-Western Provinces and Oudh, No. 1898—11.—592—244, dated 19th May 1888, and enclosure.
6. From the Government of the Punjab, No. 146-S., dated 25th June 1888, and enclosures.
7. From the Chief Commissioner, Central Provinces, No. C.—9, dated 21st April 1888, and enclosure.
8. From the Chief Commissioner, Burma, No. 590—4C.S., dated 22nd May 1888 and enclosure.
9. From the Chief Commissioner of Assam, No. 2444, dated 27th April 1888, and enclosures.
10. From Chief Commissioner of Coorg, No. 907—4476, dated 19th May 1888.
11. From Resident at Hyderabad, No. 181-G., dated 16th May 1888.

12. Telegram to the Government of Madras, No. 1933, dated 18th July 1888.
13. Telegram to the Government of Bombay, No. 1934, dated 18th July 1888.
14. Telegram from the Government of Bombay, No. 956, dated 27th July 1888.
15. Telegram to the Government of Bombay, No. 2032, dated 28th July 1888.
16. Telegram from the Private Secretary to the Governor of Madras, dated 31st July 1888.
17. Telegram from the Government of Bombay, No. 1001, dated 1st August 1888.
18. Schedule referred to in paragraph 13 of the Despatch.
19. Minute by His Excellency the Viceroy, dated 5th October 1888.

NOTE.—Only Enclosure No. 18 has been reprinted.

Enclosure No. 18.

Proposed Schedule as referred to in paragraph 13 of Despatch.*

- (1) Secretaries and Junior Secretaries to the several Governments in India, except Secretaries and Junior Secretaries in the Military, Marine, and Public Works Department. General.
- (2) Comptroller and Auditor General.
- (3) Accountants-General, except one.
- (4) Commissioners of Customs, Salt and Opium.
- (5) Opium Agents.
- (6) Judicial Commissioners. Judicial.
- (7) Two-thirds of Civil and Session Judges or Chief Judicial Officers of districts; in the Punjab two-thirds of the officers as aforesaid and of Divisional Judges after deducting the proportion reserved for military officers.
- (8) Two-thirds of Additional and Assistant Judges.
- (9) Nine-tenths of Magistrates or Chief Magisterial Officers of districts, and in the Panjab and Assam nine-tenths of the officers, as aforesaid after deducting the proportion reserved for military officers.
- (10) Five-sixths of Joint Magistrates.
- (11) Five-sixths of Assistant Magistrates or Assistants to Magistrates, or Assistant Commissioners, and in the Punjab and Assam five-sixths of the officers as aforesaid after deducting the proportion reserved for military officers. Revenue.
- (12) Members of Boards of Revenue and Financial Commissioners.
- (13) Secretaries to the Boards of Revenue and Financial Commissioners except one (when there are more than one) in each Province.
- (14) Commissioners of Revenue or Chief Revenue Officers of Divisions except one such appointment in Bengal, in the North-Western Provinces and Oudh, in the Punjab, and in the Central Provinces.
- (15) Nine-tenths of Collectors of Revenue or Chief Revenue Officers of districts, and in the Punjab and Assam nine-tenths of the officers as aforesaid after deducting the proportion reserved for military officers.
- (16) Five-sixths of Deputy or Subordinate Collectors, when combined with the office of Joint Magistrate.
- (17) Five-sixths of Assistant Collectors or Assistants to Collectors, or Assistant Commissioners, and in the Punjab and Assam five-sixths of the officers aforesaid after deducting the proportion reserved for military officers.

Note.—When the fractions two-thirds, five sixths or nine-tenths, as the case may be, leave a remainder, such remainder may be disregarded or may be reckoned as one appointment more, as the appointing authority finds convenient.

* This Schedule does not apply to Burma.

INDIA OFFICE,

London, 12th September 1889.

Public.
No. 104.

His Excellency the Right Honourable the Governor General of India
in Council.

MY LORD MARQUIS,—In a despatch dated the 9th October 1888, No. 58, the Government of Lord Dufferin conveyed to me the conclusions to which they had been led by mature consideration of the Report presented by the Commission appointed in October 1886 to consider the question of the admission of Natives to higher and more extensive employment in the Civil administration in India.

2. After a careful study of the result of the labours of the Commission, I cordially concur in the high appreciation expressed in the despatch of the manner in which the President and members have performed the responsible duties imposed upon them. The voluminous Record attached to the Report testifies to the magnitude of their labours, and the exhaustive treatment of every point leaves nothing wanting in the materials necessary for arriving at a decision on the questions referred to them. The Commission visited every province of India except Burma. Between four and five hundred witnesses were examined; among them were members of every branch of the administration falling within the scope of the enquiry; representatives of all the more educated classes of the non-official Native and European communities; members of the learned professions, delegates of associations, editors of newspapers, zemindars, merchants, pensioned officers of the British Government, and officials belonging to Native States.

3. The recommendations of the Commission derive additional importance from the manner in which it was constituted. It was composed of members representing many phases of opinion and much diversity of interests. Its President was Sir Charles Aitchison, Lieutenant Governor of the Punjab, and among its members, fifteen in number, were Sir Charles Turner, late Chief Justice of the High Court at Madras, five members of the Covenanted Civil Service chosen from the five principal provinces of India, a representative of the non-official European and of the Eurasian community respectively, a member of the Uncovenanted Civil Service, and six Native gentlemen selected from different parts of India as representing various classes and modes of thought, and as commanding the confidence of their fellow-countrymen. These Native gentlemen were Mr. Romesh Chunder Mitter, a Judge of the High Court at Calcutta, who has twice acted as Chief Justice; Raja Udhai Pertab Singh of Bhinga, a Taluqdar of Oudh who has taken much interest in public affairs; Sir Sayid Ahmad Khan Bahadur, one of the leaders of the Mahommedan community in Northern India and the founder of the Anglo-Oriental College at Alighur; Kazi Shahbudin Khan Bahadur, late Dewan of Baroda; Rao Bahadur Krishnaji Lukshman Nulkar, President of the Poona Sarvajanik Sabha; and Mr. S. Ramaswami Mudaliyar, a Vakeel of the High Court at Madras.

4. The scheme framed by the Commission does not suggest any very serious change in the main features of the existing system of administration. It proposes that, for the conduct of the higher branches of the Executive and Judicial work throughout India, there should continue to be, as at present, two distinct Services. The first of these would be the existing Covenanted Civil Service, which the Commission has proposed to call the Imperial Service, recruited by competition in England, and open without distinction of race to all natural-born subjects of Her Majesty. Its numbers would continue to be regulated on a scale which would enable it to fill the majority of the highest Civil offices, with such a number of smaller officers as will provide a course of training for the younger men. The second of the two Services would be called the

Provincial Service, and it is to the constitution of this Service that the principal recommendations of the Commission refer. It would be recruited in each Province of India separately, and would hold the higher appointments of the existing Uncovenanted Service, together with a certain number of the appointments now ordinarily reserved by law or practice to the Covenanted Civil Service, which would be transferred to the Provincial Service. It is proposed that the two classes of appointments should be gradually amalgamated, and that recruitment should be effected provincially under various methods adapted to local circumstances. Among the appointments to be transferred to the Provincial Service are one-third of the offices of District or Civil and Sessions Judge, and one-sixth of the offices of Magistrate and Collector of a district, as well as others of both higher and lower rank. To facilitate this measure it is proposed that the transferred appointments in the Regulation provinces should be excluded from the schedule of the Statute 24 and 25 Vict., c. 54, and that the strength of the Covenanted Civil Service should be proportionately reduced. The Provincial Service would be open to all natural-born subjects of Her Majesty, but recent residence of at least three years in a province and thorough knowledge of its language are recommended as among the essential conditions of admission to its Provincial Service. The Commission further proposes that the grades of pay in the Provincial Service, and the pay of appointments to be held by its members, together with the general conditions of that Service as to leave and retiring annuity, should be fixed on independent grounds. The terms offered to the Provincial Service in these respects would be those which are necessary to secure locally in India the desired qualifications.

5. While, as I shall explain, there are points on which I am unable to agree with the views of the Commission, I give my entire assent to the main principles of its scheme. It has the merit of involving no great dislocation of existing

* Report, paragraph 74.

arrangements; it "maintains" to (quote the words of the Commission*) "the very high standard of qualification necessary for the Covenanted Civil Service; and it meets the general desire that all Her Majesty's subjects should receive equal treatment."

6. To obtain facilities for the introduction of this scheme, the Commission recommends some very important changes in the Acts of Parliament which now regulate the admission of Natives and others, not being members of the Civil Service of India, to offices, places, and appointments therein. The law is comprised in the Act 24 and 25 Vict., c. 54, and Section 6 of the Act 33 Vict., c. 3,—which may be quoted as the Statute of 1861 and the Statute of 1870. By an earlier Statute (38 Geo. III., c. 52) it was enacted that all vacancies in any offices, places, or employments in the civil line of the Company's Service in India (under the degree of Councillor) should be filled up from the Civil Servants of the said Company. As civil offices multiplied, it was found that the number of "Covenanted Civil Servants of the Crown in India" was insufficient to fill them all; and by reason of the exigencies of the public service, appointments were made from time to time, which may not have complied with the terms of this enactment. The object of the Statute of 1861 was first, to legalize all such appointments in the past, and secondly, to empower the authorities in India to make such appointments in like circumstances in future. The method adopted in the Act was to specify in a schedule a number of offices which (with all similar offices thereafter created) were to be filled from amongst the Covenanted Civil Servants of the Crown in India, except under special circumstances and conditions defined by the Act. The offices in the schedule (with a few exceptions) were the higher Judicial and Revenue appointments in the Regulation Provinces, *i.e.*, in Bengal, the North-West Provinces, Madras, and Bombay. And it was enacted that vacancies in any existing offices not named in the schedule, and any others that might thereafter be created in India might be filled up without regard to the qualifications, conditions, and restrictions of 33 Geo. III., c. 52. The Act was passed on grounds of administrative convenience to remove restrictions on the power of appointment to civil offices; and it does not establish a claim in any particular race or class to be admitted to them. The Act of 1870, Section 6, on the contrary, was passed for

the special benefit of the Natives of India, as therein defined; and it provided additional facilities for their employment, if of proved merit and ability, in the Civil Service of Her Majesty in India. It empowered the authorities in India, subject to rules to be prescribed by the Governor General in Council and sanctioned by the Secretary of State in Council, to appoint any Native of India to any office ordinarily reserved to members of the Covenanted Service although such Native may not have been admitted to that Service by the method of examination prescribed for entrance thereto.

The Commission recommends, with the approval of your predecessor's Government, fresh legislation including a revision of the schedule of the Statute of 1861 and the entire repeal of Section 6 of the Statute of 1870. The considerations adverse to legislation of the kind proposed are so weighty that I am constrained to examine narrowly the arguments which would represent it as unavoidable.

7. The Commission unanimously recommended that no change should be made in the principle laid down by the Act of 1861, that all vacancies in certain offices described in the schedule should, except under special circumstances, be filled by members of the Covenanted Civil Service. Appointments in that Service have, as they observe, always been held under Parliamentary guarantee; and its maintenance is necessary "not only in order to attract the best qualified candidates by providing security of tenure, but also to guard against the possibility of abuses and to protect the Government from the pressure of influences which, as experience has shown, are not always easily resisted."* But the

* Report, paragraph 76.

Commission advised the amendment of the schedule of the Statute; first, to facilitate the transfer to the Provincial Service of certain appointments named in the schedule; and second, because the existing restrictions of the schedule apply only to the Regulation Provinces, and the distinctions between the administration of Regulation and Non-Regulation Provinces having now become little more than historical, the Commission desired to apply to the latter the principle already applied to the former, and in both cases to include, in a revised schedule, the offices to be ordinarily held in future by members of the Covenanted Service.

The Commission also recommended the repeal of Section 6 of the Statute of 1870, on the grounds that the expression "Natives of India" requires better definition; that it is susceptible of more than one meaning; that however it may be interpreted, it must operate with inequality; that although the section allows the appointment of Natives of proved merit and ability to specific offices it does not admit them to membership in an organized service; and that, if the scheme for the formation of a Provincial Service be adopted, the maintenance of the section will tend to the exclusion of Europeans from it higher posts, and be inconsistent with the principle that, in the recruitment for that Service, all classes of Her Majesty's natural-born subjects shall be treated alike. But while it recommends the repeal of the provision above mentioned, the Commission also recommends that the power conferred on the Government by Section 3 of 24 & 25 Vict., c. 54 should be enlarged so as to permit the appointment to an office specified in the revised schedule, of persons not being members of the Covenanted Service who have exhibited exceptional merit or ability in the public service, and, in the case of reserved judicial offices, of persons of exceptional merit or ability proved in active practice in a High Court.

8. I must observe, as to the first point, that the Commission's proposal to transfer a number of appointments from the schedule, and to amalgamate these and the analogous appointments in the Non-Regulation Provinces with the body of offices to be held by a Service which (in the words of the Government of India Despatch) "will necessarily be mainly recruited with reference to the qualifications for offices of a less responsible and less independent character," suggests a departure from the principle of individual selection of fit persons of proved merit and ability which was expressed by the Court of Directors in 1834 in the dictum that fitness was to be the criterion of eligibility, and which has always hitherto been maintained. The Commission no doubt in general terms advocates promotion by merit and not by seniority; but it

appears to contemplate something rather in the nature of the establishment of vested rights of the Provincial Service in the higher appointments transferred to it than the existing practice of raising an individual to a Covenanted Service post on the ground that he is fit and competent to hold it. The Government of India did not fail to observe this point in the Commission's scheme, and commented upon it in the following passages of their Despatch :—

“Promotion within the Provincial Services to the higher offices to be transferred from the Covenanted Service should be altogether special, and the Service rules should contain a distinct provision that such promotion is not to be expected and will not be made as a matter of ordinary course, but that in every case selection will be made of the fittest and most capable men without regard to their individual standing in the Provincial Service.”

Paragraph 23.

It must be made quite clear that admission to the Provincial Service does not of itself, and apart from special proved fitness, carry with it any claim to promotion to the higher appointments referred to.”

If it be granted that the revision of the schedule of the Statute of 1861 and the repeal of Section 6 of the Statute of 1870 are essential to the scheme of the Commission, it seems to me that this amendment superadded by the Government of India, of which I cannot but approve, restores very much the position of affairs as it stands under the statutes. Selection of the fittest and most capable men for offices to which they have no other claim than that based on proved personal fitness implies the exercise by the selecting authority of a distinct act of choice on each occasion; and no Act of Parliament can do more to facilitate such choice than the Statute which empowers the Government to appoint any Native to any office for which he is fit.

9 As to the second point, the repeal of Section 6 of the Act of 1870 would do nothing in itself to advance the purpose of the Commission to make the offices excluded from the schedule a part of the domain of “an organized Service,” or in the words of the report to remedy the failure of the law “to specify the number of appointments which should be made, and to render it obligatory on the Government to make them to the full limit.” Its repeal would doubtless make it possible to merge the excluded offices in the body of appointments which the men of the Provincial Service are to be recruited to fill; but, as I have observed, the Government of your predecessor were not prepared to accept such unconditional amalgamation, and in this I cannot doubt that they were right. Nor would the wish for an “organized Service” be met by such means. The law, if amended as proposed, would not give effect to the objects of the Commission, which would still have to be attained, if at all, by the executive action of the Government. The Commission proposes no statutory basis for the Provincial Service. The mere exclusion of certain offices from the schedule of the Statute of 1861, would decide nothing as to their future disposal. The analogous appointments in the Non-Regulation Provinces are not reserved by schedule, but they have been dealt with executively on the same principles and with generally the same reservations as the scheduled appointments. Nor is the reduction of the appointments reserved in the schedule a necessary preliminary to the reduction of the strength of the Service recruited by competition in England. The strength of that Service is regulated by the rate of recruitment which is not controlled by statute but by executive orders; and the Government of India observe that the recruitment for the Covenanted Service has in fact been reduced since 1881 approximately in the proportion desired by the Commission,—

Paragraph 14.

“so that, so far as the Commission's proposals are concerned, no reduction in the scale of recruitment for the Imperial Service is at present called for; and, in order to give effect to these proposals in regard to the Provincial Service, all that need be done is to cease to recruit officers under the Statute of 1870, and commence recruiting Provincial officers to the same extent. The old system will thus merge in the new without any dislocation of existing arrangements.”

10. I have dealt in the foregoing remarks with the principal reasons for legislation advanced by the Commission. My object has not been to take

exception to the proposals of the Commission, which appear to me to be generally valuable and appropriate, but to show that as modified by the Government of India they may be substantially acted upon without Parliamentary legislation. There are, indeed, some obscurities and difficulties of interpretation which surround the Statute of 1870, but they are of minor importance. The Schedule of the Statute of 1861 has ceased to be exactly accurate. But the Act itself, read with Section 6 of the subsequent Act of 1870, indicates clearly enough the principles which the Government have accepted as regulating in all parts of India the admission to the higher offices of Natives and others who are not members of the Covenanted Civil Service. The restrictions imposed by the Act of 1861 on special appointments made under its provisions were removed in favour of Natives of India by the Act of 1870. They remain in force as against other persons who are neither Natives of India, nor members of the Covenanted Civil Service; and I observe that the Government of India have declined to accept the recommendation of the Commission to modify them in the sense of the Act of 1870 as regards the appointments which it is proposed to reserve in the revised schedule. And both the Commission and the Government of India propose to enforce restrictions of the same character on admission to the new Provincial Service.

11. On the other hand, supposing that legislation were unavoidable, I must call Your Lordship's attention to the aspect which the particular proposals of the Commission would present when reduced to the form of an enactment. The guarantees and restrictions of the Act of 1861 relate substantially only to offices in the Regulation Provinces, *i.e.*, in Bengal, the North-West Provinces, Madras, and Bombay. The Commission has proposed to extend the guarantee given to the Covenanted Service as regards appointments reserved in the Regulation Provinces so as to include the analogous appointments in the rest of India; and the Government of India, in accepting the proposal, observe that

Paragraph 12.

“it will restrict by law the power now possessed by the Executive Government to appoint Natives of India to such offices at its discretion.” At the same time the Commission proposes the repeal of Section 6 of the Act of 1870, which empowers the authorities in India by whom appointments to offices in the Civil Service are made to appoint any Native of approved merit and ability to any such office, although he may not have been admitted to the Civil Service by competition under the Statute of 1858. This would certainly be represented as the withdrawal from the Natives of India of an important statutory right. If it were explained that this loss is counterbalanced by the exclusion or omission from the schedule and transfer to the Provincial Service of a portion of the appointments hitherto reserved for the Covenanted Service, the reply might be made that the fact that an office is not in the schedule by no means implies that it shall be held exclusively by members of the Provincial Service. The Commission admits that, as regards the higher offices which it proposes to transfer to that Service, “such an arrangement would neither be desirable nor practicable;” for the present these offices are to be regarded as ground common to both Services. On the other hand, it could not be denied that a much larger number than heretofore of certain classes of offices would be reserved in the revised schedule under the full force of the restrictions of the Act of 1861. The Commission says that to the scheduled appointments thus multiplied the Provincial Service will have no claim as of right, and your predecessor's Government declined to weaken the Parliamentary guarantee by relaxing the restrictive clauses of the Act. It is not probable that Parliament would accept with satisfaction a draft enactment of which the provisions appear to reduce rather than to increase the facilities for the admission of Natives to the higher offices, on the assurance that, if it is passed, certain measures of the opposite tendency not defined or prescribed in the Act will be adopted by the executive authorities.

Paragraph 72.

12. It has been clearly recognized, moreover, in the proposals before me, that the difficulties which have really hampered the free action of the Government in using the existing statutes are such as cannot be summarily removed by fresh legislation. They can be overcome only by time, and the operation

of agencies already at work. The proportion of higher offices which it is proposed to leave outside the revised Schedule form the field over which the Provincial Service is to extend itself upwards, but it is admitted that the process would occupy "nearly a generation of official life." The field is at first to be partly held by the Covenanted Service, because competent provincial agency would become available only by degrees. Moreover, regard for the claims of the Covenanted Civil Servants, Native as well as European, and of other officers in the ranks of the several Commissions appointed before 1880, on the one hand, and the preferential rights of the Natives admitted under the Statute of 1870, on the other, would delay for years to come any complete absorption of the excluded offices into the body of Provincial Service appointments. Both the Commission and your predecessor's Government were properly sensible that the rights of existing Covenanted Civil Servants cannot be disregarded. The Government of India, however, has justly observed that the reduction of recruitment since 1880 has for some years been providing for a vacant area of high offices which may be occupied by Natives without trespass on the vested rights of others. Of the Indian gentlemen who, to the number of about 57, have been appointed since 1880 to reserved posts under the Statutory Rules, some 52 are actually holding at this moment a portion of the appointments which the Commission proposes to transfer to the Provincial Service; and they represent the recruitment since the same rate for one-sixth part of the higher or reserved appointments, which will thus become available for competent members of the Provincial Service in a period somewhat shorter than that which the Commission expects to elapse before the complete realization of its scheme. It is obvious that, in the one case as in the other, the process must be gradual for the same reasons. The Commission admits that these reasons are conclusive; and if they are to prevail, legislation will secure no greater facilities for the expeditious transfer of the excluded offices to the Provincial Service than have already been provided by the reduction, under executive orders, of recruitment for the Covenanted Civil Service.

13. The defects of the existing law are defects rather of form and symmetry than of anything more serious. So far as the admission of Natives of India to the higher offices in the public service is concerned,—and this is the primary question now under consideration,—the Act of 1870 gives to the Government the fullest powers. I cannot do better than repeat the words used by Lord Kimberley, in his Despatch of the 8th January 1885. "The Act" (he said) "remains a measure of remarkable breadth and liberality. It empowers the Government of India and the Secretary of State in Council, acting together, to frame rules under which Natives of India may be admitted to any of the offices hitherto restricted to the Covenanted Civil Service, and appointments made under such rules will override the restrictive provisions of any older Act of Parliament. The opinion of the Law Officers of the Crown was subsequently taken on the construction of the Act of 1870, and it would appear that there is no method of selecting Natives of higher employment in India which the provisions of Section 6 would not allow to be attempted." I agree with Lord Kimberley that the Act of 1870 is the Parliamentary remedy for any defects in the existing system; and I think that it is the duty of the Indian Government to exhaust this remedy before applying to Parliament for further legislation. Nor can I doubt that this conclusion will commend itself generally to Native opinion, which sees in the Act a valuable protection for Native interests. Although dissatisfaction with the rules hitherto passed under the Act was often expressed, I observe that there were very few among the large number of Natives examined by the Commission who did not deprecate the repeal of the Act itself.

14. My conclusion, therefore, is that the legislation proposed to me, while in itself of doubtful expediency, would not really facilitate the scheme of the Commission, because the obstacles to any very early and permanent redistribution of the public offices are due to the circumstances of the case and not to the law. Many of the measures which it is proposed to take must, for a long time to come, be more or less experimental; they can only be brought gradually into operation, and their ultimate consequences can at present be very imperfectly foreseen. After an attentive examination of the scheme as explained in the papers now before me, I have come to the conclusion that it can be accepted

in substance and introduced, without discarding any essential part or disturbing its framework, upon the basis of the existing Acts of Parliament.

15. The important change in the form of the Schedule appended to the Act of 1861, which is proposed by the Commission in furtherance of its scheme for redistributing the higher offices, appears to me to indicate that both the Commission and the Government of India have failed to keep in view the true principle which regulates the reservation of certain offices to the Covenanted Civil Service, and to which it is therefore necessary that I should call attention. The Commission has appended to its Report a Revised Schedule which your predecessor's Government have, with some modifications, approved and adopted. The change in form to which I have adverted consists in this, that whereas the existing Schedule reserves whole classes of certain high Judicial and Revenue appointments, the revised Schedule reserves certain proportions of each class, such as (among others) two-thirds of the offices of Civil and Sessions Judge, nine-tenths of the offices of Collector and Magistrate of a District, and all but one of the offices of Commissioner of Revenue, or Chief Revenue Officer of a Division in all provinces except Bombay and Assam. It is intended that the portion of each class of offices which is excluded from the Schedule should be "thrown open," and ultimately transferred to the Provincial Service. Under this plan of excluding from the Schedule a fixed portion of each class of certain offices, there would be a statutory partition of each of those classes of offices between the Covenanted and Provincial Services. It appears to me that this proposal reserves in one sense too little, and in another sense too much. The Commission has quoted and accepted the views expressed by the Government of India,* that the Covenanted Civil Service should be reduced to "a *corps d'elite*, and its numbers limited to what is necessary to fill the chief administrative appointments of the Government and such a number of the smaller appointments as will ensure a complete course of training for junior civilians." But in the detailed proposals by which the Commission would give effect to this proposition, it has deviated from the principle

*Government of India, Home Department, Resolution No. 68—2024, 15th December 1881.

+Secretary of State to Government of India, Educational, No. 3, 8th April 1869, paragraph 11.
Secretary of State to Government of India, Public, No. 113, 22nd October 1872, paragraph 7.

which underlies the statement of the Government of India† and which has been distinctly enunciated in more than one Despatch by the Secretary of State. I have no desire to extend the practical application of that principle further than political necessity requires. It is in fact based on the same considerations of fitness in the broadest sense which regulate the admission of Natives of India to the higher public offices of every kind; but it justifies on indisputable grounds of public expediency the necessity of maintaining the special reservations which have hitherto existed in regard to a particular class of executive offices. No share of these offices (among which I include that of chief executive officer of a district, as well as that of Commissioner of a division and the administrative offices of still higher rank) could without a violation of that principle be formally excluded from statutory reservation and transferred to a Provincial Service. I do not suggest that the reservation of these offices to the Covenanted Civil Service should be so absolute as to exclude from them military officers in the Non-Regulation Provinces, or that in special circumstances a member of the Provincial Service might not be appointed to one of them on grounds of proved individual fitness. What I desire to establish is that the transfer of a definite portion of them to the Provincial Service is inappropriate. If they are to be named in any list at all, the whole of each class should be specified as reserved to the Covenanted Civil Service, except in special circumstances, as they are in the Statute of 1861.

16. But there are many other classes of offices to which no such restrictions need, on grounds of public policy, be applied, and there is no propriety in reserving by statute a large numerical proportion of each of these to the Covenanted Civil Service. It is in the proposed treatment of offices of this kind in the revised Schedule that the plan of the Commission appears to me to reserve too much. It is true that we cannot now foresee the time when it will cease to be necessary, in all the higher branches of the administration, that a

large proportion of appointments should be held by members of the Covenanted Civil Service. It is only by these means, as the Commission observes, that we can, under existing circumstances, secure an administration conducted on principles and by methods in harmony with Western knowledge and civilization. These considerations, however, setting aside the executive offices to which I have specially referred, do not oblige us to reserve by law to the Covenanted Civil Service either the whole or any fixed proportion of any class of offices. The Commission is doubtless right in reporting that, at the present time, it would not always be possible to find, outside that Service, men qualified to hold such offices as that of member of the Board of Revenue, or of District Judge, or to be Comptroller and Auditor General, or Commissioner of Customs, Sait, and Opium, or Opium Agent; but this appears to me no sufficient reason for the conclusion that these appointments, or a proportion of them, should be declared by law to be tenable by officers of the Covenanted Civil Service only. I agree with many of the observations made on this subject by Mr. Mackenzie, Chief Commissioner of the Central Provinces, in his Minute of the 31st March 1881. If a Native or a member of the Provincial Service of any race is confidently believed by the Government to possess the ability and training, and all the other qualifications requisite for such posts, there is no reason why he should be shut out from them.

17. The question of specifically assigning offices to the Provincial Service must next be considered. The Commission evidently attaches particular value to that part of their scheme which consists of marking off, and publicly allotting beforehand the offices accessible to persons in the Provincial Service, although their preferential claims of prior rights are subjected to several exceptions, and to the paramount condition of fitness. I infer from these papers that neither the Commission nor the Government of India desired to pledge the administration positively to reserve any particular offices exclusively for the Provincial Services. I am of opinion that the ends contemplated will be practically attained by requiring each Provincial Government to place on a separate classified list, in each province certain offices in the different grades and departments; and by publicly declaring these to be offices to which members of the Provincial Service may (subject to the conditions laid down in the letter of your predecessor's Government) properly be appointed. These lists will be arranged to suit the preponderant administrative needs, circumstances and aptitudes of each province and its people, and the proportion of appointments in the different branches will be from time to time determined and varied accordingly. It will thenceforward be necessary, in making appointments to any of the scheduled offices that may be placed in these lists, to cite the powers vested in the local authorities by the Act of 1870; and the rules framed by the Government of India must, so far as these appointments are concerned, also conform to that Act. But I do not see that this procedure need affect the working of the scheme or cause any inconvenient restriction or impediment.

18. While these lists will definitely indicate the higher offices which are recognized by the Government as the most suitable field for the employment of competent men of the Provincial Service, and in which nothing but unfitness should prevent them from being employed, the papers before me show that the time and extent of their admission to these offices are also definitely prescribed by certain circumstances which cannot be left out of account. With regard to the time, the Commission has admitted that the claims of the Covenanted Civil Service must defer for some years the full introduction of its scheme. I concur with the Government of Lord Dufferin that this preferential right must be accorded to the Covenanted civilians and the other officers in the ranks of the several Commissions who entered the service before the reduction of recruitment in 1880. With regard to the extent of admission, the Government of India have rightly indicated in a passage which I have quoted that this question has already been solved by the reduction of recruitment for the Covenanted Civil Service in 1880, which satisfied the requirements of the Commission. In other words, the reduction of the Civil Service recruits by one-sixth, and the substitution for that one-sixth of Natives selected under the Act of 1870, defines the maximum

extent to which under present arrangements, room in the higher offices will gradually become available for competent members of the Provincial Service. The reduction of the Covenanted Civil Service is already taking effect in respect of the sixth of the junior reserved offices; and when it is completed, that service will cease to have any special claim to the same proportion of the reserved offices as a whole. On the basis of these considerations, it is practicable to calculate the number of reserved offices to which members of the Provincial Service may be appointed after existing prior claims have ceased through afflux of time, and the definiteness of the prospect thus offered to the Provincial Service is precisely what would be secured to it by the proposals of the Commission approved by the Government of India.

19. If these or similar arrangements are made with respect to the higher offices, the remaining steps required for the constitution of the Provincial Services present comparatively little difficulty. The Judicial and Executive branches of the Uncovenanted Service are already occupied almost entirely by Natives of India; so that nothing prevents the transfer, by executive order, of those grades to the Provincial list, down to a limit that will be settled, as the scheme proposes, by each Local Government at its discretion. The result will be to constitute and establish a connected and graduated series of offices, rising from the subordinate classes of administrative business to a very high level of superior and responsible duties, judicial and executive, which will throw open a sure and honourable prospect of employment to persons appointed in India, and of continuous promotion to officers of tried merit and ability.

20. I do not overlook the fact that in a Provincial Service thus constituted upon the authority of existing statutes, there will be no power (except under the Act of 1861) to appoint natural-born subjects of Her Majesty, other than Natives of India, to the scheduled offices. But, as I have before intimated I do not think it advisable to lay before Parliament a proposal to remove this disability, which is confined, as Your Excellency is aware, to a limited class of offices in certain provinces. It is in the power of the Secretary of State at any time to modify existing orders, and to sanction the employment of Europeans, or of any person whatever, in any office (with two or three exceptions) in the provinces of India now called the Non-Regulation Provinces, and in Burma. Nor is any measure required, beyond the change of an executive order, to authorize the larger introduction of a similar element into the *personnel* of the Provincial Service.

21. Although the delay that must occur before the new system can come into full operation is inevitable, I trust that the Provincial Governments may sometimes, without infringing the equitable claims of members of the Covenanted Service, find, with your co-operation, earlier opportunities than have been contemplated of giving to the members of the Provincial Services the appointments to which it is proposed they shall ultimately attain. Whenever the conditions that I have stated can be fulfilled, I should see with much satisfaction the appointment of Natives of India of proved merit and ability to fill the offices in question.

22. I proceed to notice other important questions that have to be decided. I will take them in the order in which they are taken in the Despatch of the Government of India.

As to what is known as the Statutory Service, there is an almost universal agreement of opinion among the authorities, both European and Native, who have been consulted, that this service has not fulfilled the expectations with which it was formed. With the constitution of the Provincial Service, the further recruitment under the existing rules framed in accordance with Section 6 of Statute 33 Vict., Ch. 3, will necessarily cease. The only practical question now to be decided is the manner of dealing with the present (so-called) Statutory officers. The Commission has recommended, as the most expedient and equitable

course, that they should be absorbed into the Provincial Service, in such positions as having regard to the circumstances of each case, the Government of India may consider just. Since the Statutory officers are now appointed

not to a service but to specific posts: under the provisions of the Statute of 1870, on the grounds of "proved merit and ability," the Commission was of opinion that by transfer to the organised Provincial Service, "with consequent claims to the usual promotion in ordinary course, they would obtain a distinct advantage over and above that which they now enjoy by virtue of holding particular offices." The Government of your predecessor concurred in the view taken by the Commission; but as a further concession in favour of the Statutory Civilians, it proposed that "*ceteris paribus*, they should, if considered qualified, have a preferential claim over members of the Provincial Services for promotion to the transferred appointments."

While it seems to me that there can be little doubt that, at least in the great majority of cases, the transfer of the Statutory Civilians to the Provincial Service would, as the Commission believed, be really beneficial and not injurious to their interest, I am aware, from memorials that have been submitted to me, and from other sources of information, that this view is not held by all of these officers themselves. I am anxious to avoid even the appearance of injustice or want of due consideration towards these gentlemen. As observed in paragraph 15 of your predecessor's Despatch, "the question is not free from difficulty, because the status of a Statutory officer is now superior to that of an officer in the Uncovenanted Judicial and Revenue Service, and any measure of amalgamation, if not carefully qualified, might be regarded as an infringement of just expectations." I think that the course least open to objection will be to give to every Statutory Civilian the option of remaining in his present position, or of being transferred to the Provincial Service, with an acknowledgment of his preferential claims in the manner proposed by your predecessor's Government. In the former case, the maintenance of the *status quo* would simply mean, as is said in the Despatch,* that his appointment would

*Paragraph 15.

continue as hitherto to be specially treated outside both the Covenanted and Provincial Services. He would not belong to any organised Service in which he would, under ordinary circumstances, rise by seniority to certain posts. His claims to advancement would depend entirely on the merit and ability that he might display, and each step that he might gain would be treated as a fresh appointment under the rules passed under the Act of 1870. This arrangement will remove all grounds for possible complaint. This decision need not in any way affect the operation of the general scheme, except so far as the occupation of certain offices by the Statutory Civilians may temporarily reduce the number of posts available for Provincial officers.

23. The next subject to which the Despatch of the Government of India refers is concerned with the open competitive examination for admission to the Covenanted Civil Service, and the first point is the question whether there are any grounds for considering that, for Native candidates, it should be held in India as well as in England. There cannot, in my opinion, be any doubt that the conclusions of the Commission and of Lord Dufferin's Government on this subject are correct.

24. Few parts of the report of the Commission are more interesting and important than that in which it is shown how very large a part in the administration of India is already in the hands of Natives. In the superior ranks of the Executive and Judicial branches of the Uncovenanted Service (excluding the so-called Special Departments), there are 2,588 officers, of whom 2,449 are Natives of India, and only 35 are Europeans or Eurasians not domiciled in India at the time of appointment. It is a complete, but not an uncommon, mistake to suppose that the work entrusted to these officers is of minor importance. "It is with the officers of this

†Paragraph 47.

"class" (the Commission observes) "that the great mass of the people are most ordinarily brought into contact, and upon these it devolves to decide a large proportion of the disputes, whether connected with revenue, magisterial, or civil matters, which arise between man and man in ordinary life, and do not, as a general rule, come before officers belonging to the Covenanted grades." Nearly the whole of the civil judicial business throughout India, including a large portion of that in the Appellate Courts, is transacted by Natives. Native Judges have jurisdiction in

all classes of civil suits, whatever be their value, and over Europeans and Natives alike, without distinction of nationality. The duties of the Executive branch of the Native Service are hardly less responsible and important. The officers in both branches receive salaries which in India are large, which in England would be considered liberal, and which are far higher than those usually assigned in other countries of Europe to posts of corresponding dignity.

Not including posts filled by junior officers in training, and excluding Burma altogether, there are only 765 civil charges in British India held by members of the Covenanted Service, by military officers and by Uncovenanted officers promoted to the ranks of the several Commissions in the Non-Regulation Provinces. These offices represent a proportion of only one office to every 1,048 square miles of area, and to every 254,000 of population. Since 1874, notwithstanding the constantly increasing demands for improved administration, the strength of the Covenanted Service recruited in England has been reduced by more than 22 per cent; and if existing orders be maintained it will at no distant period be reduced by 12 per cent more. Under the rules framed by Lord Lytton's Government in 1879, which, with certain modifications, are still in force, there would eventually be one Statutory Civilian for every five members of the Covenanted Service. And in recent years the number of Natives employed in the Executive and Judicial Services has been largely increased and the field of their employment has been steadily enlarged.

25. It is not surprising that the Commission should have arrived at the conclusion that, as so little room now remains for reducing the numbers of the Covenanted Civil Service, which may be said to represent the only permanent English official element in India, the importance of recruiting that service with reference to the maintenance of English principles and methods of government cannot be overrated,—and that, therefore, the idea of holding a competitive examination for Native candidates for the Covenanted Service in India as well as in England is altogether inadmissible. The Government of your predecessor were unanimously of opinion that this view is correct, and I cannot better express my own conclusion than by quoting the words of their Despatch:—* "The true principle,

*Paragraph 18.

on which the Commission has very strongly insisted, is that the conditions of the open competitive examination should be framed with the object of securing candidates trained in the highest and best form of English education. If, under such conditions, Native candidates succeed they will then, as Lord Macaulay said, 'enter the Service in the best and most honourable way'. The establishment of simultaneous competitive examinations in India and in England would sacrifice the principle we have stated. It would be entirely foreign to the intentions of the framers of the competitive system, and be open to grave practical objections. We therefore fully agree with the Commission in deprecating the entertainment of any such proposal."

There is also another objection to the holding in India of a simultaneous examination for the Covenanted Service which is scarcely less forcible. To attract English youths of suitable education and intellectual promise to the Covenanted Service in India, it is necessary to offer greater inducements in salary, pension, and furlough than would be requisite were the duties to be performed in their own country or under less unfavourable conditions of climate. To compensate successful Native candidates for the inconvenience of presenting themselves at the Examination in England, and to avoid an invidious distinction, similar advantages are allowed to them. But it would impose an unnecessary, and therefore unjustifiable, burden on the revenues of India, to provide larger emoluments or furlough privileges than are sufficient to attract Natives of high education and ability to an examination for the public service in India. This consideration has constantly been kept in view by the Government of India. As education in that country has from time to time qualified, more extensively, Natives to take part in the administration, European agency has been curtailed, and the field for the employment of Natives has been extended. At the same time the Statute of 1870 has put it in the power of the Government to secure the services of Natives who have given proof of eminent capacity, for employment in any of the offices reserved by the Statute of 1861.

26. With regard to the limits of age within which candidates should be allowed to compete for the Indian Civil Service, I am glad to be able to inform Your Excellency in Council that, after a most careful consideration of the subject and after consulting the Civil Service Commissioners, I am prepared to adopt the recommendation of the Public Service Commission, supported as it is by the concurrence of your predecessor in Council. The limits of age will accordingly be raised, the maximum limit to 23 and the minimum limit to 21, which I agree with the Civil Service Commissioners in thinking preferable to the lower limit of 19 suggested by the Public Service Commission. In both cases the age of the candidate will be taken as it stands on the first day of the month in which the competitive examination commences; and the successful candidates will be required to arrive in India before the 31st of December of the year following that in which the examination takes place. As to the date at which this change may properly be carried into effect, and as to the various alterations of existing arrangements which it will involve, I am now in communication with the Civil Service Commissioners.

27. I proceed to notice the subjects referred to in paragraphs 21 to 34 of the Despatch of the Government of India, relating for the most part to the organization of the Provincial Services. Some of the more important questions connected with this subject have been already noticed in the earlier part of the present Despatch. I generally concur in your proposals, and there are only a few points on which it is now necessary for me to offer observations.

28. The recruitment for the Provincial Service will be made in each province under rules framed by the Provincial Government with the sanction of the Government of India. "The rules" (in the words of your predecessor's Despatch) "while making due provision for indispensable educational attainments, must be such as are adapted, on the one hand, to obtain for each province thoroughly efficient candidates, and, on the other hand, to secure the due representation in the public service of the different classes of the community."

29. The Commission has recommended, and the same view has been taken by the Government of your predecessor, that all natural-born subjects of Her Majesty resident in the provinces and fulfilling certain conditions shall be eligible for admission to the Provincial Service. This recommendation is based, the Commission says, "on the cardinal principle, proceeded with throughout, of equality of treatment for all classes of Her Majesty's subject".

• Paragraph 84.

30. Under the orders which were passed by the Government of Lord Lytton in 1879, with the approval of the Secretary of State, and which are still in force, no person other than a Native of India as defined in the Statute of 1870, can be appointed to any office in the Executive or Judicial Service carrying a salary of 200 rupees a month and upwards, without the previous sanction of the Governor General in Council, or (in Madras and Bombay) of the Secretary of State. How completely these orders have been carried out is shown by the facts given in paragraph 53 of the Commission's Report, and noticed in paragraph 24 of this Despatch. Out of a total number of 2,588 persons employed in the higher grades of the Executive and Judicial branches of the Uncovenanted Service throughout India there were only 35 Europeans or Eurasians who were not domiciled in India at the time of their appointment. Only two of these have been appointed since the orders of 1879, and 23 out of the 35 held offices in Lower Bengal. The total number of Europeans and Eurasians domiciled in India thus employed was 104. Practically, therefore, although these branches of the Service are open, under certain conditions, to all classes of Her Majesty's subjects, they are now manned almost entirely by Natives of India.

31. The primary object with which the Commission was appointed was to extend the employment of Natives of India, and, accepting that object as proper one, I am unable to agree to the recommendation that the rules of 1879 should be wholly cancelled. The present Uncovenanted Service, in its Executive and Judicial branches, is, as I have shown, essentially a Native Service and the Provincial Service ought, in my opinion, to retain the same character

If it should hereafter be found by experience that the orders which now regulate the entry of Europeans into the Uncovenanted Service are not altogether applicable to the constitution of the Provincial Services, it will be open to your Excellency's Government to consider them.

32. I approve the proposal that the Government of India should reserve the power of making, in very special cases and under prescribed conditions, direct appointments, whether of Natives or Europeans, to offices in the higher grades of the Provincial Service; * and that, in the case of the Judicial branch, the exercise of this power should be confined to barristers, advocates, or pleaders of an Indian High or Chief Court of not less than ten years' standing, and possessing a thorough knowledge of the vernacular language of the province. †

• Despatch, paragraph 26.
Report, paragraph 82.

† Report, paragraph 84.
when it is considered necessary to recruit Europeans for the Provincial Service otherwise than under the published rules, the recruitment should be made in Europe and by the Secretary of State. This will be in accordance with the established policy of the Government, and its soundness is not open to question.

33. The offices now filled by the lower grades of Uncovenanted officers will, under the scheme of the Commission, ‡ be formed into a Subordinate Civil Service. The precise point at which the line is drawn between the Provincial and Subordinate Services will be fixed in each case by the Provincial Government, and will probably vary in different provinces. Promotion from the Subordinate to the Provincial Service may be made as a reward for conspicuous merit. I approve these proposals. As the Commission has pointed out, § their acceptance will render it necessary to make a

‡ Despatch, paragraph 21.
Report, paragraph 81.

§ Paragraph 82.

careful revision in each province of the rules for the recruitment of the Subordinate Service.

34. A strong opinion has been expressed by the Commission || that no useful comparison can be made between the conditions of service suitable in the case of officers recruited in England and officers recruited in India respectively, and that the grades of pay, the pay of appointments, and the rules regarding leave and pensions in the Provincial Service should be fixed on independent grounds and without any special relation to those of the Covenanted Service. This view has my approval. In the words of the Report. "The simple principle which the Commission would adopt is to adjust the conditions of the Provincial Service by the consideration of the terms which are necessary to secure locally in India the desired qualifications. The rate of pay would thus depend on the place of recruitment and the service to which the officer belongs independently altogether of questions of nationality." The distinction to which the Commission here refers is that drawn by the existing rules, under which a Native of India holding an office ordinarily reserved for the Covenanted Civil Service receives only two-thirds of the pay which he would have received if he were a member of that Service; he receives a smaller pension, and is subject to less favourable leave rules.

|| Paragraph 85.

35. The Commission has advised ¶ that for the high appointments made directly by Her Majesty, which are very few in number and stand upon a footing of their own, the pay and the rules governing leave and pension should be the same for all incumbents, whether belonging to the Covenanted or the Provincial Service, or appointed from outside the Service of the Government. Among the principal officers of this class are the Judges of the High Courts. It is already provided by the existing rules that, in their case, no distinction shall be made in regard to pay, but it is otherwise in regard to leave and pension. The distinctions, which were finally laid down in Lord Kimberley's Despatch No. 18, dated 27th May 1886, were based on the

¶ Paragraph 85.

ground that the leave and pension allowances of Natives of India must be regulated on Indian rather than on English considerations; and your predecessor's Government* did not think it desirable to reopen the question.

* Paragraph 32.

Under the circumstances which existed when the orders of 1886 were passed, the conclusions arrived at were, in my opinion, correct. But when the changes of system now proposed are carried out, the case, in regard to the High Court Judges who are Natives of India will be altered, and I think that it will no longer be right that any distinction should be maintained. In the Covenanted Service the rules regarding pay, leave, and pension will be the same for all members, whether they are European or Native. In the Provincial Service they will also be the same for all the members. When, in both these branches of the administration, all distinctions in the conditions of service based on difference of nationality are abolished, it will be impossible to apply another principle in the High Courts, and to say that Judges who are Natives of India shall, because of their nationality, be treated differently from Judges who are Europeans. On other grounds, at the present time, when we are recognising the claims of Natives to a larger share in the higher offices of the Public Service, and are endeavouring, as far as possible, to get rid of distinctions between them and Englishmen, I am glad to be able to remove what I am aware is a cause of dissatisfaction to some of the most distinguished Natives of India who are in the service of Her Majesty. I sanction, therefore, the recommendations of the Commission on this subject.

36. In this Despatch I have, for the sake of convenience, made frequent use of the term "Covenanted Service". The Commission recommends that, when the Provincial Service has been constituted, the two Services shall be called the "Imperial" and the "Provincial" respectively. The Government of India approve of the proposed designations, and agree to their being substituted for the "Covenanted" and "Uncovenanted" at the present in common use. The term "Imperial" does not commend itself to me; and I prefer that the Service now known as the "Covenanted" should be designated "the Civil Service of India," and that each branch of the "Provincial" Service should be designated by the name of the particular province to which it belongs, e.g., "the Madras Civil Service," "the Bombay Civil Service," "the Punjab Civil Service," and so forth. When this rule comes into operation, the use of the terms "Covenanted" and "Uncovenanted" must be entirely discontinued.

37. I have now stated to you my views on all the questions referred to in the Report of the Commission, or in the Despatch of your predecessor's Government which appear to me at present to demand notice. As observed in the last paragraph of that Despatch, the Government of India have as yet communicated to me their conclusions on that part only of the proposals of the Commission which deals with the two great Services through which the Executive and Judicial administration is carried on. There remain the Special

† Accounts, Archaeology, Customs, Education, Forests, Geological Survey, Jails, Mint, Opium, Pilot Service, Police, Post Office, Public Works, Registration, Salt, Surveys, Telegraphs.

Departments† in respect of which the Commission has made separate recommendations. As to these I shall be glad to learn the matured conclusions of Your Excellency's Government, and of the Local Governments which, in regard to many Departments concerned, you will doubtless think it necessary to consult fully.

I have the honour to be,

MY LORD MARQUIS,

Your Lordship's most obedient, humble Servant,

(Signed) CROSS.

No. 9.

GOVERNMENT OF INDIA.
HOME DEPARTMENT.

PUBLIC.

TO THE RIGHT HONOURABLE
VISCOUNT CROSS, G.C.B.,
Her Majesty's Secretary of State for India.

Calcutta, the 10th February 1892.

MY LORD,

WITH reference to the telegram addressed to your Lordship on the 3rd instant, we have the honour to forward, for your information, a copy of the draft Resolution therein referred to, dealing with the recommendations made by the Public Service Commission so far as they relate to the higher branches of the Executive and Judicial Services throughout India.

2. This draft differs from the one to which our telegram refers in that it maintains for all existing Statutory Civilians the rules as to leave and pension which now apply to them. The rules regarding the pensions of Statutory Civilians are more favourable than those which will apply to the Provincial Service, and the fact that a Statutory Civilian will not surrender the benefit of his present rules by joining the Provincial Service will, we hope, remove an obstacle to his electing to join that service.

We have, etc.,

LANSLOWNE.

P. P. HUTCHINS.

D. BARBOUR.

A. E. MILLER.

H. BRACKENBURY.

R. C. B. PEMBERTON.

Enclosure.

Draft Resolution.

No.

Extract from the Proceedings of the Government of India, in the Home Department,—(Public) under date Calcutta, the 1892.

READ—

The Report of the Public Service Commission and the opinions expressed thereon by Local Governments and Administrations.

The Despatch of the Government of India to the Secretary of State, No. 58, dated the 19th October 1888, reviewing and stating its conclusions on the principal questions discussed in the Report.

The Despatch of the Secretary of State, No. 104, dated the 12th September 1889, communicating His Lordship's decision upon the recommendations made in the Report and by the Government of India, so far as they deal with the higher branches of Executive and Judicial work throughout India.

Letters to Local Governments and Administrations, dated the 14th February 1890, forwarding a copy of the Secretary of State's Despatch, and making suggestions, as to the manner in which its decisions may best be given effect to.

Replies from the Local Governments and Administrations consulted.

RESOLUTION.

IN his Despatch No. 104, dated 12th September 1889, the Secretary of State for India in Council announced the decisions at which he had arrived on the recommendations made in the Report of the Commission appointed in 1886 to consider the question of the admission of natives of India to higher and more extensive employment in the Civil administration of the country. After reviewing those recommendations and the opinions expressed upon them by the Government of India, and stating his entire assent to the main principles of the scheme of the Commission so far as it related to the higher branches of the Executive and Judicial Service, His Lordship first dealt with the proposal that recourse should be had to Parliamentary legislation in order to give effect to the reforms advocated. For the reasons stated in paragraphs 8 to 14 of the Despatch, he decided that such legislation was unnecessary and inexpedient, and that full effect could be given to the main principles of the scheme without it.

He wrote:—

My conclusion is that the legislation proposed to me, while in itself of doubtful expediency, would not really facilitate the scheme of the Commission, because the obstacles to any very early and permanent re-distribution of the public offices are due to the circumstances of the case and not to the law. Many of the measures which it is proposed to take must for a long time to come, be more or less experimental; they can only be brought gradually into operation, and their ultimate consequences can at present be very imperfectly foreseen. After an attentive examination of the scheme as explained in the papers now before me, I have come to the conclusion that it can be accepted in substance and introduced, without discarding any essential part of disturbing its frame-work, upon the basis of the existing Acts of Parliament.

He observed that the suggestion that the Schedule to Act 24 & 25 Vict., Cap. 54, should be recast so as to exclude from reservation to the Covenanted Civil Service a proportion of the posts now reserved appeared to him to be both too wide and too narrow: too wide, because certain of the posts mentioned (among which he included that of chief executive officer of a district as well as that of Commissioner of a Division and the administrative offices of still higher rank) were of such a nature that, without contravening established and indisputable considerations of public policy, they could not be formally excluded from Statutory reservation and transferred to a Provincial Service, although in special circumstances a member of that service might be appointed to one of them on grounds of proved individual fitness: too narrow, because the schedule to the Statute at present reserves to the Covenanted Service other offices (such, for instance, as those of Members of the Board of Revenue,

District Judge, Comptroller and Auditor General, Commissioner of Customs, Salt and Opium, or Opium Agent) of which, though it was true that we could not foresee the time when it would cease to be necessary, in order to secure an administration conducted on principles and by methods in harmony with Western knowledge and civilization, that a large proportion of them should be held by members of the Covenanted Service, it could not be said that there was any absolute necessity to reserve them by law to that Service; if a native or a member of the Provincial Service of any race was confidently believed to possess the ability and training, and all the other qualifications necessary for such posts, there was no reason why he should be shut out from them.

Recognizing, however, the importance attached by the Commission to that part of their scheme which consisted in marking off and publicly allotting beforehand the offices accessible to persons in the Provincial Service, although their preferential claims or prior rights were subjected to several exceptions, and to the paramount consideration of fitness, His Lordship thought that, while the Government of India should avoid pledging the administration positively to reserve any particular offices exclusively for the Provincial Service, the object in view might be secured in another way. He continued—

The ends contemplated will be practically attained by requiring each Provincial Government to place on a separate classified list, in each province, certain offices in the different grades and departments; and by publicly declaring these to be offices to which members of the Provincial Service may (subject to the conditions laid down in the letter of your predecessor's Government) properly be appointed. These lists will be arranged to suit the preponderant administrative needs, circumstances and aptitudes of each province and its people, and the proportion of appointments in the different branches will be from time to time determined and varied accordingly. It will thenceforward be necessary, in making appointments to any of the scheduled offices that may be placed in these lists, to cite the powers vested in the local authorities by the Act of 1870; and the rules framed by the Government of India must, so far as these appointments are concerned, also conform to that Act. But I do not see that this procedure need affect the working of the scheme, or cause any inconvenient restriction or impediment.

2. He proceeded to point out that, while these lists would definitely indicate the higher offices which are recognized by Government as the most suitable field for the employment of competent men of the Provincial Service, and in which nothing but unfitness should prevent them from being employed, the time and extent of their admission to these offices were also definitely prescribed by certain circumstances which could not be left out of account: the time, by the necessity of taking into consideration the preferential rights of Covenanted Civilians who entered the service before the reduction of recruitment in 1880; and the extent, by the rule then introduced, that one-sixth of the recruitment for the Civil Service should be of Natives of India selected under the Act of 1870:—

The reduction of the Covenanted Civil Service is already taking effect in respect of the sixth of the junior reserved offices; and when it is completed, that service will cease to have any special claim to the same proportion of the reserved offices as a whole. On the basis of these considerations, it is practicable to calculate the number of reserved offices to which members of the Provincial Service may be appointed after existing prior claims have ceased through efflux of time, and the definiteness of the prospect thus offered to the Provincial Service is precisely what would be secured to it by the proposals of the Commission approved by the Government of India.

3. The higher offices being thus arranged for, the Provincial Service would be constituted by the transfer to a separate list by executive order of the judicial and executive branches of the present Uncovenanted Service, already occupied almost entirely by Natives of India, down to a limit to be settled by each Local Government at its discretion. "The result will be to constitute and establish a connected and graduated series of offices, rising from the subordinate classes of administrative business to a very high level of superior and responsible duties, judicial and executive, which will throw open a sure and honourable prospect of employment to persons appointed in India, and of continuous promotion to officers of tried merit and ability."

His Lordship added that while delay was inevitable before the new system could come into full operation, he trusted that the Provincial Governments might sometimes, without infringing the equitable claims of members of the Covenanted Service, find earlier opportunities than had been contemplated of

giving to the members of the Provincial Services the appointments to which it is proposed that they shall ultimately attain.

4. The next question considered in the Despatch was the position of the existing members of what is called the Statutory Service. The Commission, Paragraph 72 of their Report.

concurring with the almost unanimous opinion of the authorities, both Native and European, whom they consulted, had pronounced the system of selection hitherto pursued to have failed to fulfil the expectations entertained from it, and with the constitution of the Provincial Service further recruitment under the existing rules framed in accordance with Section 6 of the Statute of 1870 will necessarily cease. The Commission recommended that the present Statutory officers should be absorbed into the Provincial Service in such positions as, having regard to the circumstances of each case, might seem just. Lord Dufferin's Government accepted this recommendation, but as a further concession in favour of the Statutory Civilians, proposed that *ceteris paribus* they should, if considered qualified, have a preferential claim over other members of the Provincial Service for promotion to the transferred appointments. The Secretary of State, in view of the memorials which he had received from some Statutory Civilians showing that they regarded the proposed absorption as a disappointment of their just expectations, considered that the course least opening to objection would be to give to every Statutory Civilian the option of remaining in his present position, or of being transferred to the Provincial Service with an acknowledgment of his preferential claims in the manner proposed by the Government of India:—

In the former case, the maintenance of the *status quo* would simply mean that his appointment would continue as hitherto to be specially treated outside both the Covenanted and the Provincial Services. He would not belong to any organized service in which he would, under ordinary circumstances, rise by seniority to certain posts. His claims to advancement would depend entirely on the merit and ability that he might display, and each step that he might gain would be treated as a fresh appointment under the rules framed under the Act of 1870. This arrangement will remove all grounds for possible complaint. This decision need not in any way affect the operation of the general scheme, except so far as the occupation of certain offices by the Statutory Civilians may temporarily reduce the number of posts available for Provincial officers.

5. His Lordship then went on to announce his concurrence with the Government of India and the Commission in condemning the idea of a simultaneous competitive examination in India and England for the Covenanted Civil Service, and his resolution to raise the limits of age for admission to the examination in England to a minimum of 21 and a maximum of 23, a change which will this year come into operation.

6. In regard to the Provincial Service, he desired that its recruitment in each Province might be effected under rules framed by the Provincial Government, with the sanction of the Government of India, which, while making due provision for indispensable educational requirements, should be adopted, on the one hand, to obtain for each Province thoroughly efficient candidates, and, on the other, to secure the due representation in the public service of the different classes of the community.

7. He was unable to agree that the orders of 1879, which restrict the appointment of Europeans to the Uncovenanted Service in India, should be wholly cancelled, but was ready, if experience showed hereafter that these orders were not altogether applicable to the constitution of the Provincial Service, to allow the Government of India to reconsider them.

8. He approved the proposal that the Government of India should reserve the power of making, in very special cases and under prescribed conditions, direct appointments, whether of Natives or Europeans, to offices in the higher grades of the Provincial Service; and that, in the case of the Judicial branch, the exercise of this power should be confined to barristers, advocates, or pleaders of an Indian High or Chief Court of not less than ten years' standing, and possessing a thorough knowledge of the vernacular language of the province.

9. The offices now filled by the lower grades of Uncovenanted Officers were, as recommended by the Commission, to be formed into a Subordinate Civil

Service, the precise point at which the line is to be drawn between the Provincial and Subordinate Services being fixed in each case by the Provincial Government, and being liable to vary in different provinces. Promotions from the Subordinate to the Provincial Service were to be made only as a reward for conspicuous merit, and the rules in each province for the recruitment of the Subordinate Service were to be subjected to a careful revision.

10. As regards the pay and other conditions of appointment in the Provincial Service, the Secretary of State approved the view expressed by the Commission that the grades of pay, the pay of appointments, and the rules regarding leave and pensions in the Provincial Service should be fixed on independent grounds and without any special relation to those of the Covenanted Service, by the consideration of the terms which are necessary to secure locally in India the desired qualifications. The rate of pay would thus depend on the place of recruitment and the service to which the officer belongs, independently altogether of questions of nationality.

11. His Lordship then announced that he had decided to sanction the recommendation of the Commission that, for the high appointments in India made directly by the Her Majesty, among the principal of which are those of Judges of the High Courts, the pay and the rules governing leave and pension should be the same for all incumbents, whether belonging to the Covenanted or the Provincial Service, or appointed from outside the service of Government. The effect has already been given to this decision in the new rules recently published under the Statute for the pay, leave, and pension of Judges of the several High Courts.

12. Lastly, he directed that in future the service now known as the "Covenanted" should be designated "the Civil Service of India," and that each branch of the Provincial Service should (in lieu of the present term "Uncovenanted") be designated by the name of the particular province to which it belongs, e.g., "the Madras Civil Service," "the Bombay Civil Service," and so forth. The Government of India pointed out to His Lordship that there were some inconveniences in the use of these names, but he has declined to reconsider his decision. In speaking, however, of the new service now to be constituted it has been found convenient, both by the Government of India and the Secretary of State, pending completion of the arrangements for the future, to employ the term "Provincial," and that term will be used provisionally until the reorganization of the local service is complete.

13. In communicating to the Local Governments and Administrations for consideration the Secretary of State's Despatch the Government of India—

- (1) drew attention to the conditions (as stated above) subject to which it would be possible to appoint a member of the Provincial Service to a reserved post;
- (2) offered suggestions as to the appointments in each province which might be entered in the lists which the Secretary of State directed to be drawn up;
- (3) suggested certain rates of pay for the listed posts when held by members of the Provincial Service;
- (4) pointed out that in the list of appointments in the executive lines below the grade of District Magistrate and Collector proposed to be thrown open there was no necessity to retain, for members of the Provincial Service, the designations of Assistant or Joint Magistrate or Collector, Head Assistant Collector, Sub-Collector, and the like, as the duties performed and powers possessed by the Deputy Magistrates and Collectors already in the Provincial Service in no way differ from those of the subordinate grades of the Covenanted Civil Service, and that the proper way to exhibit the listed appointments of the sub-divisional officer class which it was proposed to open to members of the Provincial Service was to distribute them among the several grades of the Deputy Magistrates and Collectors in such manner as might appear most suitable;

- (5) enquired whether it was thought desirable that the Local Government, under the statutory rules to be framed, should be competent to appoint to the higher offices, or whether such appointments should be made or sanctioned by the Government of India;
- (6) suggested a form which the list should take in each province;
- (7) requested that, as desired by the Secretary of State, each Statutory Civilian appointed before the close of 1889 might be called upon to elect whether or not he would join the Provincial Service on the conditions explained, or retain his present position;
- (8) asked whether the Leave and Pension rules of the present Uncovered Service might not be applied to members of the Provincial Service, excluding existing Statutory Civilians who refused to join that service, who would retain their present rules;
- (9) requested that rules might be prepared to regulate—
- (a) admission to the Provincial Service,
 - (b) appointment from the Provincial Service to the scheduled appointments under the Statute of 1870:
- the former to be sanctioned by the Government of India, the latter to be submitted as required by the Statute, for the sanction of the Secretary of State in Council;
- (10) pointed out that provision must be made in the latter rules for temporary appointments from the Provincial Service in place of men deputed to other duty or absent on leave;
- (11) enquired whether officers of the Provincial Service exercising only civil judicial functions should not undergo some period of probation in Criminal business before they are appointed to a District and Sessions Judgeship;
- (12) asked where the Local Government proposed to draw the line between the Provincial and the Subordinate Civil Service, with special reference to the exclusion from the former and the inclusion in the latter of Tahsildars, Mamlatdars and Munsifs, and whether it would be convenient to adopt a limit of salary, including in the Subordinate Service all officers drawing pay proper of less than Rs. 200;
- (13) enquired whether the arrangements in force for testing the educational qualifications of candidates for the Public Service were considered adequate, and if not, whether the establishment of a Board of Examiners would not be advisable;
- (14) Lastly, the Circular concluded with the following words:—

I am to invite attention to paragraph 23 of the Government of India's Despatch of the 9th October 1888, and to say that the principle of special selection must be rigidly enforced on all occasions of appointments made from the Provincial Service to the posts of District Officer, Sessions Judge, and the ungraded appointments made under the Statute. I am also to take this opportunity generally to say that the Governor General in Council fully accepts the 46th recommendation of the Public Service Commission that, inasmuch as the administrative charge of a district involves very responsible duties, the principle of selection should be more completely adopted even when a member of the Indian Civil Service is to be promoted to such office. His Excellency in Council has had occasion, in connection with memorials in which officers have complained of their super sessions by juniors in the post of Divisional Commissioner, to express his adhesion to the principle that selection and not seniority should govern such high appointments. The principle of selection must be more absolute in respect of such appointments as that of Commissioner than it is in respect of the appointment of District Judge or Magistrate and Collector; but it should be distinctly recognized that mere length of service gives no claim to promotion in the Indian Civil Service above the rank of Sub-Collector (First Assistant Magistrate, Joint Magistrate, etc.), and that no officer should be appointed to the charge of a District, or to be a District and Sessions Judge, who has not in the course of his previous service given distinct evidence that he is fit for such office.

14. All the Local Governments and Administrations consulted have replied to the letters of 14th February 1890, and their replies have been considered by

the Governor General in Council, who is now in a position to pass orders upon the most important points calling for determination. The Province of Burma was not within the scope of the enquiries of the Public Service Commission, and the present orders do not deal with it. The Statute of 1861 does not apply to appointments (except in the Secretariat of Local Governments and in the Accounts Department) in what are known as Non-Regulation Provinces, so that the Act of 1870 was likewise inapplicable to those provinces. The principles of these enactments have, however, by executive order under instructions from the Secretary of State, been extended to the Non-Regulation Provinces, and the orders now to be issued will similarly have application therein.

15. In the first place His Excellency in Council desires again to draw attention to the general conditions subject to which alone appointments can be made from the Provincial Service to the scheduled posts. The first and paramount condition is absolute and proved fitness, opportunity of testing which will be afforded by the officiating appointments for short periods, which Local Governments and Administrations will be able to make. *Secondly*, the maximum extent to which room in the higher offices will gradually become available for competent members of the Provincial Service is one-sixth of the appointments in the cadre of the Indian Civil Service or the Commission, except in cases where Military officers in a fixed proportion are still, in Non-Regulation Provinces, recruited for the Commission, when the maximum is one-sixth of the total after deducting the proportion reserved for Military officers. *Thirdly*, such appointments, save in the exceptional circumstances contemplated in paragraph 21 of the Secretary of State's Despatch of the 12th September 1889, are subject to the preferential right of officers who entered the Service before the reduction of recruitment in 1880—that is, of Indian Civil Servants who passed the competitive examination in or before the year 1879, and officers of the Commissions appointed in or before 1881. An instance of the exceptional circumstances contemplated by the Secretary of State would be the creation of a new appointment outside of the existing cadre, to which no officer in the service could have a preferential right. *Fourthly*, such appointments are further subject to the right of the remaining officers of the Indian Civil Service or Commission (as the case may be), recruited after 1879—81, to have their claims considered to the extent of five-sixths of the posts for which recruitment was or might have been made in any one year. Thus, if it be assumed that the vacancies in the cadre for which recruitment of Indian Civil Servants in any one year after 1881 had to be made were 10, this, representing five-sixths of the total recruitment, would give two posts in that year to fill which recruitment might have been made for the Provincial Service; but the claims of officers in the Provincial Service to succession to those posts would not come into consideration until those of the ten members of the Indian Civil Service, or the survivors of them, had been considered; and when the two posts had been given to the Provincial Service, no more scheduled posts (always subject of course to the maximum of one-sixth of the total) could be allotted to that service till the legitimate claims to promotion of the Indian Civil Servants of the following year had come under consideration. *Fifthly*, if no member of the Provincial Service who is fully fit and competent be available for any listed office which may become vacant, a member of the Indian Civil Service may be appointed to it.

16. After considering the replies of the several Local Governments and Administrations, the Government of India have determined that the following appointments in each Province shall for the present be entered in the list as open to the Provincial Service:—

MADRAS—					2
Heads of Districts	...	...	...	...	4
District Judges	...	...	...	...	7
Sub-Collectors, Head Assistants and Assistant Collectors	...	...	...	...	1
Secretary to the Board of Revenue	...	...	...	...	1
Under Secretary to Government...	...	...	...	...	15
TOTAL					—

This represents $\frac{2}{5}$ ths of the cadre of the Madras Presidency, and is the maximum which the Madras Government think it will be possible to open for a very considerable time to the Provincial Service.

BOMBAY—

Heads of Districts ...	...	...	...	...	...
Judges ...	...	...	...	...	2
Joint Judge ...	...	...	...	...	2
Assistant Judges ...	...	...	...	...	1
Assistant Collectors ...	...	...	...	...	2
Talukdafi Settlement Officer ...	...	...	...	...	9
Registrar of the High Court ...	...	...	...	...	1
	...	...	...	...	1
	...	...	...	...	—
	...	...	...	...	18
	...	...	...	...	—

The cadre for the Bombay Presidency, including Sind, is at present 120; the maximum number of posts which could be thrown open is 20, and the proposals of the Bombay Government fall very little short of this.

BENGAL—

Heads of Districts ...	...	...	...	...	...
District Judges ...	...	...	...	...	4
Joint and Assistant Magistrates ...	...	...	...	...	6
Secretary to the Board of Revenue ...	...	...	...	...	8
Under Secretary to Government ...	...	...	...	...	1
	...	...	...	...	1
	...	...	...	...	—
	...	...	...	...	20
	...	...	...	...	—

The cadre for the Bengal Province is 159, so that the maximum number of posts which could be declared open is 26.5. The Government of India accept Sir Stuart Bayley's recommendations for the present, and authorize the Lieutenant-Governor to make temporary officiating appointments up to three months at a time to reserved posts in excess of 20 and up to 26 whenever administrative necessities demand it. Such temporary appointments in short vacancies will afford a means for testing the fitness of members of the Provincial Service for permanent appointment to listed posts.

NORTH-WESTERN PROVINCES AND OUDH—

Heads of Districts ...	...	...	...	...	...
District and Sessions Judges ...	...	...	...	...	2
Joint and Assistant Magistrates ...	...	...	...	...	4
Junior Secretary, Board of Revenue ...	...	...	...	...	9
Assistant Settlement Officers ...	...	...	...	...	1
Assistant Director of Land Records and Agriculture ...	...	...	...	...	2
Small Cause Court Judges, Allahabad and Lucknow ...	...	...	...	...	1
	...	...	...	...	2
	...	...	...	...	—
	...	...	...	...	24
	...	...	...	...	—

The first four entries only are of appointments included in the schedule to the Statute of 1861, the remaining three headings showing miscellaneous posts either reserved to, or ordinarily officered from, the Indian Civil Service, though some of them have been held by others. Taking the cadre for the North-

Western Provinces and Oudh at 164, the above list opens to the Provincial Service between one-seventh and one-eighth of the sanctioned appointments.

PUNJAB—

Heads of Districts ...	...	...	...	...	2
Divisional Judges ...	...	...	...	...	2
District Judges ...	...	...	...	...	2
Assistant Commissioners ...	...	...	...	...	3
Junior Secretary to Financial Commissioner ...	...	...	...	...	1
Settlement Collectorships ...	...	...	...	...	2
	...	...	...	...	—
	...	...	...	...	12
	...	...	...	...	—

The Punjab Government suggests adding the Excise Commissionership to the list, but at the same time states that it is not likely in practice that that office will be held by an officer of the Provincial Service. This being so, it is unnecessary and undesirable to enter it in the list, which is already as large, considering the administrative needs of the Province and the aptitudes of its people, as the Government of India think justifiable. This will not prevent the appointment of an officer of the Provincial Service to the post if the Lieutenant-Governor should be able to find one fully qualified to hold it. The number of cadre appointments in the Punjab is 109, but one-fourth of these are for obvious reasons reserved in this frontier Province to Military officers, only 82 remaining to be divided between the Indian Civil Service and the Provincial Service. One-sixth of this number is 13.6, and 12 is thus a liberal proportion to fix at the outset as posts for which the latter service shall be eligible.

CENTRAL PROVINCES.—In these provinces the late Chief Commissioner did not think it expedient to declare any District Headship open to the Provincial Service. Sir Alexander Mackenzie pointed out that that service is considerably below the standard attained in other more advanced provinces in respect of education and efficiency; that it is largely officered by one class of Hindus, mostly drawn from the Mahratta districts within and without the Central Provinces, and thus does not represent all classes of the indigenous population; and that of the eighteen districts in the Province eleven march with Native States, and all contain a large proportion of aboriginal tribes. The Government of India are disposed to accept these reasons as sufficient for not at present entering any Deputy Commissionerships in a list for the Central Provinces. But since Sir A. Mackenzie wrote there have been some important changes in the administrative agency of those Provinces. Two posts of District and Sessions Judge have been created, the cadre of Assistant Commissioners has been enlarged, and the appointment of Revenue Secretary has been added to the Secretariat. The Governor General in Council fears that the Province still has (and for some years to come will have) to rely mainly on importation for an efficient staff in the Provincial Service; but he would be glad to learn whether the present Chief Commissioner has found any reason to differ from his predecessor in regard to the posts to be opened to that service, or can suggest the inclusion in the list of any district administrative appointments. Sir A. Mackenzie suggested that the following other appointments should be listed:—

Assistant Commissioners ...	...	...	...	...	2
Commissioner of Excise, Stamps and Registration ...	...	...	...	...	1
Registrar, Judicial Commissioner's Court ...	...	...	...	...	1
Assistant to Commissioner of Settlements and Agriculture ...	...	...	...	...	1
Settlement Officers ...	...	...	...	...	2
	...	...	...	...	—
	...	...	...	...	7
	...	...	...	...	—

Before passing orders on the subject His Excellency will await a further expression of Mr. MacDonnell's views on the question, which in the Central Provinces is not a pressing one.

ASSAM.—The late Chief Commissioner of this Province, Mr. J. W. Quinton, agreeing with his predecessors Sir Stuart Bayley, Mr. W. E. Ward, and Sir Dennis Fitzpatrick, expressed a strong opinion that Assam is not yet ripe for the admission of Provincial Officers to any of the posts which, in the letter communicating to him the Secretary of State's Despatch, it was suggested might be entered in the list. After referring to the previous correspondence on this subject, which shows conclusively the necessity, in every district in the Province, of maintaining the European element in the Assam Commission, that no posts should at present be listed in that Province. It appears that the Provincial Service in Assam is largely recruited from Bengal, and that it would be almost, if not quite impossible, in view of the progress in education and the administrative aptitudes of the people, to find within any time which can now be foreseen an indigenous officer who could be utilized in a listed post. Assam must therefore, like Burma, for the present remain outside the scope of the present orders.

17. The question of the pay to be assigned to the listed posts offers little difficulty. Dealing for the present only with the superior appointments, and reserving for the next paragraph the examination of the subject so far as it affects the case of Joint and Assistant Magistrates and Collectors, the following are the rates of pay for officers of the Provincial Service in each grade which the Government of India propose to recommend to the Secretary of State:—

MADRAS—		Judicial.		Executive.	
Judge, 1st grade	...	Rs.	...	Collector, 1st grade	Rs. 1,600
Judge, 2nd grade	...	1,200	...	Collector, 2nd grade	1,200
BOMBAY—				Secretary to the Board of Revenue	1,000
Judge, 1st grade	...	1,600	...	Under Secretary to Government	700
Judge, 2nd grade	...	1,200	...	Magistrate and Collector, 1st grade.	1,600
Judge, 3rd grade	...	1,000	...	Magistrate and Collector, 2nd grade.	1,200
Joint Judge	...	800	...	Talukdari Settlement Officer	800
1st grade Assistant Judge	...	600	...		
2nd grade Assistant Judge	...	500	...		
Registrar, High Court	...	1,200	...		
BENGAL—					
District and Sessions Judge, 1st grade.	...	1,600	...	Magistrate and Collector, 1st grade.	1,600
District and Sessions Judge, 2nd grade.	...	1,200	...	Magistrate and Collector, 2nd grade.	1,200
NORTH-WESTERN PROVINCES AND OUDH.				Magistrate and Collector, 3rd grade.	1,000
District and Sessions Judge, 1st grade.	...	2,000	...	Secretary to the Board of Revenue	1,200
District and Sessions Judge, 2nd grade.	...	1,600	...	Under Secretary to Government	700
District and Sessions Judge, 3rd grade.	...	1,200	...		
District and Sessions Judge, 4th grade.	...	1,000	...	Magistrate and Collector, 1st grade.	1,600
Small Cause Court Judge	800—1,000		...	Magistrate and Collector, 2nd grade.	1,200
			...	Magistrate and Collector, 3rd grade.	1,000
			...	Junior Secretary, Board of Revenue, grade pay +.	150
			...	Assistant Settlement Officer, 1st grade.	700
			...	Assistant Settlement Officer, 2nd grade.	500
			...	Assistant Director, Department of Land Records and Agriculture.	400—500

PUNJAB—		Judicial.		Executive.	
		Rs.			Rs.
Divisional Judge, 1st grade	...	1,600		Deputy Commissioner, 1st grade	1,600
Divisional Judge, 2nd grade	...	1,400		Deputy Commissioner, 2nd grade	1,200
Divisional Judge, 3rd grade	...	1,200		Deputy Commissioner, 3rd grade	1,000
District Judge, 1st grade	...	1,000		Settlement Collector, 1st grade	1,000
District Judge, 2nd grade	...	800		Settlement Collector, 2nd grade	800
				Junior Secretary to Financial Commissioner.	600

These rates of pay will of course be liable to alteration at any time should the interests of the public service require it.

In some Provinces it has been proposed to reserve for Provincial Officers appointed Judges or Heads of Districts appointments in particular grades. Thus, if there are three grades of Judges, and four appointments have been declared open to the Provincial Service, it has been recommended that one appointment in the first, one in the second, and two in the third grade shall be declared open. This proposal however appears to rest on a misconception of the mode in which a Provincial Officer will succeed to a listed appointment. As explained above (paragraph 15, head 4), he will rise *pari passu* with his contemporaries in the Indian Civil Service or the Commission, and it is not necessary to reserve for him any particular appointments in any one grade; he may traverse all the grades in turn. The same is the case with executive appointments, and therefore in provinces where there are more than two grades of Collectors, although it is proposed only to open two Collectorships to the Provincial Service, the posts actually held by members of that service may be of the first, second, or third grade. It is accordingly necessary to specify the salary in each of these grades which a Provincial Officer may draw, although there may never at any one time be more than two such officers who will be Collectors. This explanation shows that the device suggested by Sir Auckland Colvin in the North-Western Provinces and Oudh, of removing the two Collectorships to be thrown open from the general list, and allotting to them progressive salaries for the two Provincial Officers to be appointed Collectors, is not called for by the requirements of the case. It has not been proposed in other provinces, where no difficulty is anticipated in promoting Provincial Officers by the side of their Covenanted fellows. The Governor General in Council is satisfied that the salaries specified above will provide adequate remuneration for officers of the Provincial Service holding these important and responsible posts, and that they satisfy the condition laid down by the Secretary of State (paragraph 10 above) that they shall be fixed on independent grounds, by consideration of the terms which are necessary to secure locally the desired qualifications. They are in almost every case equal to, or in excess of, the amount which would be arrived at by the application of what is popularly known as the two-thirds, but should properly be called the 64 per cent rule (Civil Service Regulations, Article 80).

18. In the letters of the 14th February 1890 it was pointed out that the duties and powers of the existing members of the Uncovenanted Service known as Deputy Collectors and Magistrates were the same as those of the officers of the Covenanted Civil Service designated as Joint and Assistant Magistrates, Sub-Collectors, and Head Assistant or Assistant Collectors; and that it was both administratively convenient and in accordance with the intentions of the Commission and the Secretary of State that the appointments of the class so styled in the Covenanted Service which were thrown open to the Provincial Service should be amalgamated with the general body of Deputy Magistrate and Collectorships now belonging to the latter service. This decision has been objected to by some of the Governments consulted on the ground that the position of an Assistant or Joint Magistrate, although his duties are the same as those of a Deputy Magistrate, is understood to involve a superior status, and that the abolition of the privileged designations of the Covenanted Service, when these posts are held by Provincial Civil Servants, will cause disappointment. It appears to the Governor General in Council that this view of the proposal involves a radical misconception of the recommendations of the

Commission, which have received the approval of the Secretary of State. In paragraph 81 of their Report the Commissioners said—

It is only by a careful and uniform system of recruitment with reference to these and other relevant facts, as it appears to the Commission, that a due proportion of high appointments can come in time to be filled by native agency, without sudden dislocation of the existing administration or injury to the just expectations of officers now in the Covenanted Service. But this object must be kept steadily and perseveringly in view. As one means tending to secure it, the proportion of judicial and revenue appointments excluded from the schedule should be gradually amalgamated with the higher appointments in the Executive and Judicial Departments of the present Uncovenanted Service and recruited locally as part of that service, which the Commission has already recommended should be called the "Provincial Civil Service."

And the Secretary of State, in words which have already been quoted in paragraph 3 of this Resolution, contemplated that effect should be given to the proposals of the Commission by transferring to the Provincial Service the Judicial and Executive Branches of the existing Uncovenanted Service down to a limit to be fixed by the Local Government, so that there might be established "a connected graduated series of offices, rising from the subordinate classes of administrative business to a very high level of superior and responsible duties, Judicial and Executive, which will throw open a sure and honourable prospect of employment to persons appointed in India, and of continuous promotion to officers of tried merit and ability."

It appears obvious to the Governor General in Council that these words do not contemplate that out of the whole body of Deputy Magistrates and Collectors certain individuals should, while still employed in subordinate offices, be withdrawn from the general ranks and designated by a special title not indicating any distinction of duties, or even a higher salary, but merely an assumed superior social status. Such a breach of continuity would be inconsistent with the "connected and graduated series of offices" which the Secretary of State had in view, and, while raising expectations in the officers selected which it might prove impossible to fulfil, would cast an unmerited slur on the general body of officers not so distinguished. It would in fact amount to a re-establishment of the statutory system under the rules of 1879, which met with unqualified condemnation from the Commission and the great majority of the witnesses whom it examined. The object of the new proposals is to elevate the whole status of the Provincial Service as a body, not that of certain privileged individuals selected from its lower grades, by placing before all the members of it the prospect of appointments of great influence and responsibility, to which they may legitimately aspire. It is not until a member of the Provincial Service has been for some years engaged in responsible duties that his fitness for promotion to a scheduled post can be properly gauged; and to select him, while this fitness is still doubtful, for distinction under a name properly belonging to another service which involves no distinction of duties, would not only be highly inconvenient, but would necessarily result in discouragement to the much larger number of his fellows who could not be so distinguished because the number of subordinate posts thrown open must always bear a very small proportion to that of the whole Provincial Service.

Another argument which appears to His Excellency in Council to be conclusive against any separation of the kind in the Executive Branch of the service is that no similar proposal has been made from any quarter in regard to the Judicial Branch. In this the graduated series of offices will commence with Munsifs and rise through Subordinate Judges to the appointment of District and Sessions Judge. In this branch it is clear that the Provincial Officers selected for the scheduled posts must be promoted into them immediately from the existing grades of the Uncovenanted Service. No question of status, apart from the duties, can possibly arise. It would establish a disparity between the two branches which would be most injurious to efficiency if in the Executive Branch certain officers were permitted to assume a superior social status, over the great body of their fellows in virtue of a designation which implies no distinction of functions, and can tend only to lower the status and consideration of the other members of a service whose general level of merit and qualification it is the object of the Government of India to raise by the honourable prospect

of high employment which the new system will hold out to all its members as the reward of merit and capacity.

19. For these reasons the Government of India have determined to adhere to the decision communicated in the letters of 14th February 1890, and to amalgamate the scheduled posts on the Executive side subordinate to the Headship of a district with the existing grades of Deputy Magistrates and Collectors.

These posts are the following:—

Madras	...	...	...	...	7
Bombay	...	...	...	...	9
Bengal	...	...	...	...	8
North-Western Provinces and Oudh	...	...	...	...	9
Punjab	...	...	...	...	3

In all these Provinces the majority of them are at present held by Statutory Civilians appointed under the rules of 1879, while in some they are still occupied by officers of the Indian Civil Service or Commission appointed before 1882. Until these Statutories are provided for, either by promotion or by amalgamation with the new Provincial Service, the posts which they hold cannot be thrown into the general cadre of the latter service; but when that happens, and when the prior claims of officers who passed the open competition in 1879 and previous years have been satisfied, the transferred posts should (subject to the sanction of the Secretary of State) be distributed as follows among the existing grades of Deputy Magistrates and Collectors and Extra Assistant Commissioners:—

MADRAS.		BOMBAY.	
2 appointments in the 1st grade on Rs. 700 (corresponding to Sub-Collector).		3 posts in the 3rd grade . on Rs. 600 (corresponding to First Assistant).	
4 appointments in the 3rd grade on Rs. 500 (corresponding to Head Assistant).		4 posts in the 4th grade . on Rs. 500 (corresponding to Second Assistant).	
1 appointment in the 5th grade on Rs. 300 (corresponding to passed Assistant).		2 posts in the 6th grade . on Rs. 300 (corresponding to passed Assistant).	
BENGAL.		NORTH-WESTERN PROVINCES AND OUDH.	
2 posts in the 3rd grade . on Rs. 600 (corresponding to Joint Magistrate, 1st grade).		4 posts in the 5th grade . on Rs. 600 (corresponding to Joint Magistrates and Assistant Commissioners, 1st grade).	
2 posts in the 4th grade . on Rs. 500 (corresponding to Joint Magistrate, 2nd grade).		5 posts in the 3rd grade . on Rs. 400 (corresponding to Joint Magistrates and Assistant Commissioners, 2nd grade).	
2 posts in the 5th grade . on Rs. 400			
2 posts in the 6th grade . on Rs. 300 (corresponding to Assistant Magistrates on Rs. 500 and Rs. 450, respectively).			

PUNJAB.	
1 post of Extra Assistant Commissioner, 3rd grade (corresponding to Assistant Commissioner, 1st grade).	... on Rs. 600
1 post of Extra Assistant Commissioner, 5th grade (corresponding to Assistant Commissioner, 2nd grade).	... on Rs. 400
1 post of Extra Assistant Commissioner, 6th grade (corresponding to Assistant Commissioner, 3rd grade).	... on Rs. 300

The addition of these posts to the cadre of the Provincial Service will necessitate recruitment in the lower grades to supply the place of those who will be moved up to fill them; and this can take place at once where the condition of the service demands it. Those Statutory Civilians who were appointed in the various provinces in 1889 and 1890 on the understanding that they would be transferred to the Provincial Service when it was constituted should now be gazetted to their appropriate places in that service; in accordance with the decision of the Secretary of State they will, like other Statutories who join the Provincial Service, be understood to have a preferential claim for promotion to the scheduled posts (subject of course to the conditions stated in paragraph 15 above) over the other members of that Service.

20. The Government of India have considered the replies of the several Local Governments on the question whether, under the Statutory rules now to be framed, the Local Government should be competent to make appointments to the higher offices entered in the list, or whether such appointments should be made or sanctioned by the Government of India. The Statutory rules of 1879 now require the approval and sanction of the Governor General in Council to all nominations made by Local Governments. These nominations are at present ordinarily to offices in the subordinate ranks of the Covenanted Civil Service. With the transfer to the Provincial Service of all such subordinate posts included in the list, the Local Government will no longer require the sanction of the Government of India to appointments to them. His Excellency in Council however thinks that for the present it will be necessary to retain the rule requiring such sanction in the case of appointments (whether permanent or officiating for a period exceeding three months) under the Statute to Headships of Districts and District Judgeships in Madras, Bombay, Bengal, and the North-Western Provinces and Oudh, and to Headships of Districts, Divisional Judgeships, and Settlement Collectorships in the Punjab. He is willing that in the case of all other scheduled appointments the Local Government should nominate without reference to him. He is also willing that in the case of officiating appointments of Provincial Officers for short vacancies, not exceeding three months at a time, to Headships of Districts and the other posts mentioned above, such reference should be dispensed with. Such short vacancies will, as already observed, afford the means of testing an officer's fitness for more extended employment in those posts, and in reporting for sanction nominations for longer periods it should always be stated whether an officer has been tried in this manner, and with what result. As a general rule the Governor General in Council thinks that it will be prudent to take every suitable opportunity (consistent with the general conditions mentioned in paragraph 15) of thus ascertaining an officer's capacity before proposing to employ him permanently in these important and responsible posts. His Excellency in Council also desires to correct the impression which appears to have prevailed in some quarters that it will be necessary for a Provincial Civil Servant to go through the whole succession of subordinate grades in the Executive or Judicial Service before he can be selected for a scheduled post. On the contrary, it will always be desirable to select persons for higher executive office who, while they have given proof of distinguished ability by sufficiently long service, are still comparatively young and possess that bodily activity which is a *sine qua non* for such employment. Every appointment of the kind must be based wholly upon fitness and merit, seniority only being regarded when the claims of two or more officers who are equally fit come into competition. Nor does the Governor General in Council intend that selection should be less absolute, or more restricted to the higher grades of the Provincial Service, in the case of Judicial appointments.

The Government of India believe that in most Provinces it has been too much the custom to regard promotion from grade to grade of the Subordinate Executive and Judicial Services as a mere matter of seniority; and they therefore welcome Sir Steuart Bayley's suggestion that the Lieutenant-Governor of Bengal should make it publicly known that he reserves to himself liberty to make promotions in these grades without regard to seniority, and Sir James Lyall's proposal that in the Punjab promotion from the 5th grade of Extra Assistant Commissioner to higher grades should be made not by mere seniority, but in virtue of seniority qualified by selection for efficiency.

21. In Appendix A attached to this Resolution will be found an example of the form in which the Government of India think that the list of appointments open to the Provincial Service should be published by the Local Government. Each Local Government should frame and issue its list accordingly. In the Quarterly Provincial Civil List this form should, with the omission of the last paragraph, be prefixed to that division of the list which exhibits the appointments held by members of the Provincial Service. In lieu of the last paragraph a note should be entered in the list of subordinate offices, against each grade to which additions have been made, referring to the notification and stating that "To this grade appointments have been added as representing the same number of appointments of the Civil Service." A permanent record of the transfer will thus be maintained.

22. In the letters of 14th February 1890 the Government of India desired that each Statutory Civilian appointed before the close of 1889 might be called upon to choose whether he would retain his present position, or be transferred to the Provincial Service with an acknowledgment of his preferential claims to promotion to scheduled appointments before other members of the Provincial Service. Subsequently, on the 31st July 1890, the position which, under the orders of the Secretary of State, Statutory Civilians who do not elect to join the Provincial Service will hold, was further explained with a view to guide those gentlemen in their choice.

In Madras only one Statutory Civilian, P. Rámchandra Ráo, has elected to enter the Provincial Service.

The result in Bombay (if the Statutories have there been called upon to elect) has not been reported.

In Bengal and the North-Western Provinces and Oudh all the Statutories called on to elect have chosen to retain their present position.

In the Punjab the choice has not, pending further instructions upon certain points, been placed before the Statutories of the Province.

23. It is not improbable that some obscurity may still remain in the minds of the officers who were called upon to make their election in regard to the advantages and disadvantages to them of the transfer, and the Government of India think it desirable to explain the matter more at length, in order that these gentlemen may have an opportunity of reconsidering the decision at which they have provisionally arrived.

A Statutory Civilian appointed under the Rules of 1879 has been declared * Paragraph 22 of Despatch of 12th September 1889. by the Secretary of State to hold an appointment outside both the Covenanted and the Provincial Services, and not to belong to any organized service in which he would, under ordinary circumstances, rise by seniority to certain posts. His claims to advancement depend entirely on the merit and ability that he may display, and each step will be treated as a fresh appointment under the Statutory rules. If he elects to retain this position, he will be restricted to those offices in the regular line which are held by Covenanted Civil Servants, and his pay will be 64 per cent of that which would be drawn by a member of the Indian Civil Service. His claims to advancement (although he does not belong to an organized service) will come under consideration after those of the last of the Indian Civilians whose covenants bear date previous to his confirmation.

If, on the other hand, he joins the Provincial Service, there will be open to him the whole range of offices in the present Uncovenanted Judicial and Executive Service; and he can (subject to the general conditions stated above in paragraph 15) be promoted at any time, if deemed thoroughly competent, to a listed post. If not deemed fit for promotion to a Headship of a district or a District Judgeship, he may still, if sufficiently competent, rise to the highest grade of Deputy Magistrate or Subordinate Judge.

Thus, let the case be taken of a Statutory Civilian now serving as a Joint Magistrate of the 2nd grade in Bengal, the pay of which post at 64 per cent of Rs. 700 is Rs. 448. If he elects to retain his present position, he may rise

to be a Joint Magistrate of the first grade on Rs. 576, but unless deemed thoroughly qualified he will not be appointed, temporarily or permanently, to the Headship of a District, and Rs. 576 is therefore the maximum salary to which, unless so appointed, he can look forward. If, however, he elects to join the Provincial Service, he at once enters the 4th grade of Deputy Magistrates and Collectors on Rs. 500, and has the prospect of rising to the 3rd grade on Rs. 600, to the second on Rs. 700 and the first on Rs. 800 a month. If he elects to retain his present position, his fitness for succession to a listed post will only be taken into consideration when the claims of his contemporaries in the Indian Civil Service, counting from the date of his confirmation, have been considered; if he joins the Provincial Service, his fitness may, at any time, subject to the conditions of paragraph 15 above, cause him to be selected for appointment to a listed post, and he will, according to the decision of the Secretary of State, have a claim to be preferred over other equally competent members of the Provincial Service when the selection is made. Should he be chosen for appointment as Magistrate and Collector, he will, if he joins the Provincial Service, draw the salary set forth above in paragraph 17; if he does not join the Provincial Service, his salary will be, at 64 per cent, Rs. 160, Rs. 48 or Rs. 40 a month less than that above stated, according as he is a Magistrate and Collector of the 1st, 2nd, or 3rd grade.

The Governor General in Council will be glad if Local Governments and Administrations will again draw the attention of the Statutory Civilians now serving under them to the facts stated in this paragraph, and report whether they desire to reconsider their former choice. In Bombay and the Punjab, where Statutory Civilians have not yet been called upon to elect, they should now be required to do so and the result communicated to the Government of India.

24. With regard to the question of Leave and Pension Rules for the Provincial Service all the Local Governments consulted have accepted the suggestion made in the letters of the 14th February 1890, that the present Uncovenanted Service Leave and Pension Rules, or in other words the provisions of Part III, Chapter XIV, of the Civil Service Regulations, regarding leave, and of Part IV, Chapters XV to XIX, regarding pension, should be applied to the Provincial Service, and this conclusion will be reported to the Secretary of State. The Governor General in Council has determined, in modification of the suggestion previously made by him to Local Governments and Administrations, that all existing Statutory Civilians shall continue to be governed by the Leave and Pension Rules now applicable to them.

25. After considering the suggestions made by the Local Governments and Administrations the Governor General in Council has prepared a revised draft of Rules for the appointment of Natives of India to offices reserved under the Statute of 1861, which will be submitted in due course for the sanction of the Secretary of State for India in Council, and if approved by him will be published for general information.

As regards the rules for admission to the Provincial Service in each Province, the Government of India propose to address the Local Governments and Administrations separately, as there are great differences in the circumstances of the several Provinces and the classes from which the local officials must be drawn. It is not therefore necessary here to notice more than a few points connected with the subject.

26. First, as regards the place at which the line should be drawn between the Provincial and Subordinate Services, the Governor General in Council finds that the Local Governments and Administrations are generally opposed to the line of demarcation being fixed according to pay, all officers drawing pay proper of less than Rs. 200 being included in the Subordinate Service. On full consideration of the matter His Excellency in Council agrees that the test should rather be the method of recruitment and prospects of regular promotion to higher employment. The chief difficulty is in regard to Tahsildars (Mamlatdars, Mukhtarkars) who are important functionaries and are often invested with considerable powers. If respect were had only to their position and

authority they might fairly be placed in the Superior Service. On the other hand, if in any Province it is (as it appears to be generally) the custom to promote them only by selection and in special circumstances to be Deputy Collectors and Magistrates, and if persons are appointed to be Tahsildars (as they generally are) by promotion from inferior offices, then the Governor General in Council would not object to the line being so drawn as to include them in the Subordinate Service. This is the view taken by the Governments of Madras and the North-Western Provinces and Oudh in regard to Tahsildars. The Government of Bombay would include in the Provincial Service entire groups of appointments, such as Subordinate Judgeships, Deputy Collectorships, Mamlatdarships and Head Accountantships; they would also include in the Provincial Service the Assistant Secretaries to Government and the Superintendents of Branches in the various Departments of the Secretariat. The Governor General in Council is inclined to think that the rule above stated should be followed, and Mamlatdarships, and *a fortiori* Head Accountantships, included in the Subordinate Service. It is observed that Mamlatdars are appointed by Commissioners from among ministerial officers and outside candidates, while Head Accountants are apparently appointed by Collectors. It is not intended to give to offices of this class the prestige of membership of the Provincial Service, though experience in them forms a very useful training for the higher employments properly belonging to that service. As regards the officers called Assistant Secretaries, they correspond to the Registrars and other heads of Secretariat offices elsewhere, and they and the Superintendents of Branches are, it is understood, ordinarily appointed by promotion in the office from the grades of clerks. The Government of India do not think it would be proper to include such ministerial offices (which are not gazetted offices elsewhere in India) in the Provincial Service, though the holders of them may be persons of very high qualifications who may fitly be employed when occasion arises in that service. In Bengal Sir Stuart Bayley proposed, and the Government of India accepted the proposal, that the line should be drawn so as to include in the Provincial Service the present Subordinate Executive and Subordinate Judicial Services, and in the Subordinate Civil Service Sub-Deputy Collectorships and such other appointments as the Lieutenant Governor may from time to time declare to be included therein. The same rule will prevail in Assam. In the North-Western Provinces and Oudh, as already noticed, Sir Auckland Colvin would include in the Provincial Service Deputy Collectors and Magistrates and Munsifs, and in the Subordinate Service Tahsildars; this demarcation is approved. In the Punjab Sir James Lyall thinks that Tahsildars and Munsifs should be placed upon the same footing, and both either included in or excluded from the Provincial Service his preference being for the former course. So far as regards Tahsildars, the Government of India cannot perceive that their position in the Punjab differs from their status in the North-Western Provinces and Oudh or Madras, and unless the system of promotion is different from that described above, they ought to be reckoned with the Subordinate Service. The only doubt which arises is in regard to Munsifs. It has long been admitted that one of the chief needs of the Public Service in the Punjab is a better class of officers for the subordinate Civil Courts, and that the education and efficiency of the Munsifs urgently demand improvement. It may be true that their present status is rather on a line with that of Tahsildars than superior to them; but if it were recognized as an incident of the service that it involves regular promotion to Judicial Extra Assistantships, and that no man is fit to be appointed a Munsif who does not give fair promise, after the needful experience in subordinate grades, of being qualified for appointment in due course to higher offices, it would probably improve the material from which a selection has to be made for these posts. The Governor General in Council would therefore desire, in the Punjab as elsewhere, that Munsifs should be included in the Provincial Service and Tahsildars in the Subordinate Service, but will defer final orders till he learns Sir Dennis Pitzpatrick's views in the matter. In the Punjab, as elsewhere, the inclusion of Tahsildars in the Subordinate Service will be quite consistent with a practice of promoting them, by special selection and not by seniority, to be Extra Assistant Commissioners; but it is apprehended that there must be a larger proportion of Tahsildars who are fit only to hold that office than there are (or at least should be) of Munsifs who are unfit to rise higher. The

Lieutenant-Governor proposes to include in the Provincial Service the Assistant Secretaryship to Government in the Financial Branch on Rs. 800, the Assistant Secretaryship to the Financial Commissioner on Rs. 600, and the officers of Personal Assistant to the Director of Land Records and Agriculture, of Clerk of the Court to the Financial Commissioner, and of Mir Munshi. The first of these appointments which is not a ministerial one, is already gazetted, and the second may also be gazetted; both may be included in the Provincial Service. But the Government of India, for the reasons stated above in regard to somewhat similar appointments in Bombay, doubt the propriety of including in the organization of the Provincial Service ungraded and non-gazetted appointments like those of Personal Assistant and Clerk of the Court. In the Punjab the Mir Munshi, who is a gazetted officer, occupies an exceptional position and is specially selected for the post from the Subordinate Service, and his inclusion seems proper. In the Central Provinces it has already been determined that the line of demarcation shall run between the class of Extra Assistant Commissioners and that of Tahsildars.

27. In the letters of the 14th February 1890, enquiry was made whether a Board of Examiners ought not to be constituted in each Province for the purpose of ensuring a uniform standard of qualification in candidates for the Public Service. The Government of Bengal has still to report on this point. In Madras it is stated that the Commission for the Uncovenanted Civil Service examinations works well under the Director of Public Instruction and that that officer can arrange for any special competitive examination, as was done in the case of the examination lately held for the Statutory Civil Service. The Bombay Government is apparently satisfied with the educational tests afforded by the University standards and schools final examination, and does not regard competitive methods with favour; it was not however proposed that the selection of officers from the Provincial Service should necessarily be competitive. In the North-Western Provinces and Oudh also the Lieutenant-Governor thinks a Board of Examiners unnecessary, and in the Punjab Sir James Lyall is satisfied with the committees of officers who at present conduct the Departmental examinations.

The replies received appear generally to disclose some misapprehension on the subject. It was not intended to supersede any useful examining agency which exists (and in all Provinces there are Departmental examinations conducted by some agency of the kind) or to prescribe the adoption of a competitive examination for selection. Bengal is the only Province where it is thought judicious to go far in this direction, and the only other Government willing to try it at all is Madras. The Governor General in Council has no wish to force the principle of competition where it is not at present thought desirable to

• Paragraph 82 of their report.

introduce it. But he agrees with the Public Service Commission* that where open competition is not adopted a system of competition among candidates previously selected is preferable to one of pure nomination for appointments to the Provincial Service which are not to be given to selected officers in the Subordinate Service. What the Government of India had in view was the maintenance of a uniform high standard in testing the attainments—whether at the Departmental or at the entrance examinations—of officers on probation or candidates for nomination. Each Government should review its arrangements under this head, and consider whether they sufficiently guarantee uniformity of test and an adequate standard of proficiency. If they do, nothing further is required.

28. The only remaining subject mentioned in the letters of 14th February which the Governor General in Council thinks it necessary to notice here is the advantage of making provision for the training in judicial criminal work of Civil Judicial Officers (Munsifs and Subordinate Judges) whom it is proposed to promote to District and Sessions Judgeships. In Bombay the Assistant Judgeships to be thrown open to the Provincial Service afford some means of giving the requisite mixed experience to Civil Subordinate Judges. In the Punjab also both criminal and civil work is done by officers of the Provincial

Service, unless they be Small Cause Court Judges, up to the time of their selection for a Divisional or District Judgeship. In other Provinces it is suggested that new posts should be established for the purpose. Thus, the Madras Government propose the creation of two or three additional Subordinate Judgeships, and the employment of the same number of Subordinate Judges as Additional Sessions Judges. In some respects the investiture of Subordinate Judges with Sessions powers would meet the object in view; but any proposal in this direction should be separately referred for orders after considering the suggestion made below. In Bengal Sir Stuart Bayley proposed the temporary appointment of two or three Assistant Judges, with the powers of Subordinate Judges, on Rs. 1,000 a month, the number of Subordinate Judges or Deputy Magistrates of the grade from which the officer appointed is taken being temporarily reduced by one for each appointment made. In the letter from the Government of the North-Western Provinces and Oudh the matter is not noticed.

It appears to the Government of India that the desired result might in these three Provinces be attained by transferring temporarily a Subordinate Judge who gave promise of becoming an efficient District and Sessions Judge to the Executive line, and employing him upon ordinary criminal work as a Deputy Magistrate and Collector. The training in criminal practice which he would thus receive is in every respect equivalent to that undergone by an Indian Civil Servant before he is promoted from Joint Magistrate to District and Sessions Judge, and the appointment would have the additional advantage of making him acquainted with some of the details of revenue business.

ORDER.—Ordered that this Resolution be communicated to Local Governments and Administrations, and that it be published in the *Gazette of India* for general information.

(True Extract.)

C. J. LYALL,
Secretary to the Government of India.

APPENDIX A.

With the previous sanction of the Governor General in Council, the Governor in Council is pleased to notify that the following appointments in the Madras Presidency, to fill which members of the Indian Civil Service have hitherto been recruited, shall be appointments to which members of the Madras Civil Service can properly be appointed, subject to the rules for the time being in force under 33 Vict., Cap. 3, Section 6:—

- 4 posts of District and Sessions Judge.
- 2 posts of Collector and Magistrate of a District.
- 1 post of Secretary to the Board of Revenue.
- 1 post of Under Secretary to Government.

2. When these posts are held by members of the Madras Civil Service, their pay shall be as follows:—

	Rs.		
District and Sessions Judge—			
if in the 1st grade	...	...	1,600
if in the 2nd grade	...	...	1,200
Collector and Magistrate—			
if in the 1st grade	...	...	1,600
if in the 2nd grade	...	...	1,200
Secretary to the Board of Revenue	...	...	1,000
Under Secretary to Government	...	...	700

3. In addition to these appointments the following appointments, for which recruitment has hitherto been made in the Indian Civil Service, have been transferred to the Madras Civil Service and added to the existing grades of that service:—

	Rs.	
2 posts of Sub-Collector and Joint Magistrate	} converted into {	2 appointments of Deputy Magistrate and Collector, 1st grade, on 700
4 posts of Head Assistant to the Collector and Magistrate		4 appointments of Deputy Magistrate and Collector, 3rd grade, on 500
1 post of Assistant Collector and Magistrate		1 appointment of Deputy Magistrate and Collector, 5th grade, on 300

1400

620

From The Right Hon'ble Viscount Cross, G.C.B., Her Majesty's
Secretary of State for India, To His Excellency the Most
Honourable the Governor-General of India in Council, No. 30
(Public), dated India Office, London, the 24th March 1892.

I have considered in Council the letter of your Government, No. 9, dated 10th ultimo, forwarding a copy of a draft Resolution which it is proposed to issue dealing with the recommendations made by the Public Service Commission so far as they relate to the higher branches of the Executive and Judicial Services throughout India.

2. Your decision as to the appointments in each Province, which are for the present to be entered in the list as open to the Provincial Service, has my approval. The scheme in all its details has evidently been worked out with great care, ability, and completeness, and I sanction the rates of pay which you recommend.

3. I concur entirely in the conclusions at which Your Excellency in Council has arrived ; but it appears to be unnecessary to recapitulate the various points which have been, from time to time, under discussion, and on the whole I think it advisable that the Resolution should be confined to a statement of your final decision and orders.

I have, etc.,

CROSS.

No. 39.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

PUBLIC.

TO THE RIGHT HONOURABLE

VISCOUNT CROSS, G.C.B.,

*Her Majesty's Secretary of State for India.**Simla, the 7th June 1892.*

MY LORD,

WE have the honour to acknowledge receipt of Your Lordship's Despatch No. 30, dated the 24th March last, communicating your approval of the conclusions embodied in the draft Resolution dealing with the recommendations made by the Public Service Commission so far as they relate to the higher branches of the Executive and Judicial Services throughout India, of which a copy was forwarded with our Despatch No. 9, dated the 10th February last. In accordance with the suggestion contained in the last paragraph of your Despatch, we have recast the draft Resolution so as to remove from it those passages which recapitulated the various points which have from time to time been under discussion, or were of an argumentative character, and to confine it to a statement of the final decision and orders upon the principal matters of public interest involved, and we enclose a copy in the form in which it was published in the *Gazette of India* on the 23rd April last.

2. Several of the passages omitted from the published Resolution contained instructions and explanations which it was necessary to communicate to Local Governments and Administrations, and we forward copies of the letters addressed to those authorities with this object as well as in regard to the rules relating to the recruitment of the Provincial Service in each province. We would invite Your Lordship's attention to paragraph 6 of the letter to the Government of the Punjab dated the 28th May, and request sanction to the reorganization of the Provincial Judicial and Executive Services therein referred to, the details of which will be found stated in paragraph 7 of the Punjab Government's letter No. ³³⁰/_{S.}, dated the 8th July 1890, which is among the enclosures of this Despatch.

3. We enclose for Your Lordship's information copies of the replies received from Local Governments and Administrations on the various questions referred to them in our letters of the 14th February 1890, copies of which were forwarded to you with our Public Despatch No. 11, dated the 4th March 1890.

4. We have now the honour to submit for the sanction of Your Lordship in Council, as required by the Statute, a draft of rules framed under section 6 of 33 Vict., Cap. 3, for the appointment of natives of India to offices ordinarily held by members of Her Majesty's Indian Civil Service, to take the place of those sanctioned on the 22nd August 1879. The mention in the rules of the Provincial Civil Service has rendered necessary a separate set of rules for each province to which the Statute applies, but, with this exception, the

rules are identical for all the Regulation Provinces. If Your Lordship sanctions them, they will be applied, like those of which they will take the place, to the Non-Regulation Provinces (except Burma and Assam) by executive order.

We have, etc.,

LANSLOWNE.

F. S. ROBERTS.

P. P. HUTCHINS.

D. BARBOUR.

A. E. MILLER.

H. BRACKENBURY.

C. H. T. CROSTHWAITE.

LIST OF ENCLOSURES.

1. Home Department Resolution, No. ^{9-Public}₁₃₄₁₋₁₃₅₂, dated the 21st April 1892, and Appendix A.
2. Letter to the Government of Madras, No. 1535, dated 27th May 1892.
3. Ditto of Bombay, No. 1536, dated 27th May 1892.
4. Ditto of Bengal, No. 1537, dated 27th May 1892.
5. Ditto of the North-Western Provinces and Oudh, No. 1538, dated 27th May 1892.
6. Letter to the Government of the Punjab, No. 1543, dated 28th May 1892.
7. Letter to the Chief Commissioner of the Central Provinces, No. 1539, dated 27th May 1892.
8. Letter to the Chief Commissioner of Assam, No. 1544, dated 28th May 1892.
9. Letter from the Government of Madras, No. 401, dated 4th June 1890.
10. Letter to the Government of Madras, No. 1543, dated 8th August 1890.
11. Letter from the Government of Madras, No. 776, dated 17th November 1890, and enclosures.
12. Letter from the Government of Bombay, No. 6969, dated 2nd October 1890.
13. Letter from the Government of Bengal, No. 6354-A., dated 12th December 1890, and enclosures.
14. Letter from the Government of the North-Western Provinces and Oudh, No. 5855, dated 15th December 1890, and enclosure.
15. Letter from the Government of the Punjab, No. 320-S., dated 8th July 1890, and enclosures.
16. Letter from the Chief Commissioner of the Central Provinces, No. 3778-90, dated 20th June 1890, and enclosure.
17. Letter from the Chief Commissioner of the Central Provinces, No. 7049-711, dated 6th November 1890.
18. Letter from the Chief Commissioner of Assam, No. 9411-G., dated 15th November 1890, and enclosures.
19. Letter from the Government of Madras, No. 62, dated 23rd January 1891, and enclosures.
20. Letter from the Chief Commissioner of the Central Provinces, No. 8041-788, dated 24th December 1890, and enclosures.
21. Draft Rules framed under section 6 of 33 Vict., Cap. 3.

NOTE.

Only Enclosures Nos. 1 and 21 have been reprinted.

Enclosure no. 1.

Extract from the Proceedings of the Government of India, in the Home Department (Public),—under date Simla, the 21st April 1892.

READ—

- The Report of the Public Service Commission and the opinions expressed thereon by Local Governments and Administrations.
- The Despatch of the Government of India to the Secretary of State, No. 58, dated the 9th October 1888, reviewing and stating its conclusions on the principal questions discussed in the Report.
- The Despatch of the Secretary of State, No. 104, dated the 12th September 1889, communicating His Lordship's decision upon the recommendations made in the Report and by the Government of India, so far as they deal with the higher branches of Executive and Judicial work throughout India.
- Letters to Local Governments and Administrations, dated the 14th February 1890, forwarding a copy of the Secretary of State's Despatch, and making suggestions as to the manner in which its decisions may best be given effect to.
- Replies from the Local Governments and Administrations consulted.
- The Despatch of the Government of India to the Secretary of State, No. 9, dated the 10th February 1892, stating the conclusions arrived at by the Governor General in Council on the subject.
- The reply of the Secretary of State, No. 30, dated the 24th March 1892, concurring in the conclusions set forth by the Government of India.

RESOLUTION.

In his Despatch No. 104, dated 12th September 1889, the Secretary of State for India in Council announced the decision at which he had arrived on the recommendations made in the Report of the Commission appointed in 1886 to consider the question of the admission of Natives of India to higher and more extensive employment in the Civil administration of the country.

2. The Secretary of State's Despatch having been communicated to the Local Governments and Administrations for consideration, and their replies having been received, the Governor General in Council is now in a position to pass orders upon the most important points calling for determination.

3. The following appointments in each province shall for the present be entered in the list as open to the Provincial Service:—

Madras.				
Heads of Districts	...	...	...	2
District Judges	...	...	...	4
Sub-Collectors, Head Assistants, and Assistant Collectors	...	...	...	7
Secretary to the Board of Revenue	...	...	...	1
Under Secretary to Government	...	...	...	1
Total	...	...	...	15

Bombay.				
Heads of Districts	...	...	...	2
Judges	...	...	...	1
Joint Judge	...	...	...	2
Assistant Judges	...	...	...	9
Assistant Collectors	...	...	...	1
Talukdari Settlement Officer	...	...	...	1
Registrar of the High Court	...	...	...	1
Total	...	...	...	18

Bengal.

Heads of Districts	...	...	...	...	4
District Judges	...	...	...	...	6
Joint and Assistant Magistrates	...	...	...	...	8
Secretary to the Board of Revenue	...	...	...	...	1
Under Secretary to Government	...	...	...	...	1
Total	...	...	...	...	20

North-Western Provinces and Oudh.

Heads of Districts	...	...	...	...	2
District and Sessions Judges	...	...	...	...	4
Joint and Assistant Magistrates	...	...	...	...	9
Junior Secretary, Board of Revenue	...	...	...	...	1
Assistant Settlement Officers	...	...	...	...	2
Assistant Director of Land Records and Agriculture	...	...	...	...	1
Small Cause Court Judges, Allahabad and Lucknow	...	...	...	...	2
Total	...	...	...	...	21

Punjab.

Heads of Districts	...	...	...	...	2
Divisional Judges	...	...	...	...	2
District Judges	...	...	...	...	2
Assistant Commissioners	...	...	...	...	3
Junior Secretary to Financial Commissioner	...	...	...	...	1
Settlement Collectorships	...	...	...	...	2
Total	...	...	...	...	12

4. Before passing orders as to the Central Provinces, His Excellency will await a further expression of Mr. MacDonnell's views on the question. And the Government of India is constrained to agree in the opinion expressed by successive Chief Commissioners of Assam, that that province is not yet ripe for the admission of provincial officers to any of the reserved posts. It appears that the Provincial Service in Assam is largely recruited from Bengal, and that it would be almost if not quite impossible, in view of the progress in education and the administrative aptitudes of the people, to find within any time which can now be foreseen an indigenous officer who could be utilized in one of these posts. Assam must therefore, like Burma, for the present remain outside the scope of the present orders.

5. Dealing in the first instance only with the superior appointments, and reserving for the next paragraph the case of Joint and Assistant Magistrates and Collectors, the following are the rates of pay for officers of the Provincial Service in each grade, which the Secretary of State has sanctioned :—

JUDICIAL,

EXECUTIVE.

Madras.

Judge, 1st Grade	...	...	...	Rs.	...
Judge, 2nd Grade	...	...	...	1,600	...
Collector, 1st Grade	...	...	...	1,200	...
Collector, 2nd Grade	...	...	...	...	1,600
Secretary to the Board of Revenue	...	...	...	...	1,200
Under Secretary to Government	...	...	...	...	1,000
	...	...	...	...	700

JUDICIAL.

EXECUTIVE.

Bombay.

		Rs.		Rs.
Judge, 1st Grade	...	1,600	Magistrate and Collector, 1st Grade	1,600
Judge, 2nd Grade	...	1,200	Magistrate and Collector, 2nd Grade	1,200
Judge, 3rd Grade	...	1,000	Talukdari Settlement Officer	800
Joint Judge	...	800		
1st Grade Assistant Judge	...	600		
2nd Grade Assistant Judge	...	500		
Registrar, High Court	...	1,200		

Bengal.

District and Sessions Judge, 1st Grade	1,600	Magistrate and Collector, 1st Grade	1,600
District and Sessions Judge, 2nd Grade	1,200	Magistrate and Collector, 2nd Grade	1,200
		Magistrate and Collector, 3rd Grade	1,000
		Secretary to the Board of Revenue	1,200
		Under Secretary to Government	700

North-Western Provinces and Oudh.

District and Sessions Judge, 1st Grade	2,000	Magistrate and Collector, 1st Grade	1,600
District and Sessions Judge, 2nd Grade	1,600	Magistrate and Collector, 2nd Grade	1,200
District and Sessions Judge, 3rd Grade	1,200	Magistrate and Collector, 3rd Grade	1,000
District and Sessions Judge, 4th Grade	1,000	Junior Secretary, Board of Revenue, grade pay plus	150
Small Cause Court Judge	800—1,000	Assistant Settlement Officer, 1st Grade	700
		Assistant Settlement Officer, 2nd Grade	500
		Assistant Director, Department of Land Records and Agriculture	400—500

Punjab.

Divisional Judge, 1st Grade	1,600	Deputy Commissioner, 1st Grade	1,600
Divisional Judge, 2nd Grade	1,400	Deputy Commissioner, 2nd Grade	1,200
Divisional Judge, 3rd Grade	1,200	Deputy Commissioner, 3rd Grade	1,000
District Judge, 1st Grade	1,000	Settlement Collector, 1st Grade	1,000
District Judge, 2nd Grade	800	Settlement Collector, 2nd Grade	800
		Junior Secretary to Financial Commissioner	600

These rates of pay will of course be liable to alteration at any time should the interests of the Public Service require it.

6. The Government of India have determined, with the approval of the Secretary of State, to amalgamate the scheduled posts on the Executive side subordinate to the headship of a district, with the existing grades of Deputy Magistrates and Collectors.

These posts are the following :—

Madras	...	...	...	...	7
Bombay	...	...	...	...	9
Bengal	...	...	...	...	8
North-Western Provinces and Oudh	...	...	...	...	9
Punjab	...	...	...	...	3

In all these Provinces the majority of them are at present held by Statutory Civilians appointed under the rules of 1879, while in some they are still occupied by officers of the Civil Service of India or Commissions appointed before 1882. Until these Statutory Civil Servants are provided for either by promotion or by amalgamation with the new Provincial Service, the posts which they hold cannot be thrown into the general cadre of the Civil Service of India and Commissions have been satisfied, the posts now specified should be distributed as follows among the existing grades of Deputy Magistrates and Collectors and Extra Assistant Commissioners:—

Madras.

2 posts in the 1st Grade on (corresponding to Sub-Collector).	Rs. 700
4 posts in the 3rd Grade on (corresponding to Head Assistant).	500
1 post in the 5th Grade on (corresponding to passed Assistant).	300

Bengal.

2 posts in the 3rd Grade on (corresponding to Joint Magistrate, 1st Grade).	600
2 posts in the 4th Grade on (corresponding to Joint Magistrate, 2nd Grade).	500
2 posts in the 5th Grade on	400
2 posts in the 6th Grade on (corresponding to Assistant Magis- trates on Rs. 500 and Rs. 450, respectively).	300

Bombay.

3 posts in the 3rd Grade on (corresponding to First Assistant).	600
4 posts in the 4th Grade on (corresponding to Second Assistant).	500
2 posts in the 6th Grade on (corresponding to passed Assistant).	300

North-Western Provinces and Oudh.

4 posts in the 5th Grade on (corresponding to Joint Magis- trates and Assistant Commis- sioners, 1st Grade).	Rs. 600
5 posts in the 3rd Grade on (corresponding to Joint Magis- trates and Assistant Commis- sioners, 2nd Grade).	400

Punjab.

1 post of Extra Assistant Commis- sioner, 3rd Grade, on (corresponding to Assistant Com- missioner, 1st Grade).	600
1 post of Extra Assistant Commis- sioner, 5th Grade, on... (corresponding to Assistant Com- missioner, 2nd Grade).	400
1 post of Extra Assistant Commis- sioner, 6th Grade, on (corresponding to Assistant Com- missioner, 3rd Grade).	300

7. The addition of these posts to the cadre of the Provincial Service will necessitate recruitment in the lower grades to supply the place of those who will be moved up to fill them; and this can take place at once where the condition of the Service demands it. Those Statutory Civilians who were appointed in the various provinces in 1889 and 1893, on the understanding that they would be transferred to the Provincial Service when it was constituted, should now be gazetted to their appropriate places in that Service. In accordance with the decision of the Secretary of State they will, like other Statutory Civil Servants who join the Provincial Service, be understood to have a preferential claim for promotion to the scheduled posts (subject of course to the special claims of members of the Civil Service of India and officers of the Commissions appointed before 1882) over the other members of that Service.

8. The Statutory rules of 1879 now require the approval and sanction of the Governor General in Council to all nominations made by Local Govern-ments. These nominations are at present ordinarily to offices in the

subordinate ranks of the Covenanted Civil Service. The subordinate posts included in the list being thrown open to the Provincial Service, the Local Government will no longer require the sanction of the Government of India to appointments to them. His Excellency in Council, however, thinks that for the present it will be necessary to retain the rule requiring such sanction in the case of appointments (whether permanent or officiating for a period exceeding three months) under the Statute to Headships of Districts and District Judgeships in Madras, Bombay, Bengal, and the North-Western Provinces and Oudh, and to Headships of Districts, Divisional Judgeships and Settlement Collectorships in the Punjab. He is willing that in the case of all other scheduled appointments the Local Government should nominate without reference to him. He is also willing that in the case of officiating appointments of Provincial Officers for short vacancies, not exceeding three months at a time, to Headships of Districts and the other posts mentioned above, such reference should be dispensed with. Such short vacancies will afford the means of testing an officer's fitness for more extended employment in those posts: and in reporting for sanction nominations for longer periods it should always be stated whether an officer has been tried in this manner, and with what result. As a general rule the Governor-General in Council thinks that it will be prudent to take every suitable opportunity of thus ascertaining an officer's capacity before proposing to employ him permanently in these important and responsible posts. His Excellency in Council also desires to correct the impression which appears to have prevailed in some quarters, that it will be necessary for a Provincial Civil Servant to go through the whole succession of subordinate grades in the Executive Judicial Service before he can be selected for a scheduled post. On the contrary, it will always be desirable to select persons for higher executive office who, while they have given proof of distinguished ability by sufficiently long service, are still comparatively young, and possess that bodily activity which is a *sine qua non* for such employment. Every appointment of the kind must be based wholly upon fitness and merit, seniority being regarded only when the claims of two or more officers who are equally fit come into competition. Nor does the Governor General in Council intend that selection should be less absolute, or more restricted to the higher grades of the Provincial Service, in the case of judicial appointments. It has been too much the custom to regard promotion from grade to grade of the Subordinate Executive and Judicial Services as a mere matter of seniority; and it should be made publicly known that every Government and Administration reserves liberty to make promotions in these grades without regard to seniority.

9. In Appendix A attached to this Resolution will be found an example of the form in which the Government of India think that the list of appointments open to the Provincial Service should be published by the Local Government. Each Local Government should frame and issue its list accordingly. In the Quarterly Provincial Civil List this form should, with the omission of the last paragraph, be prefixed to that division of the list which exhibits the appointments held by members of the Provincial Service. In lieu of the last paragraph a note should be entered in the list of subordinate offices, against each grade to which additions have been made, referring to the notification, and stating that "To this grade appointments have been added as representing the same number of appointments of Civil Service," now treated as open to the

10. The Government of India recently directed that each Statutory Civilian appointed before the close of 1889 might be called upon to choose whether he would retain his present position, or be transferred to the Provincial Service with an acknowledgment of his preferential claims to promotion to scheduled appointments before other members of the Provincial Service. As regards Bengal, Madras, the North-West Provinces, and Central Provinces, only one Statutory Civilian has elected to enter the Provincial Service. In Bombay and the Punjab they have not yet made their election. But as it is not improbable that some obscurity may still remain in the minds of the officers, it is necessary to make their election, in regard to the advantages and

disadvantages to them of the transfer, a further opportunity ought to be afforded these gentlemen of reconsidering the decision at which they have provisionally arrived. The Governor General in Council will address Local Governments and Administrations again on this subject in a separate communication.

11. The present Uncovenanted Service Leave and Pension Rules, or, in other words, the provisions of Part III, Chapter XIV, of the Civil Service Regulations, regarding leave, and of Part IV, Chapters XV to XIX, regarding pension, will be applied to the Provincial Service. But the present Statutory Civilian, whether they enter that Service or not, will continue to be governed by the Leave and Pension Rules now applicable to them.

12. After considering the suggestions made by the Local Governments and Administrations, the Governor General in Council has prepared a revised draft of Rules for the appointment of Natives of India to offices reserved under the Statute of 1861, which will be submitted in due course for the sanction of the Secretary of State for India in Council, and if approved by him will be published for general information.

13. As regards the rules for admission to the Provincial Service in each Province, and the precise place where the line should be drawn between the Provincial and Subordinate Services, the Government of India propose to address the Local Governments and Administrations separately, as there are great differences in the circumstances of the several Provinces and the classes from which the local officials must be drawn.

ORDER.—Ordered, that this Resolution be communicated to Local Governments and Administrations, and that it be published in the *Gazette of India* for general information.

(True Extract.)

C. J. LYALL.

Secretary to the Government of India.

APPENDIX A.

(Referred to in paragraph 9.)

With the previous sanction of the Governor General in Council, the Governor in Council is pleased to notify that the following appointments in the Madras Presidency, to fill which members of the Civil Service of India have hitherto been recruited, shall be appointments to which members of the Madras Civil Service can properly be appointed, subject to the rules for the time being in force under 33 Vict., Cap. 3, Section:—

- 4 posts of District and Sessions Judge.
- 2 posts of Collector and Magistrate of a District.
- 1 post of Secretary to the Board of Revenue.
- 1 post of Under Secretary to Government.

2. When these posts are held by members of the Madras Civil Service their pay shall be as follows:—

	Rs.
District and Sessions Judge—	
If in the 1st Grade	1,600
If in the 2nd Grade	1,200
Collector and Magistrate—	
If in the 1st Grade	1,600
If in the 2nd Grade	1,200
Secretary to the Board of Revenue	1,000
Under Secretary to Government	700

3. In addition to these appointments the following appointments, for which recruitment has hitherto been made in the Civil Service of India, have been thrown open to the Madras Civil Service and added to the existing grades of that Service:—

	Rs.
2 posts of Sub-Collector and Joint Magistrate	
4 posts of Head Assistant to the Collector and Magistrate	
1 post of Assistant Collector and Magistrate	
} converted into {	
2 posts of Deputy Magistrate and Collector, 1st Grade, on	700
4 posts of Deputy Magistrate and Collector, 3rd Grade on	500
1 post of Deputy Magistrate and Collector, 5th Grade, on	300

Enclosure No. 21.

Draft Rules framed by the Government of India under Section 6 of 33 Vict., Cap. 3, for the appointment of Natives of India to offices ordinarily held by Members of Her Majesty's Indian Civil Service.

MADRAS.

In exercise of the power conferred by the Statute 33 Vict., Cap. 3, section 6 and in supersession of the rules published in Notification No. 1534, dated the 22nd August 1879, the Governor General in Council has been pleased to make, for the territories administered by the Governor of Madras in Council, the following rules, which have been sanctioned by the Secretary of State in Council with the concurrence of a majority of the members present :—

1. The Local Government may nominate any member of the Madras Civil Service, who is a native of India and considered to be possessed of proved merit and ability, for appointment to any of the offices, places, and employments in the Madras Presidency which have for the time being been declared by Notification issued by the Local Government in the official Gazette to be offices, places, and employments to which members of the Madras Civil Service can properly be appointed. If such office, place, or employment be that of District and Sessions Judge or chief administrative officer of a district, or any administrative office of higher rank, and the vacancy to be filled is permanent or temporary for a longer period than three months, the nomination shall be made to the Governor General in Council, and the said Governor General in Council, if he approves of the nomination, shall make the appointment. In all other cases the appointment shall be made by the Local Government and reported to the Government of India.

2. Notwithstanding anything contained in Rule 1, it shall be competent for the Local Government, for special reasons and with the previous sanction of the Governor General in Council, to appoint at any time any native of India of proved merit and ability to any of the offices, places, and employments declared for the time being to be open to the Madras Civil Service, provided that the number of the offices, places, and employments which are at any one time held by persons appointed to them under this rule shall, under no circumstances, exceed one-fourth of the offices, places and employments declared for the time being to be open to the members of the Madras Civil Service.

3. The Local Government may declare any appointment made by it under Rule 1 to be made on probation, and may prescribe the conditions with which the person appointed must comply before he can be confirmed, and the period within which it shall be necessary for him to comply with them; and the Governor General in Council may similarly make any order requiring probation before confirmation in the case of any appointment which, under the said rule, must be made by the said Governor General in Council.

4. The Local Government may at any time suspend, or with the previous sanction of the Governor General in Council remove, any person appointed under these rules: provided that no such person shall be dismissed without a formal enquiry if he demands that one shall be made.

BOMBAY.

In exercise of the power conferred by the Statute 33 Vict., Cap. 3, section 6, and in supersession of the rules published in Notification No. 1534, dated the 22nd August 1879, the Governor General in Council has been pleased to make, for the territories administered by the Governor of Bombay in Council, the following rules, which have been sanctioned by the Secretary of State in Council with the concurrence of a majority of the members present :—

1. The Local Government may nominate any member of the Bombay Civil Service, who is a native of India and considered to be possessed of proved merit and ability, for appointment to any of the offices, places, and employments in the Bombay Presidency which have for the time being been declared by Notification issued by the Local Government in the official Gazette to be offices, places, and employments to which members of the Bombay Civil Service can properly be appointed. If such office, place, or employment be that of District and Sessions Judge or chief administrative officer of a district, or any administrative office of higher rank, and the vacancy to be filled is permanent or temporary for a longer period than three months, the nomination shall be made to the Governor General in Council, and the said Governor General in Council, if he approves of the nomination, shall make the appointment. In all other cases the appointment shall be made by the Local Government and reported to the Government of India.

2. Notwithstanding anything contained in Rule 1, it shall be competent for the Local Government, for special reasons, and with the previous sanction of the Governor General in Council, to appoint at any time any native of India of proved merit and ability to any of the offices, places, and employments declared for the time being to be open to the Bombay Civil Service, provided that the number of the offices, places, and employments which are

at any one time held by persons appointed to them under this rule shall, under no circumstances, exceed one-fourth of the offices, places, and employments declared for the time being to be open to the members of the Bombay Civil Service.

3. The Local Government may declare any appointment made by it under Rule 1 to be made on probation, and may prescribe the conditions with which the person appointed must comply before he can be confirmed, and the period within which it shall be necessary for him to comply with them; and the Governor General in Council may similarly make any order requiring probation before confirmation in the case of any appointment which, under the said rule, must be made by the said Governor General in Council.

4. The Local Government may at any time suspend, or with the previous sanction of the Governor General in Council remove, any person appointed under these rules: provided that no such person shall be dismissed without a formal enquiry if he demands that one shall be made.

LOWER PROVINCES OF BENGAL.

In exercise of the power conferred by the Statute 33 Vict., Cap. 3, section 6, and in supersession of the rules published in Notification No. 1534, dated the 22nd August 1879, the Governor General in Council has been pleased to make, for the territories administered by the Lieutenant-Governor of Bengal, the following rules, which have been sanctioned by the Secretary of State in Council with the concurrence of a majority of the members present :—

1. The Local Government may nominate any member of the Bengal Civil Service, who is a native of India and considered to be possessed of proved merit and ability, for appointment to any of the offices, places, and employments in the Lower Provinces of Bengal which have for the time being been declared by Notification issued by the Local Government in the official Gazette to be offices, places, and employments to which members of the Bengal Civil Service can properly be appointed. If such office, place, or employment be that of District and Sessions Judge or chief administrative officer of a district, or any administrative office of higher rank, and the vacancy to be filled is permanent or temporary for a longer period than three months, the nomination shall be made to the Governor General in Council, and the said Governor General in Council, if he approves of the nomination, shall make the appointment. In all other cases the appointment shall be made by the Local Government and reported to the Government of India.

2. Notwithstanding anything contained in Rule 1, it shall be competent for the Local Government, for special reasons and with the previous sanction of the Governor General in Council, to appoint at any time any native of India of proved merit and ability to any of the offices, places, and employments declared for the time being to be open to the Bengal Civil Service, provided that the number of the offices, places, and employments which are at one time held by persons appointed to them under this rule shall, under no circumstances, exceed one-fourth of the offices, places, and employments declared for the time being to be open to the members of the Bengal Civil Service.

3. The Local Government may declare any appointment made by it under Rule 1 to be made on probation, and may prescribe the conditions with which the person appointed must comply before he can be confirmed, and the period within which it shall be necessary for him to comply with them; and the Governor General in Council may similarly make any order requiring probation before confirmation in the case of any appointment which, under the said rule, must be made by the said Governor General in Council.

4. The Local Government may at any time suspend, or with the previous sanction of the Governor General in Council remove, any person appointed under these rules: provided that no such person shall be dismissed without a formal enquiry if he demands that one shall be made.

NORTH-WESTERN PROVINCES OF BENGAL.

In exercise of the power conferred by the Statute 33 Vict., Cap. 3, section 6, and in supersession of the rules published in Notification No. 1534, dated the 22nd August 1879, the Governor General in Council has been pleased to make, for the territories administered by the Lieutenant-Governor of the North-Western Provinces, the following rules, which have been sanctioned by the Secretary of State in Council with the concurrence of a majority of the members present :—

1. The Local Government may nominate any member of the North-Western Provinces Civil Service, who is a native of India and considered to be possessed of proved merit and ability, for appointment to any of the offices, places, and employments in the North-Western Provinces which have for the time being been declared by Notification issued by the Local Government in the official Gazette to be offices, places, and employments to which members of the North-Western Provinces Civil Service can properly be appointed. If such office, place, or employment be that of District and Sessions Judge or chief administrative

officer of a district, or any administrative office of higher rank, and the vacancy to be filled is permanent or temporary for a longer period than three months, the nomination shall be made to the Governor General in Council, and the said Governor General in Council, if he approves of the nomination, shall make the appointment. In all other cases the appointment shall be made by the Local Government and reported to the Government of India.

2. Notwithstanding anything contained in Rule 1, it shall be competent for the Local Government, for special reasons and with the previous sanction of the Governor General in Council, to appoint at any time any native of India of proved merit and ability to any of the offices, places, and employments declared for the time being to be open to the North-Western Provinces Civil Service, provided that the number of the offices, places, and employments which are at any one time held by persons appointed to them under this rule shall, under no circumstances, exceed one-fourth of the offices, places, and employments declared for the time being to be open to the members of the North-Western Provinces Civil Service.

3. The Local Government may declare any appointment made by it under Rule 1 to be made on probation, and may prescribe the conditions with which the person appointed must comply before he can be confirmed, and the period within which it shall be necessary for him to comply with them; and the Governor General in Council may similarly make any order requiring probation before confirmation in the case of any appointment which, under the said rule, must be made by the said Governor General in Council.

4. The Local Government may at any time suspend, or with the previous sanction of the Governor General in Council remove, any person appointed under these rules; provided that no such person shall be dismissed without a formal enquiry if he demands that one shall be made.

INDIA OFFICE,

London, 31st August 1892.

Public,
No. 85.

To His Excellency the Most Honourable the Governor General of India in Council.

MY LORD MARQUIS,—I have considered in Council the letter of your Government, No. 39, dated the 7th of June last, relating to your action in carrying out the instructions of my predecessor on the subject of the recommendations of the Public Service Commission as regards the higher branches of the Judicial and Executive Services in India, and also submitting for sanction the draft of new rules to be prescribed by you under Statute 33 Vict., Cap. 3, Section 6.

2. The draft rules have, by my directions, been revised and altered so that one set of rules may suffice for all the Regulation Provinces, and take the place of the four sets approved by your Government. As revised, they have been sanctioned by me in Council with the concurrence of a majority of the members present. I enclose a copy of them as so sanctioned, and they can at once be prescribed (to use the language of Section 6 of 33 Vict., Cap. 3) by your Government unless you consider that they require alteration or amendment, in which case they must again be referred to me for final sanction before they can be issued.

3. The scheme for the re-organization of the Provincial Executive and Judicial Services in the Punjab, mentioned in the second paragraph of your letter under reply, has my approval.

4. I observe that in your letters to the various Local Governments Your Excellency in Council has repeated the provisions of the orders of 1879 in the form that Europeans who are not Natives of India may be recruited into the Provincial Civil Service on complying with certain conditions, with the sanction of the Secretary of State as regards Madras and Bombay, and of the Government of India as regards the other Provinces. I am of opinion that it will be sufficient in future and more convenient that the sanction of the Government of India only should be obtained in all Presidencies and Provinces alike.

5. The admission of Europeans who are not Natives of India into the Provincial Civil Services involves the question of their eligibility for promotion to those higher offices hitherto reserved for the Civil Service of India, which are named in your list as those specifically thrown open to the Provincial Services. On this subject my predecessor made some observations in his Despatch of the 12th September 1889, which I have no doubt Your Lordship will have kept in view in considering and preparing these various rules and Notifications, particularly the Notifications which you propose to extend by executive order to those Provinces in which the Statute of 1870 is not in force.

I have the honour to be,

MY LORD MARQUIS,

Your Lordship's most obedient, humble Servant,

KIMBERLEY.

ENCLOSURE.—(See No. 161.)

No. 2159.

GOVERNMENT OF INDIA.
HOME DEPARTMENT.

PUBLIC.

Simla, the 2nd November 1892.

NOTIFICATION.

In exercise of the power conferred by Statute 33 Victoria, Chapter 3, Section 6, and in supersession of the rules published in Notification No. 1534, dated the 22nd August 1879, the Governor General in Council has been pleased to make the following rules, which have been sanctioned by the Secretary of State in Council with the concurrence of majority of the members present:—

1. The Local Government may appoint any member of the Provincial Civil Service subordinate to it, who is a Native of India and of proved merit and ability, to any of the offices, places, and employments ordinarily held by members of the Civil Service of India, to fill which it has been declared by such Local Government (by Notification in the official Gazette) that members of such Provincial Civil Service can properly be appointed; provided that no appointment shall be made to the office of District and Sessions Judge, or Chief Administrative Officer of a district, or to any administrative office of higher rank, if the vacancy to be filled is permanent, or for a period of more than three months, without the sanction of the Governor General of India in Council.
2. The Local Government may, with the previous sanction of the Governor General in Council (but not otherwise), at any time appoint any Native of India of proved merit and ability to any of the offices, places, and employments specified by such Local Government in any such Notification as in Rule 1 is mentioned; provided that not more than one-fourth of the offices, places, and employments so specified shall at any one time be held by Natives of India not members of the Provincial Civil Service subordinate to the Local Government; but this proviso shall not apply to or include any Native of India (not a member of a Provincial Service) who has, prior to the making of these rules, been appointed under Statute 33 Vict., Cap. 3, section 6, to an office, place, or employment in the Civil Service of India.
3. The Local Government may (with the previous sanction of the Governor General in Council, in any case in which such sanction is required for a permanent appointment) declare any appointment to be made on probation only, and may prescribe to terms on which it is made and the conditions with which the person appointed must comply before he can be confirmed.
4. The Local Government may at any time suspend and, with the previous sanction of the Governor General in Council, remove any person appointed by such Local Government under these rules.

C. J. LYALL,
Secretary to the Government of India.

No. 2194—2199.

FROM

C. J. LYALL, Esq., C.I.E.,
Secretary to the Government of India,

TO

THE CHIEF SECRETARIES TO THE GOVERNMENT,
OF MADRAS, BOMBAY, BENGAL, NORTH WESTERN
PROVINCES, AND OUDH AND THE PUNJAB AND THE
CHIEF COMMISSIONER OF THE CENTRAL PROVINCES.

Home Department.
Public.

Simla, the 10th November 1892.

In continuation of my letter No. 1535, dated the 27th May 1892, I

* Omitting paragraph 3.
paragraphs 3 and 4.
Paragraph 4.

am directed to forward the accompanying extracts* from a Despatch No. 85 (Public), dated the 31st August 1892 from the

Secretary of State, sanctioning a revised set of rules under Section 6 of the Statute of 1870, 33 Vict., Cap. 3, for the appointment of Natives of India to offices reserved for members of the Indian Civil Service. A copy of the revised rules as issued by the Government of India with Home Department Notification No. 2159, dated the 2nd instant, is also enclosed for the information of the Madras Government, and I am to convey the following remarks and instructions for future guidance in connection with them.

2. Rule 1 is in accordance with the orders contained in paragraph 8 of this Department's Resolution No. ^{9 Publ. C.} 1314—1352, dated the 21st April 1892, which authorize the Local Government, to nominate, without reference to the Government of India, members of the Madras Provincial Civil Service to any office listed as open to that service, with the exception of the Headship of a District or a District and Session Judgeship, in cases in which the vacancy to be filled in the latter offices is permanent or for a period of more than three months. This rule, it will be observed, applies only to the appointment to reserved posts of members of the Provincial Civil Service, including, of course, such Statutory Civilians as may have been transferred to that service, or as may now avail themselves of the option of joining it offered in paragraph 5 of my letter of the 27th May last.

3. The case of Statutory Civilians who elect to remain in their present position will be governed by Rule 2 of the enclosed rules, under which the previous sanction of the Governor-General in Council is required to their appointment to any listed post. As explained in my letter of the 27th May last (paragraph 5) such Statutory Civilians hold appointments outside both the Covenanted and the Provincial Civil Services, and the effect of Rule 2 is to continue in their case the principle of the existing orders regulating their promotion. The sanction of the Government of India will not be required to promotions merely from grade to grade, which do not involve a change in the duties and responsibilities discharged, such as that of an Assistant Collector to be a Head Assistant. These promotions may continue to be made by the Local Government of its own motion. The sanction of the Government of India will, however, be required before any promotion, however temporary, of a Statutory Civilian who remains in his present position is made to the office of Collector and District Magistrate, or of District and Sessions Judge, or to any other office, such as that of Sub-Collector and Joint Magistrate or Under Secretary to Government, which is entered as a separate office in the Schedule to the Statute 24 and 25 Vict., Cap. 54, or the duties of which differ in character from those of the substantive appointment of the officer whom it is proposed to promote.

It has not been the practice hitherto to refer for the sanction of the Government of India mere acting promotions to the grade of Sub-Collector and Joint Magistrate. As, however, these appointments are entered as separate offices in the Schedule to the Statute cited above such sanction will in future be necessary under the terms of Rule 2. I am to say that references on the

subject of these acting promotions will be regarded as of a purely formal character, but the Government of India are precluded by the requirements of the rule as sanctioned by the Secretary of State in Council from dispensing with them.

[To Madras and
Bombay only.]

[4 I am to invite the attention of the Governor in Council to paragraph 4 of the Despatch, under which the sanction of the Government of India, instead of that of the Secretary of State, will in future be sufficient for the appointment of Europeans who are not Statutory Natives of India to offices carrying a salary of Rs. 200 a month and upwards. (Vide paragraph 2 of the Secretary of State's Despatch to the Government of Madras, No. 9, dated 10th July 1879, and paragraph 9 (Condition V) of my letter of the 27th May last.)]

5. In paragraph 5 of the Despatch the Secretary of State observes that the admission of Europeans to the Provincial Service involves the question of their eligibility for the higher offices hitherto reserved for the Civil Service of India, which are named in the Resolution of the 21st April last as those specifically thrown open to the Provincial Civil Service. On this subject, I am to invite a reference to paragraph 14 of Mr. MacDonnell's letter No. 300, dated the 14th February 1890. From the nature of the case Europeans who are not Natives of India within the definition contained in Section 6 of the Statute, 33 Vict., Cap. 3, cannot be appointed to any listed posts under the rules now promulgated, inasmuch as the rules themselves and the Statute under which they are framed only authorize the appointment of Natives of India, as defined in Section 6 to posts ordinarily held by members of the Indian Civil Service. If it is considered desirable at any time in the public interests to appoint a European member of the Provincial Service to any of the listed posts, the appointment in a Regulation Province can only be made in accordance with the procedure of Sections 3 and 4 of the Civil Service Statute of 1861 (24 and 25, Vict., Cap. 54) if the office in question is entered in the Schedule to that Statute. In the non-Regulation Provinces, or in the Regulation Provinces if the office in question is not a 'scheduled' post, but only reserved for members of the Indian Civil Service by executive order, the appointment of a European member of the Provincial Service can only be made with the previous sanction, as an executive measure, of the Secretary of State.

6. The Government of India desire to take this opportunity of issuing instructions regarding the manner in which Statutory Civilians and officers of the Provincial Service, who hold posts ordinarily reserved for the Civil Service of India, should be shown in the Quarterly Civil Lists. It is desirable that the practice in this matter should be uniform in all Presidencies and Provinces, so that the number and proportion of reserved posts which are held by persons who are not members of the Indian Civil Service may be readily ascertainable on a reference to the Civil Lists. I am accordingly to convey the following instructions, and to request that they may be carefully observed in future issues of the Quarterly Civil Lists:—

(1) The Statutory Civilians, who elect to remain in their present position and do not join the Provincial Service, should be shown in a separate list, immediately after the Civil Service gradation list. Their names should also be retained in italics, and without serial numbers, in their appropriate places, determined according to the date of their confirmation,* in the gradation list of the Indian Civil Service, so that their relative position for promotion as compared with Indian Civilians may be quite clear.

* Letter to the Government of Madras, No. 300, dated the 14th February 1890 (paragraph 11).

Letter to the Government of Madras, No. 1543, dated the 8th August 1890.

Letter to the Government of Madras, No. 1535, dated the 27th May 1892 (paragraph 5).

These instructions supersede all previous orders on this subject. The present practice in the matter of showing the names of Statutory Civilians in the Civil Lists is different in different Provinces. In the Madras Civil List, corrected to 1st October 1892, there is a separate list of Statutory Civilians at pages 60 to 63, but their names are not shown in the Civil Service gradation list. The Civil List for the North-Western Provinces and Oudh, corrected up to 1st October 1892, follows the arrangement which the Government of India would now be glad to see generally adopted.

(2) The names of the Statutory Civilians who join the Provincial Service should be removed from the list of Statutory Civilians and entered in their proper places in the list of members of the Provincial Service. A note should be added against their names (or some distinctive mark or letter, such as Ex-S. referring to a note) explaining that they are *ex-Statutory Civilians* transferred to the Provincial Service, and that they have *cæteris paribus* a preferential claim to promotion to listed posts over other equally qualified members of the Provincial Service, as explained in the letters cited in the margin above.

(3) After the list of Statutory Civilians who retain their present position there should be a list showing the names of those members of the Provincial Civil Service who are holding substantively or officiating in posts ordinarily reserved for the Civil Service of India listed as open to the Provincial Service. The posts which they are holding or in which they are officiating should also be shown.

(4) As regards the reserved offices inferior to the Headship of a District which have been amalgamated with the grades of Deputy Collectors (paragraph 6 of Resolution of 21st April 1892), it probably will not be possible to show the incumbents by name. A note should accordingly be added after the list of Provincial Service officers referred to above in sub-paragraph (3) specifying the number of such transferred offices which are held by members of the Provincial Service. I am also to refer you to the latter part of paragraph 9 of the Resolution of the 21st April last, and again to invite the attention of the Madras Government to the necessity for showing the number of transferred appointments against the grades of the Provincial Service to which they are attached.

(5) There remains the case of exceptional appointments—permanent or officiating—to reserved posts of persons (other than members of the Civil Service of India or the non-Regulation Commissions) who are neither Statutory Civilians nor members of the Provincial Service. An example of such appointments would be that of a barrister to a judicial post otherwise than under the rules relating to the Provincial Services; other appointments to offices which are included in the cadre of recruitment for the Indian Civil Service might also occasionally be made with the sanction of the Secretary of State. Such appointments are quite exceptional, but the Government of India desire that, where they exist, they should be separately shown in the Civil Lists, and I am to request that they may be shown in future immediately after the list of Provincial Service officers holding reserved posts referred to above.

7. I am to request that the Provincial Service in the

Madras Presidency
Bombay Presidency
Bengal
North-Western Provinces and Oudh
Punjab
Central Provinces

may in future be designated the " " in

Madras Provincial Civil Service
Bombay Provincial Civil Service
Bengal Provincial Civil Service
North-Western Provinces and Oudh Provincial Civil Service
Punjab Provincial Civil Service
Central Provinces Provincial Civil Service

conformity with the wording of the rules sanctioned by the Secretary of State.

[8. From paragraph 3 of the Despatch enclosed the Punjab Government will observe that the Secretary of State has sanctioned the re-organization of the Provincial Judicial and Executive Services proposed in paragraph 7 of Mr. Fanshawe's letter of the 8th July 1890. The Secretary of State's sanction was received on the 21st September 1892.]

I have the honour to be,

SIR,

Your most obedient servant,

C. J. LYALL,

Secretary to the Government of India.

No. $\frac{7\text{-Pub.}}{47-49}$.

Extract from the Proceedings of the Government of India in the Home Department (Public),—under date Calcutta, the 7th January 1893.

READ—

Home Department Resolution No. $\frac{9\text{-Public}}{1342-1352}$, dated the 21st April 1892, conveying the orders of the Government of India on the proposals of the Public Service Commission in regard to the constitution of the Provincial (Executive and Judicial) Services.

Letter to the Chief Commissioner, Central Provinces, No. 1539, dated the 27th May 1892, conveying the orders of the Government of India on certain points in connection with the constitution of the Provincial Service in the Central Provinces.

Letter from the Chief Commissioner, Central Provinces, No. 3567, dated the 28th May 1892, offering his views on the subject of the constitution of the Provincial Service in those Provinces.

Letter from the Chief Commissioner, Central Provinces, No. 3965, dated the 13th June 1892, on the same subject.

The Despatch of the Government of India, to the Secretary of State, No. 62, dated the 13th September 1892, stating the conclusions arrived at by the Government of India on the subject.

The reply of the Secretary of State, No. 111, dated the 17th November 1892, concurring in the conclusions set forth by the Government of India.

RESOLUTION.

IN paragraph 4 of the Home Department Resolution of the 21st April last cited in the preamble, enumerating the appointments in the different Provinces which should, for the present, be entered in the list as open to the Provincial Service, it was stated that, before passing orders as to the Central Provinces, His Excellency would await a further expression of Mr. MacDonnell's views on the question. After carefully considering the Chief Commissioner's suggestions, the Governor General in Council has now, with the approval of the Secretary of State, determined that the following posts in those Provinces shall, for the present, be placed on the list of appointments open to the Provincial Service:—

Head of District ...	...	...	...	...	1
Small Cause Court Judges ...	...	...	...	...	2
Registrar, Judicial Commissioner's Court ...	...	...	...	...	1
Assistant to Settlement Commissioner ...	...	...	...	...	1
Assistant Commissioners ...	...	...	...	...	2
TOTAL					7

2. The rates of pay fixed for officers of the Provincial Service holding the headship of a district and the Small Cause Court Judgeships are as follows:—

		Rs.	
Deputy Commissioner	...	$\left\{ \begin{array}{l} 1,600 \text{ for the 1st grade.} \\ 1,200 \text{ " 2nd " } \\ 1,000 \text{ " 3rd " } \end{array} \right.$	
Small Cause Court Judges	...	$\left\{ \begin{array}{l} 800 \\ 700 \end{array} \right.$	

But these rates of pay will be liable to alteration at any time should the interests of the Public Service require it.

The Governor General in Council has decided, with the approval of the Secretary of State, to amalgamate the remaining appointments with the existing grades of Extra Assistant Commissioners. They will be distributed as follows among these grades, when the prior claims of the existing Statutory Civilians and of the officers of the Indian Civil Service or the Commission have, as explained in paragraph 6 of the Resolution of 21st April 1892, been satisfied:—

	Rs.
1 post in the 2nd grade (corresponding to Assistant Commissioner, 1st class)	600
1 post in the 3rd grade (corresponding to Assistant Commissioner, 2nd class)	500
1 post in the 4th grade (corresponding to Assistant Commissioner, 3rd class)	400
1 post in the 5th grade (corresponding to Assistant Commissioner, 4th class)	300

A local allowance of Rs. 100 will be attached to the office of Registrar of the Judicial Commissioner's Court, and to that of Assistant to the Settlement Commissioner, when held by Officers of the Provincial Service.

ORDER.—Ordered, that this Resolution be communicated to the Chief Commissioner, Central Provinces, that a copy, with copy of the Despatch from the Secretary of State No. 111, dated the 17th November 1892, be forwarded to the Department of Finance, and that it be published in the *Gazette of India* for general information.

(True Extract.)

C. J. LYALL,

Secretary to the Government of India.

Extract paragraph 334 of the Report of the Royal Commission upon Decentralization in India.

334. Certain special limitations which now apply to the Central Provinces, in regard to the appointment of Commissioners of Division and heads of departments, and the appointment and promotion of Deputy and Assistant Commissioners, when these involve the supersession of some other officer, should, we think, be removed. We likewise think that the powers of local Governments in regard to the filling up of appointments which have been 'listed', i.e., transferred from the Indian Civil Service to natives of the country, should be extended as proposed by the Secretary in the Home Department.* We consider further that in the case of a mixed service, such as the Civil Accounts, where the Secretary of State has sanctioned the filling of a certain number of Accountant Generalships by officers of the department who do not belong to the Indian Civil Service, his specific sanction should no longer be necessary in respect to the appointment of individual officers within such limits.

Certain restrictions on the patronage of the Chief Commissioner of the Central Provinces are undesirable. Local Governments should have larger powers in regard to "listed" appointments.

References now required to the Secretary of State in regard to Civil Accountant Generalships should cease.

* We agree also with the proposal made by him in regard to the temporary filling up of non-'listed' appointments.

Volume X, Appendix X, page 241.

Volume III, Appendix II, page 177.

Volume IV, Appendix XII, page 210.

Volume X, Appendix XII, page 244.

Volume VI, Appendix II, page 139.

Volume X, Appendix X, page 240.

No. 16.
GOVERNMENT OF INDIA.
HOME DEPARTMENT.
ESTABLISHMENTS.

To

THE RIGHT HONOURABLE VISCOUNT MORLEY
OF BLACKBURN, O.M.,

His Majesty's Secretary of State for India.

Simla, the 19th May 1910.

MY LORD,

WE have the honour to refer to Your Lordship's despatch no. 57-Public, dated the 2nd April 1909, and to address you with regard to the recommendations of the Decentralization Commission on the subject of making appointments to listed or reserved posts, which are contained in the latter portion of paragraph 334 of their Report.

2. We readily accept the Commission's recommendation in regard to listed posts and posts scheduled or reserved for members of the Indian Civil Service or a Commission. The rules framed under section 6 of the Government of India Act, 1870 (33 Vict., Cap. 3), which were sanctioned in the Earl of Kimberley's despatch no. 85-Public, dated the 31st August 1892, have been amended accordingly and a draft of the revised rules is forwarded for Your Lordship's sanction. If Your Lordship sanctions them they will be applied, like those of which they will take the place, to the non-regulation provinces by executive order. You will observe that the procedure regarding the appointment of Europeans to listed, scheduled, or reserved posts will remain unaltered.

3. With reference to the Commission's recommendation in regard to Civil Accountant-Generalships we would explain that, as the Accounts Department is composed of both Europeans and natives of India, a complete acceptance of the recommendation is not possible without an amendment of the Indian Civil Service Act, 1861, and we consider it unnecessary to move for an amendment of that Act merely for the purpose of avoiding reports to the Secretary of State respecting the appointment to Accountant-Generalships of European officers of the Accounts Department who are not members of the Indian Civil Service. It will, we think, be sufficient to provide for the appointment to these posts of statutory natives of India, who form a large proportion of the Department, by rules framed under section 6 of the Government of India Act, 1870, and in this way it will be possible to dispense, in a large number of cases, with the reference to the Secretary of State for specific sanction which is at present required. We have accordingly framed draft rules under section 6 of the Act, to which we solicit Your Lordship's sanction. Your Lordship will observe that, as in case of non-listed appointments in the executive and judicial services, we have taken the opportunity to provide for temporary appointments for a period not

exceeding three months. This will further obviate numerous references in regard to appointments for short periods of officers who do not belong to that service.

* * * * *

We have the honour to be,

MY LORD,

Your Lordship's most obedient, humble servants,

MINTO.

O'M. CREAGH.

J. O. MILLER.

G. FLEETWOOD WILSON.

S. P. SINHA.

B. ROBERTSON.

J. L. JENKINS.

No. 546.

Copy with copy of enclosures nos. 1 and 2, forwarded to the Finance* Depart-

* Original papers returned.
ment for information.

By order,

H. G. STOKES,

Deputy Secretary to the Government of India.

LIST OF ENCLOSURES.

1. Draft notification relating to listed or reserved appointments.
2. Draft notification relating to Accountant-Generalships.
3. Letter to the Chief Commissioner, Central Provinces, no. 504, dated the 11th May 1910.

No.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

ESTABLISHMENTS.

, the 1910.

DRAFT NOTIFICATION.

In exercise of the power conferred by section 6 of the Government of India Act, 1870 (33 Victoria, Chapter 3), and in supersession of the rules published in the Home Department notification no. 2159 (Public), dated the 2nd November

1892, the Governor General in Council has been pleased to make the following rules, which have been sanctioned by the Secretary of State in Council with the concurrence of a majority of the members present:—

1. The local Government may appoint any member of the provincial civil service subordinate to it, who is a native of India and of proved merit and ability, to any of the offices, places, and employments, in the Civil Service of His Majesty in India, to fill which it has been declared by such local Government (by notification in the official Gazette) that members of such provincial civil service can properly be appointed.

2. The local Government may at any time appoint any native of India of proved merit and ability to any of the offices, places, and employments specified by such local Government in any such notification as in rule 1 is mentioned; provided that not more than one-fourth of the offices, places, and employments so specified shall at any one time be held by natives of India not members of the provincial civil service subordinate to the local Government; but this proviso shall not apply to or include any native of India (not a member of a provincial service) who has, prior to the making of these rules, been appointed under section 6 of the Government of India Act, 1870 (33 Victoria, Chapter 3), to an office, place, or employment in the Civil Service of India.

3. In addition to appointments made under rules 1 and 2 the local Government may, whenever the exigencies of the public service render it necessary, appoint to any of the offices, places, or employments in the Civil Service of His Majesty in India, for a period not exceeding three months, any native of India of proved merit and ability; provided that the appointment of any such officer shall not involve his transfer from another district.

4. The local Government may declare any appointment to be made on probation only and may prescribe the terms on which it is made and the conditions with which the person appointed must comply before he can be confirmed.

5. The local Government may at any time suspend and remove any person appointed by such local Government under these rules.

Secretary to the Government of India.

No.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

ESTABLISHMENTS.

, the 1910.

DRAFT NOTIFICATION.

In exercise of the power conferred by section 6 of the Government of India Act, 1870 (33 Victoria, Chapter 3), the Governor-General in Council has been pleased to make the following rules for regulating the employment of natives of India in the offices of Accountant-General, which rules have been sanctioned by the Secretary of State in Council with the concurrence of a majority of the members present:—

1. The Government of India may appoint any member of the Enrolled List of the Finance Department of that Government, not being a member of the Civil Service of His Majesty in India, who is a native of India and of

proved merit and ability, to the office of an Accountant-General, provided that the number of natives of India so employed together with any European members of the Enrolled List, not being members of the Civil Service of India, holding the appointment of Accountant-General shall not exceed the proportion of the offices of Accountants-General which the Secretary of State may from time to time fix as tenable by members of the Enrolled List, not being members of the Civil Service of His Majesty in India.

2. In addition to appointments made under rule 1 the Government of India may, whenever the exigencies of the public service require, appoint to the office of Accountant-General, for a period not exceeding three months, any member of the Enrolled List of the Finance Department of that Government, not being a member of the Civil Service of His Majesty in India, who is a native of India and of proved merit and ability.

3. The Government of India may declare any appointment made under these rules to be made on probation only and may prescribe the terms on which it is made and the conditions with which the person appointed must comply before he can be confirmed.

4. The Government of India may at any time suspend and remove any person appointed under these rules.

Secretary to the Government of India.

India Office, London,

8th July 1910.

Public,

No. 79.

To His Excellency the Right Honourable the Governor General of India in Council.

MY LORD,

I have considered in Council the letter of Your Excellency's Government in the Home Department, no. 16, dated the 19th of May last, submitting proposals for giving effect to the recommendations of the Decentralisation Commission on the subject of making appointments to listed or reserved posts.

2. With reference to the revised rules submitted with your letter, regarding listed posts and posts scheduled or reserved for members of the Indian Civil Service or a Commission, I consider that the wording of the first rule should be as follows:—"The Local Government may appoint any member of the provincial civil service subordinate to it . . . to any of the offices, places, and employments ordinarily held by members of the Civil Service of His Majesty in India . . ."; and that a similar addition should be made where necessary to the draft of the third rule. With these slight changes I sanction the proposed rules.

3. I accept the opinion of Your Excellency's Government that it is unnecessary to move for the amendment of the Indian Civil Service Act, 1861, in order to enable European officers of the Accounts Department to be appointed to the post of Accountant-General without reference to me, and I sanction the rules proposed by you for dispensing with such references in the case of statutory natives of India.

* * * * *

I have the honour to be,

MY LORD,

Your Lordship's most obedient humble servant,

MORLEY OF BLACKBURN.

1770

NO. 1128.
GOVERNMENT OF INDIA.
HOME DEPARTMENT.

ESTABLISHMENTS.

Simla, the 26th August 1910.

NOTIFICATION.

In exercise of the power conferred by section 6 of the Government of India Act, 1870 (33 Victoria, Chapter 3), and in supersession of the rules published in the Home Department notification no. 2159 (Public), dated the 2nd November 1892, the Governor General in Council has been pleased to make the following rules, which have been sanctioned by the Secretary of State in Council with the concurrence of a majority of the members present :—

1. The local Government may appoint any member of the provincial civil service subordinate to it, who is a native of India, and of proved merit and ability, to any of the offices, places, and employments ordinarily held by members of the Civil Service of His Majesty in India, to fill which it has been declared by such local Government (by notification in the official Gazette) that members of such provincial civil service can properly be appointed.
2. The local Government may at any time appoint any native of India of proved merit and ability to any of the offices, places, and employments specified by such local Government in any such notification as in rule 1 is mentioned; provided that not more than one-fourth of the offices, places, and employments so specified shall at any one time be held by natives of India not members of the provincial civil service subordinate to the local Government; but this proviso shall not apply to or include any native of India (not a member of a provincial service) who has prior to the making of these rules, been appointed under section 6 of the Government of India Act, 1870 (33 Victoria, Chapter 3), to an office, place, or employment in the Civil Service of India.
3. In addition to appointments made under rules 1 and 2 the local Government may, whenever the exigencies of the public service render it necessary, appoint to any of the offices, places, or employments ordinarily held by members of the Civil Service of His Majesty in India, for a period not exceeding three months, any native of India of proved merit and ability; provided that the appointment of any such officer shall not involve his transfer from another district.
4. The local Government may declare any appointment to be made on probation only and may prescribe the terms on which it is made and the conditions with which the person appointed must comply before he can be confirmed.
5. The local Government may at any time suspend and remove any person appointed by such local Government under these rules.

A. EARLE,

Offg. Secretary to the Government of India.

601

No. 1129.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

ESTABLISHMENTS.

Simla, the 26th August 1910.

NOTIFICATION.

IN exercise of the power conferred by section 6 of the Government of India Act, 1870 (33 Victoria, Chapter 3), the Governor General in Council has been pleased to make the following rules for regulating the employment of natives of India in the offices of Accountant-General, which rules have been sanctioned by the Secretary of State in Council with the concurrence of a majority of the members present :—

1. The Government of India may appoint any member of the Enrolled List of the Finance Department of that Government, not being a member of the Civil Service of His Majesty in India, who is a native of India and of proved merit and ability, to the office of an Accountant-General, provided that the number of natives of India so employed together with any European members of the Enrolled List, not being members of the Civil Service of India, holding the appointment of Accountant-General shall not exceed the proportion of the offices of Accountants-General which the Secretary of State may from time to time fix as tenable by members of the Enrolled List, not being members of the Civil Service of His Majesty in India.

2. In addition to appointments made under rule 1 the Government of India may, whenever the exigencies of the public service require, appoint to the office of Accountant-General, for a period not exceeding three months, any member of the Enrolled List of the Finance Department of that Government, not being a member of the Civil Service of His Majesty in India, who is a native of India and of proved merit and ability.

3. The Government of India may declare any appointment made under these rules to be made on probation only and may prescribe the terms on which it is made and the conditions with which the person appointed must comply before he can be confirmed.

4. The Government of India may at any time suspend and remove any person appointed under these rules.

A. EARLE,

Offg. Secretary to the Government of India.

No. 1130.

Copy, with copy of the despatch from the Secretary of State no. 79-Public, dated the 8th July 1910, forwarded to the Finance Department for information, in continuation of the Home Department endorsement no. 546, dated the 19th May 1910.

By order,

H. G. STOKES,

Deputy Secretary to the Government of India.

G. C. B. P., Simla, No. 24 P. S. C.—16-9-12.—150.—D.W.

805

Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations under the provisions of the Indian Councils Acts, 1861 to 1909 (24 & 25 Vict., c. 67, 55 & 56 Vict., c. 14, and 9 Edw. VII, c. 4).

The Council met at Government House, Calcutta, on Friday, the 17th March 1911.

PRESENT :

The Hon'ble MR. J. L. JENKINS, C.S.I., Vice-president, *presiding*,
and 58 Members, of whom 53 were Additional Members.

EMPLOYMENT IN PUBLIC SERVICE.

The Hon'ble MR. SUBBA RAO : " Mr. President, I beg to move the following resolution :—

' That this Council recommends that a mixed Commission consisting of officials and non-officials be appointed to consider the claims of Indians to higher and more extensive employment in the Public Service connected with the civil administration of the country.'

" I may be permitted, Sir, at the outset to express my thanks to His Excellency the Viceroy for having permitted this resolution to be brought before the Council as early as possible in His Lordship's tenure of office; and I take it as an earnest of His Excellency's desire to judge for himself whether the administrative machinery of the Government requires any reform, as is asserted in some quarters. I take this opportunity, Sir, to express my thanks to the Secretaries of the several Departments of the Government of India for the readiness with which they have supplied me with information on this subject.

" The resolution before us deals with the question of the higher and more extensive employment of Indians in the public service; that is, the more extensive employment of Indians in the higher grades of the public service. I realise, Sir, fully the responsibility that in speaking on this subject I do so in the presence of distinguished members of the Indian Civil Service—a service whose members have the proud privilege of making modern India by their high-souled patriotism, their stern sense of discipline and deep devotion to duty, and whose members have responded cheerfully to the changing conditions of their Indian environment. If I criticise the service, Sir, it is not the men that adorn the service, but it is the system that is in force, which I urge requires a change.

" The question before us has from time to time engaged the attention of the Government here and in England for the last three-quarters of a century, and a lot of literature has grown around the subject. It is impossible, therefore, to deal with the subject fully within the time at my disposal, and I shall, therefore, try to give a general outline of the history of the subject and explain how the power conferred by the Statute of 1870 to frame rules has been exercised, and with what result. I shall show that the arrangements in force are against the spirit and the intentions of that Statute. I shall then deal with the present situation and place some suggestions before the Council as to the steps that should be taken to improve the present state of things.

" There are four important landmarks in the history of the Public Service in India. The Statute of 1833, the Queen's Proclamation of 1858, the Statute of 1870, and the appointment of the Public Service Commission, mark the different stages—all directed towards the sole object of associating the people with the real administration of the country. But the steps taken so far have not been successful in securing the end in view and giving satisfaction to the people.

"The year 1833 is memorable in the history of the Government of India. Till then the East India Company was both a commercial and political body. In that year its monopoly in trade was finally abolished and the Company thenceforward exercised only administrative and political powers. In that year was also abolished the monopoly of office by which Indians had been excluded from the principal offices under the Government, and section 17 of the Statute of 1833 was enacted for that purpose. Lord Macaulay described it as 'that wise, that benevolent, that noble clause,' and said, 'I must say that, to the last day of my life, I shall be proud to have been one of those who assisted in the framing of the Bill which contains that clause.' The Marquis of Lansdowne who introduced it in the House of Lords, said :

'It was a part of the new system which he had to propose to their Lordships that to every office in India every Native of whatsoever caste, sect or religion should by law be equally admissible, and he hoped that Government would seriously endeavour to give the fullest effect to this arrangement, which would be as beneficial to the people themselves as it would be advantageous to the economical reforms which were now in progress in different parts of India.'

"The Court of Directors, in forwarding a copy of the Statute to the Government of India, observed :

'The meaning of the enactment we take to be that there shall be no governing caste in British India; that whatever other tests of qualification may be adopted, distinctions of race or religion shall not be of the number.'

"They emphasized that not race but 'fitness is henceforth to be the criterion of eligibility' for public offices. Notwithstanding these noble declarations, no effect was given to the clause.

"In 1853 the system of nomination and patronage was abolished and the principal civil appointments were thrown open to competition, but the centre of examination for admission to the Civil Service was fixed in England; that system has continued up to date.

"In 1858, the Government of the country was taken over by the Crown, when the noble Proclamation of Her Gracious Majesty Queen Victoria was issued, laying down the true principles by which the government of this country could be carried on with safety—a Proclamation which was described by the late King-Emperor as 'the Great Charter of 1858.'

"Shortly after the Secretary of State appointed a Committee of five members of his Council, all distinguished Anglo-Indians, to consider the subject. They reported on the 14th of January 1860 that to do justice to the claims of Indians, simultaneous examinations should be held in England and India, 'as being the fairest and the most in accordance with the principles of a general competition for a common object.'

"But nothing came out of it, and the question continued to be the subject of consideration on the part of responsible authorities.

"After prolonged correspondence, section 6 of the Statute of 1870 was enacted. In moving the second reading of the Bill on the 11th of March 1869, His Grace the Duke of Argyll said :

'With regard, however, to the employment of Natives in the government of their country in the Covenanted Service, formerly of the Company, and now of the Crown, I must say that we have not fulfilled our duty, or the promises and engagements which we have made.....I have always felt that the regulations laid down for the competitive examinations rendered nugatory the declaration of the Act of 1833; and so strongly has this been felt of late years by the Government of India that various suggestions have been made to remedy the evil.'

"Speaking of the Statute, Lord Kimberley, in his Despatch of the 8th January 1885, said : 'the Act remains a measure of remarkable breadth and liberality.' It empowers 'the Government of India and the Secretary of State in Council, acting together, to frame rules under which Natives of India may be admitted to any of the offices hitherto restricted to the Covenanted Civil Service.'

"Again, there was a long correspondence on the subject between the Secretary of State and the Government of India as to the best way in which

the Statute could be given effect to and the claims of the Indians for honourable employment in the administration of their country could be satisfied. The Government of India took nearly nine years to frame workable rules under the Statute. Lord Lytton summed up the situation up to that time in these words :

'I do not hesitate to say that both the Governments of England and of India appear to me, up to the present moment, unable to answer satisfactorily the charge of having taken every means in their power of breaking to the heart the words of promise they had uttered to the ear.'

"At last the Government of India in 1878 discussed the whole question afresh and recommended to the Secretary of State, among other things, to which I need not refer at present, the establishment of a 'close Native Civil Service, to which should be transferred a proportion of the posts reserved for the Covenanted Service with a proportion of those held by the Uncovenanted Service.'

"The then Secretary of State vetoed these proposals to constitute a close Native Service, and suggested that the annual recruitment in England to the Covenanted Civil Service might be reduced by a certain proportion and that Indians might be annually appointed to such places. He pointed out that one of the advantages of such a scheme was that it would place the Indians on a footing of social equality with the members of the Covenanted Civil Service. He suggested further that the salary of every office might be determined 'at a fixed amount' to which might be added in the case of covenanted English Civilians 'the rate sufficient to make up the present salaries under some neutral denomination.' The Government of India, while expressing its regret that the scheme for a new close Native Civil Service could not be accepted, submitted rules by which they provided that a proportion not exceeding one-fifth of the recruits appointed from England in any one year should be Indians selected in India. These rules were published in 1879. But the system of Statutory Civilians failed to give satisfaction, as no steps were taken to secure the best men in the country, and as more importance was attached in the selection of candidates to birth and social position than to intellectual fitness.

"The whole question was once more re-opened, and in 1886 the Public Service Commission was appointed 'to devise a scheme which may reasonably be hoped to possess the necessary elements of finality and to do full justice to the claims of Natives of India to higher and more extensive employment in the Public Service.' The Commission practically adopted the lines suggested by the Government of India in its Despatch of the 2nd May 1878 above referred to, and made recommendations, which I need not detail here.

"After long correspondence the Government of India fixed in April 1892 the places that should be listed as open to the members of the Provincial Service, and in November they published fresh rules under the Statute of 1870. As stated by the Government of India, 'it (the scheme) was meant to be a final settlement of the claims of the Provincial Service and to be gradually worked up to within a generation of official life.'

"The final outcome of the labours of the Public Service Commission is—

(1) We have, first of all, in spite of the Statutes of 1833 and 1870, the reservation of the higher offices of the State to a particular class of persons recruited in England, mainly Europeans, constituting the Indian Civil Service. The principle on which this Service is constituted is in the words of the Government of India :

'That the Covenanted Civil Service should be reduced to a *corps d'elite* and its numbers limited to what is necessary to fill the chief administrative appointments of the Government and such a number of smaller appointments as will ensure a complete course of training for junior Civilians.'

(2) We have next the creation of an inferior service known as the Provincial Service, filled mainly by Indians—a service characterized by Mr. Dadabhai

Naoroji, who has laboured long and incessantly in this cause, as the *Pariah Service*.

(3) Under the rules of 1879, the Statutory Civilians, though on two-thirds pay, held an equal status with the members of the Covenanted Civil Service and had an opportunity to rise to the highest posts in the State; whereas the members of the Provincial Service were assigned a distinctly lower status in the service of the State, and they could not, under the rules, rise to any post higher than that of a District and Sessions Judge or District Collector, and these places are very few, one-sixth of the former and one-tenth of the latter being listed. The recommendations of the Public Service Commission to exclude the following places from the Schedule were not accepted:—

- (1) One member of the Board of Revenue in Madras, Bengal and the United Provinces and a Financial Commissioner in the Punjab.
- (2) One of the chief Revenue-officers of divisions in all provinces, except Bombay and Assam.
- (3) Under Secretaries to the several Governments in India. (Only one Under-Secretary allowed.)
- (4) One-third of the District and Sessions Judges in all provinces. (Only one-sixth allowed.)

(4) Further, under the rules of 1879, one-fifth of the annual recruitment in England could be made in India by the appointment of Statutory Civilians; whereas we have now a specific number of appointments listed as open to Indians. The number of appointments recommended by the Commission was about 108. It was reduced finally to 93. The figure now stands at 102, including one for Assam and five for Burma which were subsequently listed, of which 92 were held by members of the Provincial Service or Statutory Civilians. Thus we find that after more than 30 years since the recruitment in England was reduced, about ten places excluded from the Schedule are still held by the Indian Civil Service.

(5) Again, if the rules of 1879 had been in force and the Commission had not been constituted, the number of charges available to Indians would have been nearly 165, one-sixth of 993, instead of 102, as it is at present. The number of charges in 1892 when the Provincial Service was constituted was 840 and it is now 993, and yet there has been no increase of places listed in different provinces worth speaking of.

(6) The differentiation into two distinct services has been carried out on the same principles in almost all the special departments of the Public Service—Education, Public Works, Survey, Forest, Telegraph, etc.—one Imperial, mainly European, and the other Provincial, mainly Indian. In some departments, rules have been so framed as to keep back Indian talent from reaching the highest places therein and seriously injure the rights of Indians.

“I shall now take up some particular departments to illustrate the above remarks. Let us take the Education Department which was organised in 1896. There is no chance under the rules for any Indian, unless he is recruited in England, to become the head of a college, much less a Director of Public Instruction, however eminently fitted he might be. I shall not speak of the effects of this differentiation and I shall allow Mr. Chirol, the author of *Indian Unrest*, to describe them. He wrote:

‘Before the Commission sat, Indians and Europeans used to work side by side in the superior graded service of the Department, and until quite recently they had drawn the same pay. The Commission abolished this equality and comradeship and put the Europeans and the Indians into separate pens. The European pen was named the Indian Educational Service, and the Native pen was named the Provincial Educational Service. Into the Provincial Service were put Indians holding lower posts than any held by Europeans and with no prospect of ever rising to the maximum salaries hitherto within their reach. To pretend that equality was maintained under the new scheme is idle, and the grievance thus created has caused a bitterness which is not allayed by the fact that the Commission erected analogous grievances in other branches of the Public Service.’

“Let us now turn to another department—Public Works.

“Before the department was organised in 1892, Engineers recruited in this country were treated on terms of perfect equality with those recruited in England. The pay and rank of both were the same. They were placed on the same list and had side by side promotion. In 1892, the service was differentiated into the Imperial and the Provincial, and the pay of Provincial Engineers was reduced and fixed at nearly two-thirds of that of the Imperial Engineers; yet their rank was unaffected and their time scale of promotion was the same as for Imperial Engineers. The department was again reorganised in 1908. According to this scheme, the two services were made distinct and separate. There was no longer one list and side by side promotion. Each had its separate list and separate scale of promotion. According to the Imperial scale, the European Engineer became an Executive Engineer after 8 years, whereas the Provincial Engineer had to wait to rise to that grade for 15 years. In the former case his promotion was practically unconditional, whereas in the case of the latter there must be a vacancy in the divisional charges reserved for Provincial Engineers. Again, out of a total cadre of about 953 including Railways, 280 places are allotted to the Provincial Service. The actual strength of the Provincial Service is 170—146 in Public Works and 24 in Railways, as against 727 of the Imperial Engineers—574 in Public Works and 153 in Railways. It may be seen easily from these facts what chance Provincial Engineers have, handicapped as they are as against the Imperial Engineers, to ever reach the higher grades of the service, that is, the grades of Superintending and Chief Engineers. The result of the new scheme is that a Provincial Engineer of 14 years' standing would be liable to serve under an Imperial Engineer of 9 years' service. Though there was a distinct assurance given by the Resolutions of 19th July 1892 and 28th September 1893, that there would be no distinction between them and the Imperial officers as regards pay, promotion, leave and pension, yet under the new scheme of 1908 it has been ordered that their names should be removed from the list of Imperial men, that they cannot receive the promotion given to the Imperial Engineers, and in fact that they cannot be treated on the same footing as Imperial Engineers who were their compeers till 1908.

“Take again the Survey organised in 1895. Out of a cadre of 48 appointments, nearly one-fifth, i.e., 10 out of 48, is reserved to the Provincial Service, the rest to the Imperial. The nine highest posts of the grade of Superintendents have been excluded from the Provincial Service and the highest post to which the members of that service could aspire is that of Deputy Superintendent.

“It is the same tale in other departments.

“The latest department which was organised, and that under Lord Curzon, is the Customs. This is made wholly Imperial, and the Resolution of 1906 lays down that except for the places reserved for the Indian Civil Service, the rest, i.e., the Assistant Collectors, ‘will ordinarily be recruited in England.’ Since that time, however, two Indians have been appointed in this department.

“Now, turning to the rules of recruitment in England, we find that for the Public Works Department the regulations lay down ‘that every candidate must be a British subject of European descent and at the time of birth his father must have been a British subject, either natural-born or naturalized in the United Kingdom,’ and that Natives of India who are British subjects are eligible for appointment and shall be selected to the extent of ten per cent. out of the total number of Assistant Engineers recruited, if duly qualified. That is something, but when we come to the Police, there is not even this *reservation of ten per cent.* for Indians.

“Now, if we come to the Political Department, the recruitment is practically from officers of the Indian Army and of the Indian Civil Service. Though Indians specially selected are declared to be eligible under the rules of 1875, there is only one Indian holding the post of an Attaché in the Secretariat.

“Thus we see in how many directions the door is closed against the employment of Indians in the higher offices of the State.

"Side by side with the policy steadily pursued of excluding Indians in different departments, it is refreshing to find that in the Accounts Departments, under the direct control of the Hon'ble Finance Member, Indians and Europeans are treated equally in all respects, in the matter of rank, pay and promotion. They are placed on one list and have side by side promotion. It is with great relief and satisfaction we listened the other day to a statement of the liberal policy enunciated by the Hon'ble Sir Guy Fleetwood Wilson with regard to these departments. This policy of equal treatment accorded to His Majesty's subjects in these departments has produced its natural results among the officers employed therein. There is more comradeship, mutual respect and contentment among them than among any other class of public servants. The fact that the officers have to serve in different parts of India and not in their own province only has given them a freedom and impartiality which has enhanced their prestige and has added efficiency to the work done by them.

"I shall now proceed to consider the question whether the rules framed under the Statute of 1870 and the arrangements now in force are in accord with the spirit and intentions of the Statute.

"It is plain that the effect of the rules and orders on the subject is to reserve a particular class of appointments to the members of the Indian Civil Service, and that those Indians who do not proceed to England and pass the examinations there are debarred from being appointed to the higher offices reserved for the Civil Service, though otherwise qualified therefor. Consequently, the authorities in India are restrained by the rules and orders for the time being from appointing Natives of India to any such offices unless they have been admitted to the Indian Civil Service, a result which was not contemplated by the Statute. I draw the particular attention of the Council to this aspect of the question.

"Now, the first set of rules framed by the Government of India in 1873 were disallowed on the ground that they prescribed that the main qualification requisite for appointments under the Act should be a certain precedent term of service in the higher ranks of the Subordinate Service, or in the legal profession. When the question was referred to the Law Officers of the Crown by the Secretary of State, they pointed out that the section 'was expressly intended to afford increased facilities for the employment of Natives of India of "proved merit and ability" in the Indian Civil Service. The "proved merit and ability" need only be proved or established to the satisfaction of the authorities making the appointments, and no particular method of establishing proof of merit or ability is enjoined,' and they gave it as their opinion that the restriction on the exercise of the discretion of the authorities limiting the appointments to those who had previously served the Government was 'clearly opposed to the spirit and intention of the Act.'

"I submit that, as the limitation of the exercise of discretion by rules to a particular class of persons is against the spirit and intentions of the Act, so the limitation of the exercise of discretion by rules and orders for the time being to a particular class of appointments is equally opposed to the spirit and intentions of the Act.

"Assuming that the rules are technically in legal form, there is no doubt that in effect they defeat the very object for which the Statute was passed, viz., that nothing shall restrain the authorities in India from appointing an Indian of proved merit and ability to any office reserved to the Indian Civil Service under the Statute though he may not have been admitted to the Civil Service by passing the examination in England; in fact, the Government have done indirectly what they have expressly been prohibited from doing by the Statute.

"The result is as might be expected from the constitution of the two services. Only about 7 per cent. of the appointments carrying a salary of one thousand rupees and upwards are in the hands of Indians, and almost all the high appointments of the State involving direction, initiative and supervision have been jealously kept in the hands of Europeans. The constitution of the

official element in the several Legislative Councils in the country is a striking example of the effect of these rules. To take the Imperial Legislative Council, the heads of departments and their Secretaries are all Europeans, and the solitary Indian in the official ranks is the Hon'ble the Law Member, Mr. Ali Imam. Sir Thomas Munro said, 'we have a whole nation from which to make our choice of Natives.' Yet there is apparently in the view of the Government such a dearth of native talent in this country that it could not furnish Indians to represent different departments and interests of Government, though in the Native States responsible offices are filled with conspicuous ability by Indians. This is indeed a sad commentary on the labours of the Public Service Commission, which was constituted 'to do full justice to the claims of Natives of India to higher and more extensive employment in the Public Service.'

"It is hardly necessary to say that the Report of the Public Service Commission and the final orders issued on the subject were received by the intelligent public with deep disappointment, and loud have been the protests in the Press and from representative public bodies against the injustice done to the claims of Indians in answer to their demand for responsible association with the Government in the administration of the country. Even some of the Indian members of the Commission, who gave their assent to the scheme on certain conditions, felt deeply aggrieved at the result of their labours. In this connection I shall quote the words of Mr. Salem Ramaswamy Madaliar, a Madras member of the Commission. He said, 'the net result of what the Secretary of State has done is to place us in a worse position than we occupied when the Public Service Commission was appointed.'

"In 1893 a discussion was raised in Parliament and a resolution was passed by the House of Commons that all open competitive examinations held in England alone for appointments to the Chief Services of India should henceforth be held simultaneously both in India and England. But nothing came of it.

"Not only were the protests from the public unheeded, but Lord Curzon's Government issued a resolution in 1904, with a number of tabular statements, justifying the exclusion of Indians from the higher offices of the State and trying to prove that the indigenous agency was extensively and liberally employed in the service of the State.

"The Hon'ble Mr. Gokhale at the Budget discussion in the Supreme Council in 1905 demonstrated, if any demonstration were necessary, that the position taken up by Lord Curzon was utterly untenable and disastrous to the best interests of England and India. His criticism, I venture to say, remains unanswered up to date.

"The plea that a very large and a gradually increasing number of appointments is held by Indians is an old one put forward under various guises. The real question is, what is the actual share which Indians have in the direction and supervision of the administration of their country? It is no answer to the question that there are thousands of appointments held by them in the lower rungs of the ladder. The large number of tabular statements annexed to the resolution amply disprove the claim advanced by His Lordship that Indians were being treated with 'a liberality unexampled in the history of the world,' and they show that as we rise higher and higher in the official ladder, the Indian element is practically nowhere. I do not think it is necessary to point out how His Lordship's reading of the pre-British period of Indian history is inaccurate, for never before in the long and chequered history of India was Indian talent so largely divorced from the controlling centres of authority. I shall only draw attention to the letter of His Highness the Nizam of Hyderabad addressed to Lord Minto last year in connection with the steps to be taken for stamping out sedition. He wrote:

'The experience that I have acquired within the last 25 years in ruling my State encourages me to venture upon a few observations which I trust will be accepted in the spirit in which they are offered. I have already said that my subjects are, as a rule, contented, peaceful and law-abiding. For this blessing I have to thank my ancestors. They were singularly free from all religious and racial prejudices. Their wisdom and foresight

induced them to employ Hindus and Muhammadans, Europeans and Parsis, alike in carrying on the administration, and they reposed entire confidence in their officers, whatever religion, race, sect or creed they belonged to.

"After stating that his Dewan is a Hindu and that the revenue administration of half of his State is entrusted to two Parsis, he concludes with these words:—'It is in a great measure to this policy that I attribute the contentment and well-being of my dominions.'

"This question, Sir, affects vitally our self-respect and honour, the growth of national individuality, and our national well-being. It is not merely a question of careers for our young men or of rupees, annas and pies, though economy is no doubt an important consideration in carrying on the administration of a poor country like India. It is because our demands in this respect have been ignored, if not treated with contempt, that the discontent in the country has deepened. It was loudly asserted in some quarters that there was no hope of national growth under the British flag. Fortunately we had at the helm of the Government two statesmen who had the insight to read correctly the critical situation with which they were confronted. At the Guildhall banquet on the 23rd February last, when the freedom of the City of London was presented to him, Lord Minto, in reviewing the affairs of this country, said:

'Before I had been in India many months, it became evident to me that we should ere long have to deal with a mass of accumulated popular discontent. . . . As far as we could judge the character of the discontent, much of it was justifiable and was directly due to a dawning belief that further opportunities must be afforded for the official representation of Indian public opinion and a greater share be granted to Indians in the government of the country.'

"I may say that it was due to the courageous steps taken by Lord Minto and Lord Morley in introducing reforms in the Legislative Councils and in appointing Indians to Executive Councils that we have tided over the difficulties, and the faith of the people has been revived in the beneficent intentions of the British Raj. The reform of the Legislative Councils of this country has been welcomed more on the ground that these bodies would afford opportunities to the representatives of the people to point out the defects in the machinery of the Government and make it work more in accord with the needs and aspirations of the people. But it cannot be said to be effective unless it is immediately followed up by a reform in the administrative machinery of the Government, which has been out of repair for a good long time. Mere tinkering with it by giving a few more appointments to Indians will be of no good. The reform of the legislative machinery has but touched the fringe of the real question awaiting solution, which hangs on the reform in the agency for carrying on the administration of the country. This is a grievance sorely felt in the country. In fact, it is the root of the evil of discontent. Nearly a quarter of a century has elapsed since the Public Service Commission sat. India has changed considerably since those days. A new generation has grown up with new ideals and aspirations which are more vividly pulsating in the life of the people. The time is opportune to take up this problem of administrative reform and examine it in all its aspects.

"The questions that arise are:—

- (1) How to get out of this tangle which has been created by the Public Service Commission and all that has followed?
- (2) How to secure real comradeship and mutual respect among the officers of the Public Service?
- (3) How to remove the stigma of inferiority that is attached to the Provincial Service?
- (4) How to give effect to the beneficent intentions of Parliament as embodied in the Statutes of 1833 and 1870 and to the spirit of the Queen's Proclamation?
- (5) How to secure the willing and enthusiastic co-operation of the Indian people in the administration of the country and strengthen the foundations of British Raj in this land?

"I shall now consider the principles and the line of policy that should be adopted in the government of the country that would accomplish these ends. At present I venture to offer some suggestions on the subject.

"(I) The first principle that should be laid down is that no appointments or class of appointments in the Public Service in all its branches, whether general or special, should be made the monopoly of any particular class of His Majesty's subjects in the United Kingdom or India and that all appointments should be open to all classes of people.

"(II) If this is accepted, the rule that the chief administrative appointments of Government should be the monopoly of the Indian Civil Service recruited in England ought to be abolished. At the lowest, such appointments should for the present be shared equally between Europeans and Indians in all departments.

"(III) Competitive examinations now held in England for different branches of the Public Service should be held simultaneously in both countries, and if it is not found possible, examinations of equally high standards should be instituted in this country, so that those who are selected here may command the respect of their compeers selected in England. These examinations should be open to all, and if this is not found possible, limited to nominated candidates.

"(IV) The system of nomination should be abolished, as its effects are demoralising and stunt the growth of national character.

"(V) In the higher grades of the service, the members should not be confined to their own province but should as far as possible serve in other provinces.

"(VI) If the Provincial Service is to be retained in any form, it should be recruited on lines similar to the above service. Where it is considered that a particular class should be represented in the service, if candidates from that class are not available in a particular province, they might be recruited from other provinces.

"(VII) Provision should be made for promotion from one service to the next higher service for officers of tried merit and ability.

"(VIII) Where it is considered that candidates for technical appointments are not available in this country, efforts should be made to send young men to other countries to qualify themselves for such places, and it should be the endeavour of the Government as far as possible to replace foreign agency at an early date.

"(IX) The salary of every office should be 'at a fixed amount' and in the case of a European appointed to it an extra allowance might be given, as suggested by the Secretary of State in his letter of 1878 above referred to.

"The whole question, I need hardly state, hinges on the attitude of England towards India and the relations that should exist between the British and the Indian subjects of His Majesty. This question has been prominently attracting the attention of all those who are interested in the welfare of Great Britain and India—whether the relationship between Europeans and Indians in this country should be one of manly comradeship and co-operation born of equal status and equal privileges, or whether it should be one of timid dependence and sycophancy born of the relationship of superior and inferior. It is a truism that real respect and comradeship can only grow out of 'common service, common emulation, and common rights impartially held.' As we solve this question, the problem before us will be solved. But this depends on the ideal that England sets before herself in the government of this country. The true ideal, however distant and impracticable it might at present appear, should be that India would in the process of time become a self-governing unit of the British Empire, enjoying the same rights and privileges and subject to the same duties and obligations as the other self-governing members of that Empire. If this ideal be steadily kept in view, it would not be difficult to

formulate a policy that should govern the services to the satisfaction of all parties and secure the hearty co-operation of the people in the government of the country.

"The Government calls upon us to co-operate with them in evolving a high sense of citizenship in the difficult task of carrying on the complex administration of this vast country. Is it too much to ask that to secure our co-operation and develop a common citizenship, we should be placed on a footing of equality and manly comradeship with the British subjects of His Majesty the King-Emperor? You may give us magnificent works of irrigation, you may build up a vast system of railways, you may lighten the burden of taxation, you may drive out famine and bring plenty into this ancient land; but so long as manhood is dwarfed and self-respect is wounded, there can be no real contentment and real co-operation with the Government of the country. Lord Lansdowne, in quoting the words of Sir Thomas Munro in connection with the Statute of 1833, said :

'What is in every age and every country the great stimulus to the pursuit of knowledge but the prospect of fame or wealth or power? Or what is even the use of great attainments, if they are not to be devoted to their noblest purpose, the services of the community, by employing those who possess them according to their respective qualifications in the various duties of the public administration of the country? Our books alone will do little or nothing; dry, simple literature will never improve the character of a nation. To produce this effect, it must open the road to wealth and honour and public employment. Without the prospect of such reward, no attainments in science will ever raise the character of a people.'

"We cannot disguise the patent fact that under the present system expert knowledge and ripe experience gained in the administration of the country are drained away and this drain of the intelligence and talent cannot be compensated by any measures which may be devised except some such as I have indicated above.

"The problem, no doubt, is a complex one, involving many conflicting and powerful interests. It, therefore, calls for the best statesmanship and wisdom which the country can command. How the different services should be regulated and modified and how the grievances felt in each department removed is not an easy question to solve. It is, therefore, necessary that a Commission or Committee, where non-official opinion is represented, should be appointed to evolve a scheme which would do justice to the rights of the people of this country, strengthen the foundation of the British rule and give opportunities to India to become, in course of ages it may be, a self-respecting partner in the British Empire, linked with Great Britain in silken bonds of gratitude and love.

"I beg to move, Sir, the resolution which stands in my name."

The Hon'ble NAWAB SAIYAD MUHAMMAD SAHIB BAHADUR : "Sir, I have much pleasure in supporting the resolution of my Hon'ble friend Mr. Subba Rao, and in doing so I shall make one or two observations, although I am afraid I cannot do that justice to the subject which Mr. Subba Rao has so impartially dealt out.

"The language of the solemn pledges and declarations made by the Parliament and responsible statesmen during the last 75 years and the terms and spirit of the Queen's Proclamation leave no doubt in the mind of the enquirer that the theory on which we are governed is simply excellent and beyond the pale of all dispute. But in so far the theory remains unrealised in practice, does it and has it produced dissatisfaction among the people of India? In theory it is admitted that no post however high should remain closed to a Native of India, simply because he is an Indian. No doubt we all gratefully recognize the fact that some of the highest places have recently been thrown open to qualified Indians; but what about the higher grades of the various branches of the Government service? In some departments we find only few and in others none at all. This is undoubtedly a most deplorable state of things, and I therefore accord my full support to my Hon'ble colleague, especially to that part of his speech in which he has pointed out that where it is considered that a particular class should be represented in the service, and if candidates

from that class are not available in a particular province, they may be recruited from other provinces."

The Hon'ble MR. MUDHOLKAR : "Sir, the subject with which the resolution deals is one of prime importance. It has to be recognized that attempts have been made to deal with it satisfactorily. Those attempts, however, have not been very successful. At any rate they have not given satisfaction to the people. The Government must be prepared to see the subject brought forward over and over again until there is a solution which appeals to the mind of the people and satisfies their expectations. These demands, Sir, are based on grounds of justice, of sound finance of the economical well-being of the country, and last but not least of the stability of the empire. They are made in the interests not of any one community but of all the communities residing in this country. Sir, when in speaking on this subject I use the term 'Indians' I include therein not only Indians of pure Asiatic descent but also those who are called Statutory Indians including therein the domiciled community and the Anglo-Indians. The justice of the claim in the abstract has been admitted by Government, but according to our view effect has not been given to it, and sufficient action has not been taken towards the translation of these abstract principles into realities generally and in some departments in an utterly inadequate manner. Sir, we are often told to clear our minds of cant. We have also been told to realize that the demand for admission to the higher posts and positions could not be granted, and that Indians of pure Asiatic descent ought to be satisfied and to be thankful for what they have got and what has been done by Government. We must stand and admire. This position, this attitude, which casts to the wind the great and vital principle laid down by the Statute of 1833 and by the Proclamation of 1858, deserves to be emphatically and authoritatively repudiated in the same manner as that other remarkable doctrine that the principles laid down by the Royal Proclamation of 1858 and the pledges given therein are to be treated as so many diplomatic statements. I do not wish to go into a statement of the general principles which have been laid down by Government from time to time. What I would ask this Council to consider is that though there may be some justification for asking for the establishment of a *corps d'elite* for the Political Department and to some extent in the Revenue and Administrative Department proper, there is absolutely no justification for any distinction, other than of merit, to be made, no reason why any test except proved ability and trustworthiness should guide the determination of selection in other departments such as the Public Works Department, the Forest Department, the Customs Department, the Education Department and similar other Departments. In these departments the position of Indians is in some respects worse than what it was before the Commission of 1886 was appointed. I would ask the Council to consider what Mr. Subba Rao has pointed out in regard to this matter. On the Public Works Department for instance the position was rendered worse first in 1892 and still worse again in 1908. I shall within the few minutes allowed to me specifically deal with one portion of the Public Works Department, and that is the Railway Branch of what is the Public Works Department in a broad sense of the term. The question of the employment of Indians in the State Railways was incidentally referred to last week when we were told that the number of Indians who were actually employed constituted about 97 per cent. of the men in Government service. I shall place before the Council a few facts which will show what is the position of Indians in this Department. In this connection I am only speaking of Indians of pure descent, because from the information available it is impossible to find out whether those who are shown in the list as having European names are Europeans or Anglo-Indians or persons who are domiciled in the country. Now, Sir, taking the State railways managed by the State, we find that there are in the Engineering Department 30 Chief Engineers and Superintending Engineers on salaries ranging from Rs. 1,500 to Rs. 2,750. There is only one Indian officiating in the third class in this branch. There are 50 Executive Engineers on salaries ranging from Rs. 700 to Rs. 1,250; of these 7 are Indians. There are 50 Assistant Engineers on salaries ranging from Rs. 380 to Rs. 660, of

whom only 2 are Indians. There are 38 Royal Engineers (Executive Engineers and Assistants) on salaries ranging from Rs. 550 to Rs. 1,270, none of whom are Indians. There are 24 temporary Engineers on salaries ranging from Rs. 500 to Rs. 1,250, of whom only one is an Indian. That is, out of 190 persons on salaries ranging from Rs. 500 to Rs. 2,750, there are only 11 Indians. Let us take another department of the railways, the directing one, *viz.*, the Managers and Sub-Managers. There are eight posts with salaries ranging from Rs. 1,300 to Rs. 3,000, and there is no Indian amongst them. Then the Traffic Department—the Superintendents and Deputy Superintendents and District Superintendents, whose number is 50, on salaries ranging from Rs. 600 to Rs. 2,000, of whom there is only one Indian on Rs. 700. There are 62 Assistant Superintendents on salaries ranging from Rs. 250 to Rs. 500, of which only 7 are held by Indians. In the Locomotive Department, in which there are about 100 appointments on salaries ranging from Rs. 250 to Rs. 2,000, there is only one Indian who is an Assistant Superintendent, and he too is an Honorary Assistant Superintendent. In the Carriage Department there are 15 places on salaries ranging from Rs. 350 to Rs. 1,600, and there is not one Indian employed. In the Stores Department there is only one out of nine. In the Bridge and Signalling Departments there are 12 superior posts carrying pays up to Rs. 1,050, none of which are held by Indians. The tale does not stop there. If we go to the Subordinate Revenue-establishment even there we find that among the subordinate engineering staff consisting of 42 persons on salaries ranging from Rs. 250 to Rs. 500 only 4 or 5 are Indians. In the Signalling Department there is no Indian. In the Traffic Subordinate Branch, including traffic inspectors and station-masters, out of 72 persons on salaries ranging from Rs. 250 to Rs. 500, there are only 4 Indians. In the Locomotive Department, out of 131 upper subordinates, only one is an Indian. Now, Sir, what I would ask the Council to consider, what I would ask the Government to consider, is this: if Indians can manage (I do not look into the past but confine my attention to the present) not only States, but in British India can be entrusted with the management of districts, if they can hold the position of District Judges and Sessions Judges, if they can be Executive Engineers and Superintending Engineers, how is it that in the railways they are practically excluded from all the higher appointments? The question was raised in another aspect at the Allahabad Educational Conference, and there two conflicting reasons for this absence of Indians were advanced. One reason was that there were effective courses of instruction provided at Rurki and elsewhere, but Indians did not care to take advantage of them. Another which was put forward was that the persons who were trained in this country in the colleges established by Government are not sufficiently qualified to be entrusted with railway engineering work. This was said with reference to the Civil Engineering portion of the Railway Engineering Department. Well, I do not wish to say anything further, because in regard to this matter certain recommendations have been made which if given effect to are calculated to remove the grievance. There is some kind of explanation coming forward in regard to the Engineering Branch of the State Railway Services. But in the Traffic Department and in the other Departments there can, Sir, be no excuse whatsoever. It cannot be said that Indians cannot manage our bigger stations; it cannot be said that they cannot be Traffic Inspectors and Traffic Superintendents. Their exclusion is one which I hope the Railway Board will seriously take into consideration, and do their utmost to remove. How entirely excluded they are, the figures which I have placed before the Council demonstrate very clearly. But if in the railways managed by the State there is this very inadequate employment of Indians, when we go to the State lines which are managed by companies the case is worse. It might be said that those are private companies and the Government have no right to control their action. That, Sir, is a principle which must be vigorously repudiated; for this reason, that they are companies to whom special privileges have been granted over the State railways, and they ought to be made to conform to principles the justice and propriety of which have been over and over again admitted by Government. Now, I shall take the case of a few of the more important railways. In the Great Indian Peninsula Railway there are 7 appointments on pays ranging from Rs. 387½ to Rs. 3,500 in the Agent's office, in which there is

no Indian. In the Audit and Accounts Department there are 15 appointments on pays ranging from Rs. 292 to Rs. 2,000, and there is no Indian. Whether Indians are fit in the Accounts and Audit Department or not is shown by the fact that posts of Accountants General and Deputy Accountants General are held, and held with credit, by Indians. In the Engineering Department there are 73 appointments carrying salaries ranging from Rs. 400 to Rs. 2,000, and there is only one Indian on Rs. 480, and he too is only an Assistant Engineer. In the Traffic Department there are 28 appointments on pays ranging from Rs. 250 to Rs. 2,638, and none of them are held by Indians. In the Locomotive Department there are 20 appointments on salaries ranging from Rs. 600 to Rs. 2,200, none of which are held by Indians. In the Carriage and Wagon Department there are 5 appointments on salaries ranging from Rs. 500 to Rs. 1,700, none of which are held by Indians. In the Stores Department there are 6 appointments on salaries ranging from Rs. 300 to Rs. 1,275, none of which are held by Indians. In the Medical Department there are 8 places of which are held by Indians. on salaries ranging from Rs. 400 to Rs. 1,200, none of which are held by Indians. Indians are not even fit for employment as railway doctors! I shall take one more instance—that of the East Indian Railway. There are 7 appointments on Rs. 400 to Rs. 3,500 in the Agent's Office, and there is only one appointment on Rs. 500 held by an Indian, and he is a Vakil. In the Audit and Accounts Department there are 12 appointments on pays ranging from Rs. 400 to Rs. 2,500, but one only is held by an Indian on Rs. 600, namely, the Treasurer. In the Medical Department there are 10 appointments on salaries ranging from Rs. 480 to Rs. 1,500, none of which are held by Indians. In the Stores Department there are 5 appointments on salaries ranging from Rs. 400 to Rs. 1,500, none of which are held by Indians. Even in the Printing Department no Indian is employed in any of the upper posts. In the Engineering Department there are 49 appointments with salaries from Rs. 350 to Rs. 2,750, none of which are held by Indians. In the Electrical Department there is no appointment held by Indians. In the Traffic Department there are 41 appointments on Rs. 500 to Rs. 2,500, and 21 appointments on Rs. 250 to Rs. 500, only one of which was held—it is no longer held now—by an Indian. That Indian resigned some time ago and his place was given to a European. In the Colliery Department the same is the case. I shall not go on piling more facts. In the Bombay, Baroda and Central India Railway, in the Bengal-Nagpur Railway and in the Madras Railway things are very much the same. In the Bengal-Nagpur Railway there is a very very slight difference, but after all it is only three or four places more than what exist elsewhere.

"Here Sir, are State railways which are owned by the State, or railways which are subsidised by the State, and it is, I think, Sir, the duty of the Government to see that those railways do give fair play to Indian talent and to Indian ability. Sir, it is as much in the interests of England as of India that due scope should be accorded to Indian ability. If Indians have to feel that they are members of the Empire, then they must be able to feel that they can rise to the height of their stature in this empire. There ought to be no studied exclusion, as there seems to be in certain departments, of Indian talent and Indian ability. I shall close, Sir, with making the appeal to the Council and to the Government."

The Hon'ble MR. MADGE: "Sir, this is one of the most difficult and delicate questions that this Council has been called on to consider since its formation. I cannot pretend to come to it with a wholly unbiassed mind, but I will try, according to my lights, to look at both sides of the question as far as I can. There is first the Government side as it appears to a non-official. It has been said over and over again that the British Government of this country is the best that the country has ever known. That statement has not been made only by Englishmen; it has been made by French and Russian travellers through this country, and it is entitled to a certain amount of consideration from everybody who loves this country. For, Sir, if the Government of this country is a sound one, its soundness cannot have been evolved from theories; it has been evolved from men who have done its work; and I think it is only due to the character of Englishmen as a whole to say that the soundness of this

Government is mainly attributable to the character of the men who have carried it on in the past. No doubt, instances may be given of gross injustice; every one of us can give instances in which strange injustice has been done to particular individuals owing to defect of judgment or want of character in particular persons. I do not know that my own community has not suffered more than Indians in this respect. But, Sir, I think I may fairly claim that these instances are occasional; they are accidental; they have not been nearly so numerous as to make any stain upon the character of the administration as a whole. The administration has stood in the eyes of competent critics as one of the wonders of the modern world, and I think our Indian friends should pay some little attention to that fact in any remarks that they may have to offer. Now, Sir, if a British tone is needed in the administration, I would say that the British tone is not like the grin of the Cheshire cat in *Alice in Wonderland* which remained on the tree after the cat had disappeared. It is necessary to maintain Englishmen in a certain preponderating strength in this country in order to perpetuate that tone. Remarks have been made about the future of the Government of this country by Members and by Indians outside, and I think that the glamour of that sort of thing ought not to be thrown over a discussion like this one, which is intended to be thoroughly practical. We should consider the present conditions as they actually are. What proportion of Englishmen should be retained in the administration of the country? That is the real question that has to be solved. Whether a responsible and disinterested Government are the best judges of that proportion or irresponsible and interested critics is a delicate question in its way. I do not for a moment claim for the Government infallibility in this or in any other matter; but I do say that, because the Government of the country has on the whole been impartial and just and good, some credit must be allowed to it in its decisions as regards the proportion of Europeans that ought to be maintained in the administration. I do not think that a number of Englishmen of character and education would deliberately do wrong in this matter out of social or racial prejudice. That social and racial prejudice does exist in this country I unhappily am too well aware, and I do not mean to minimise that evil in the administration at all; but speaking generally, Sir, I feel that the character of the administration is such that we must give the Government credit for trying to introduce as much of an Indian element as possible. This particular time, when we have had Indians introduced into the very highest ranks of the administration, is a period when we should all admit that we owe something to the Government for what it has done. It has been said that in particular departments of the State more Indians ought to be introduced into the administrative ranks. I myself firmly believe that science knows no climate, and where scientific attainments are shown by Indians, they ought undoubtedly to be advanced to higher posts; but, Sir, the element of administration also enters into, and is so closely allied with, scientific and professional operations, that sometimes it is very hard to distinguish what to do in particular cases; and one advantage of a Commission such as has been suggested, and which I would warmly support, is that if a really honest and earnest enquiry is made into the matter, it will be found out exactly what can be done. I have seen it stated in the newspapers that Lord Northbrook left upon record a memorandum of some kind or another in which he said that owing to the fatalistic tendencies of some of our Indian friends (I am not responsible for this report and I do not know whether any such memorandum was ever left or not, but I have seen it stated as a fact), they have not that sense of responsibility for life developed in them that most Englishmen have. How far this may be true is a matter on which the Railway Board might give us useful information when they report on the results of those enquiries that have been made into railway accidents. It must be a very difficult thing to decide what test should be employed to find out what is wanted; what is needed is not literary attainments or quotations by the yard from literary books, but solid character. It is really one of the most difficult problems to decide what tests to apply.

"I must say that I am one of those who think that simultaneous examinations in this country would be a snare and delusion which would lead to a number of literates being brought forward as candidates who would possess none

of the requisite qualifications. I said, Sir, on a former occasion that as regards Englishmen the competitive examination was introduced in 1853-54, for the reason that it was supposed to be the means of finding out a certain standard of education for a class of young men who were supposed to possess the character of their race in other respects. Unless we can find out a test which will test character as well as literary attainment, there arises a great difficulty, and I hope that our Indian friends will lay themselves to the difficult task of finding out by what means character is to be discovered. No man in his senses, who has read the career of Sir Madhavo Rao, or any other Indian gentleman of that kind, would stand up here, or anywhere else, and say that the highest character and highest administrative talent are not to be found in this country. The means by which such men have been found and been brought out is one that ought to be enquired into and carefully examined. What we do want, Sir, is individual character, and I do hope that if the Government can find out means for testing character that it will be just to our Indian fellow-countrymen as well as to the domiciled community.

"As regards the public services, instances have been brought to my notice in which very serious injustice has been done in the Survey Department, in the Public Works Department and in the Telegraph Department. I for my part am willing to believe that this injustice has been done unwillingly; but there it stands, and you convert men who might be very efficient officers into discontented men for the rest of their lives, for no fault of their own, but because means have not been discovered by which true worth is to be rewarded. I do not mean to descend into personalities; I could give a few instances, which would shock everybody here, of gross injustice; but Sir, as I have said, I think and I believe that these are exceptions. I agree with the remarks that have been made about the brand of inferiority that has been put upon local talent by the Public Service Commission. It was a fatal mistake to close the door to real talent in any department of the State. When Mr. Samuel Laing succeeded the first Finance Minister, Sir James Wilson, he opened the Financial Department to indigent talent, and this Department brought to the front men like Sir George Kellner, who would under the old and the revised system have been branded as inferior and stamped down into obscurity. That gentleman not only rose to the highest eminence in this country, but on retirement was got hold of by the British Government and sent to Cyprus as their Financial Minister. His brother Edwin also rendered good service in the Financial Department. Mr. Robert Hollingbery came forward and wrote books on the gold question and on the permanent settlement that have become text-books to everyone who has written on the subjects since; and I am quite sure that there are amongst our Indian fellow-subjects and ourselves men of the same stamp. The difficulty lies, Sir, in finding out certain branches of the administration in which you can trace peculiar kinds of talent. I see the difficulty and I admit it, and I feel incompetent to suggest any method by which that strange mixture of administrative talent with professional ability is to be, as it has before been, found; but I am quite sure that it is to be found. I have come across men of wonderful ability; men who would be a credit to any Government in any department of the State; and it is a great pity that men of that kind should be stamped down by any artificial rule."

The Hon'ble LIEUTENANT MALIK UMAR HAYAT KHAN: "Sir, though this resolution may look very pleasing to certain people, who may hope that it will open to them a larger number of posts, yet a close examination will disclose the fact that such is not the case. The first objection is that the expenditure incurred on such a Commission will serve no useful purpose. Sitting here one can scan the lists of gazetted officers and ascertain from them the number and class of appointments held by Indians and Europeans. There are, I think, in each of the rural districts not more than one, to three, English officers who are at the head of departments and who mostly do the work of supervision, while the rest of the work is carried on by our own people. I think that from the administrative point of view this supervision by European officers is much needed at the present stage. There would be many objections under any other arrangement."

100

17

Government has evolved in this country, because they were appliances necessary for its very existence, though they have benefited the people, such as the construction of Railways, the introduction of Post and Telegraphs, and things of that kind. By measures for the moral and material improvement of the people, I mean what the Government does for education, what the Government does for sanitation, what the Government does for agricultural development, what the Government does for industrial development, and so forth. That is my first test. The second test that I would apply is what steps the Government takes to give us a larger and larger share in the administration of our local affairs—in municipalities and local boards. My third test is what voice the Government gives us in its Councils—in these deliberative assemblies, where policies are considered; and lastly, we must consider how far Indians are admitted into the ranks of the public service.

"Now, Sir, as regards the first test, I believe that is what one feels to be in the air—I believe that we are on the eve of important measures being taken by the Government, and in those measures both the officials and non-officials can and should heartily co-operate with one another. As regards the second, I trust that, as a result of the Decentralization Commission's labours, a further advance will soon be made. A fair beginning has already been made, and when we have a further advance in the same direction, we might be expected to remain satisfied with that for some time. As regards deliberative assemblies,—the Provincial and Imperial Councils,—the reforms that have recently been introduced constitute an important advance and for some time, therefore, that question may rest there. When, however, we come to the last question, we strongly feel that the time has come when something must be done to improve matters, and I hope something will soon be done. Sir, I have already observed that the Government has to be a continuously progressive Government, and that it cannot afford to rest on whatever it has done in the past in any one of these directions. Now, taking this question of the employment of Indians in the higher ranks of the public service, which I admit is a very difficult question, I would like to refer briefly to what my Hon'ble friend Mr. Subba Rao has already pointed out, namely, that there are four or five distinct landmarks in regard to this matter in the history of British rule. In 1833, when Parliament laid down that there should be no distinction of race in making appointments to the public service in this country, the British nation gave a noble pledge to the people of this country of its own accord. There was no agitation here at that time—in fact, there was hardly any Western education. It was a great pledge to give, and it was given by the British nation spontaneously. The next landmark is 1854, when the competitive examination was thrown open to Indians along with Europeans. The old Haileybury system was abolished and competition was introduced, and it was thrown open to all. The Queen's Proclamation of 1858 constitutes the next landmark. Even then there was no agitation for a wide employment of Indians in the public service for the simple reason that the Universities had not then been established, and there was no large educated class. In 1861, when the Secretary of State appointed his Committee, to which my Hon'ble friend has referred, it was again more the conscience of the English people than any demand made from this side that led to the appointment of that Committee. When the Act of 1870 was passed—that is the next landmark—there was some public opinion here, and a few Indians—notably Mr. Dadaboy Naorojee—had been agitating in England for the admission of Indians to high office; but even then, the main part of the work was done by Englishmen, by English friends of our aspirations, who felt that the arrangements existing at that time were not quite just to the people of India. When, however, the Public Service Commission was appointed in 1886—that is the next landmark—the position was much altered. By that time a large educated class had come into existence, and that class keenly felt its own exclusion from the higher ranks of the Public Service. The Commission was appointed with the declared object of devising means for the larger admission of Indians in these ranks, and as the results of the Commission's labours have, on the whole, been disappointing, there is no doubt that that constitutes a legitimate ground of complaint for the people of this country.

“Many able and overzealous people, possessing high ideals, move at such a fast pace that they get out of touch with the feelings of the rural masses, whose pace is much slower and who form the largest, quietest and most loyal portion of His Majesty's subjects. Their interests require to be protected, and I am voicing the feelings of a vast majority of them when I say that any big scheme entailing a departure from the present system is unnecessary at present, although I quite agree that fit men should be gradually given chances of reaching higher offices.

The Hon'ble MR. GOKHALE : " Sir, before I say a few words on the resolution which my Hon'ble friend has brought forward, I would like to offer him my congratulations on the industry and care with which he has prepared his case and the ability with which he has presented it to the Council. Sir, this question is undoubtedly one of great importance, and, like all questions of great importance, it is beset with great difficulties. I am anxious to approach it with as much fairness as I am capable of, because there are undoubtedly two sides, and while I am keen that the aspirations of my countrymen should receive fair and reasonable recognition from the Government, I should be very unwilling not to recognise at the same time the difficulties that lie in the path of the Government in dealing with this subject.

"Sir, one of the fundamental conditions of the peculiar position of the British Government in this country is that it should be a continuously progressive Government. I think all thinking men, to whatever community they belong, will accept that. Now, I suggest four tests to judge whether the Government is progressive, and further whether it is continuously progressive. The first test that I would apply is what measures it adopts for the moral and material improvement of the mass of the people, and under these measures I do not include those appliances of modern Governments, which the British

"Sir, it is interesting to note at what intervals these successive steps in advance were taken. From 1833 to 1854 or 1858, whichever you take, there was an interval of 20 or 25 years. From 1858 to 1870, when the next step was taken, there was an interval of 12 years. In 1886, when the question was again examined, it was after an interval of about 16 years. Since then, however, there has been no inquiry,—that means during a period of 25 years,—and that is one reason why I urge that the resolution of my Hon'ble friend should be adopted. It is true that during the last three or four years some very striking appointments to high office have been made. My friend, Mr. Ali Imam, sits on that bench there; two Indians sit in the Secretary of State for India's Council; an Indian recently held the position of Advocate General at Calcutta, and Indians have even been appointed to act as Chief Justices of different High Courts. These striking appointments have no doubt impressed the imagination of the people, and there can be no question that they are deeply appreciated by my countrymen. But our grievance is in regard to the bulk of appointments in the higher ranks; and that grievance is not really touched by these appointments. And so far as that grievance is concerned, the labours of the Public Service Commission resulted in little substantial improvement for us in practice. And indeed in some departments, the position has been rendered actually worse. My Hon'ble friend, Mr. Subba Rao, has pointed out how in regard to the central Civil Service, the recommendations of the Public Service Commission and the orders passed by the Secretary of State on those recommendations have actually put us back, compared with the statutory service rules of 1879. The rules of 1879 gave us $\frac{1}{8}$ th of the total recruitment of Civilians for this country. Now, taking the cadre at about a thousand posts—it may be a few more or a few less—we should have had about 160 Indians, under those rules, in the central Civil Service. The Commission, however, recommended only 108 posts for us in place of 160, and the Secretary of State cut the number down to 93; and that is the number we have at present. I believe even the whole of these 93 are not yet held by Indians. I think we are about 10 short of what the Secretary of State promised at that time leaving out of account the additions made subsequently for Burma and Assam. Now, Sir, the Secretary of State's orders were passed in about 1890 or 1891, and twenty years have elapsed since then. If for nothing else, at least for the fact that it is now 25 years since the appointment of the Public Service Commission, and 20 years since the Secretary of State passed his orders on the recommendations of that Commission, I urge that there should be a fresh enquiry into the whole matter. But Sir, I say something more. I say that as a result of the labours of the Public Service Commission, the position of Indians in many branches of the public service has actually been rendered worse, and that should now be set right. In the first place, Sir, the Public Service Commission recommended that there should be a division of the public service into Imperial and Provincial. Now that was a most unfortunate recommendation. I am quite sure that the President of the Commission,—the Lieutenant-Governor of the Punjab of that time,—a man of broad sympathies, undoubtedly did not want to put the Indians back; but the result actually has been to put us back, and this for two reasons. First, there is a stamp of inferiority on the Provincial men, and they are bound to feel that. Secondly, if you have these artificial divisions of Imperial and Provincial, the abler men in the Provincial Service—I mean those who are abler even than some of the men in the Imperial Service—cannot help feeling that the arrangement is most unjust to them. I am, therefore, strongly of opinion that this division between Imperial and Provincial must go. I hope it will go soon, and unless it does we shall have to bring up this matter again and again before this Council. Then, in two departments particularly, this division between Imperial and Provincial has done greater harm to us than in other departments—I mean the Education and the Public Works Departments. In some of the other departments, the creation of a Provincial Service has to a certain extent improved the prospects of Indians, so far as mere numbers are concerned, because there were hardly any Indians employed in those departments before and the constitution of the Provincial Service has given them some chance there. But in the Education and Public Works Departments, we have suffered a great set back. In the Education Department, or instance, Indians were on terms of equality with their English colleagues

before the creation of a Provincial Service. The scale of salary was, no doubt, two-thirds, but in other respects they were on equal terms. But they have now been put into a distinctly subordinate position and we see on every side the most flagrant cases, which hurt every body. Thus we find men of most distinguished attainments in the Provincial Service simply because they are Indians, and men who passed their examinations only yesterday, and who have so far earned no distinction by their work, in the Imperial Service, simply because they are Europeans. I will give only one instance. There is a gentleman here in Calcutta, named Dr. P. C. Roy, a most distinguished man of science, a man who has been honoured by French and German *savants*, a man adored by his pupils, a man who has been doing original work for the last 20 years and more. But he is still in the Provincial Service, whereas young men, fresh from College, without any original work to their credit, men who are admittedly his inferiors, are brought out to this country and put over his head, simply because he happens to be in the Provincial Service and they are brought out as members of the Imperial Service. Now, Sir, this sort of thing hurts not merely the men who are actually affected by it, it hurts the students studying under them. In other departments any injustice done to an Indian official concerns that official only. In the Education Department it affects the students as well; the bitterness passes from the professors to the students, and the whole student community comes to be affected by it.

"Take again the Public Works Department. At one time Indian and European Engineers were all on terms of absolute equality not only as regards status but even as regards pay. In 1892, differential rates of pay were introduced for the first time—two-thirds pay for Indian Engineers. Now, under the new re-organization scheme, the status of the Provincial Engineers is reduced still further, for they are now to be put on a separate list. Thus, in this Department we were at first on terms of absolute equality with Englishmen. Then our pay was reduced to two-thirds, though in regard to other matters equality was maintained. Finally, it is now decided to do away with this equality by putting us on a separate list altogether. And not only is this applied to new men but a most unjust and unjustifiable attempt has been made to apply it to old men, recruited since 1892. There are about 100 men who are the victims of this gross injustice. There is the definite word of the Government pledged to them in 1892 that they would be on the same list as the Imperial Engineers, and yet it is proposed now to put them on a separate list—a distinct breach of faith. These men have not yet accepted the arrangement, three years have passed, and they have so far got no redress. The Secretary of State is still waiting for the despatch of the Government of India which should have gone long ago. I asked a question the other day on the subject, and the Hon'ble Mr. Carlyle gave an answer, in which I see an element of hope. I, therefore, will not press this question further to-day, but, if necessary, I will bring a resolution on this subject at Simla.

"I urge then, first of all, that this distinction between Imperial and Provincial must go. The second respect in which we have lost ground since the last Public Service Commission is in regard to competition. Gradually competition has been abolished more or less throughout the country and we are now made to depend almost exclusively upon Government nomination, pure and simple. Now, I am quite alive to the defects of competition as a method of filling Government offices. Of course it is not ideally the best method, but I contend that it is the best method available. In a country like this, governed by Englishmen, who are unfamiliar with our ways, and cannot instinctively understand the difference between one individual and another, they are at times apt to be misled by appearances, by recommendations and by a lot of other considerations owing to the very peculiarity of their position. And I submit that competition, with all its defects, is any day better than nomination, pure and simple. An Englishman, judging of English candidates, may dispense with competition, because there is a great deal of initial knowledge that may be taken for granted on account of their belonging to the same society. Here the individuals belong to different societies and that initial knowledge is lacking, and nomination, I contend, is bound to lead to abuses—haphazard selection and favouritism. My second point, therefore,

is that competition must again be restored, for making selections for Government service.

"I will now say a word about one or two other Departments. I have said that in the Public Works and Education Departments, our position has grown worse. In the Medical Department, while it has not grown worse, it is still most unsatisfactory. The professorships are all the monopoly of the Indian Medical Service Officers and the hospitals are closed to all non-service men. Recently they have thrown open the Professorship of Anatomy in the Calcutta College to non-service men, but the moment it is thus thrown open to non-service men, it is rendered altogether unattractive. There used to be a pension attached to this post till now, and private practice was hitherto allowed; but it is now declared that there is to be no pension, there is to be no private practice, and the new man will get no house allowance, when every one else is getting it. Thus the moment the post is thrown open to non-service men it is made altogether unattractive for our best men, and I would like to have an explanation as to why this has been done. Take again the question of the Chemical Analysers in Bombay and Karachi. Some years ago, the Secretary of State decided that these appointments should not be the monopoly of the Indian Medical Service. And there is a distinguished man in Bombay available for these appointments to-day, doing for years the work of Assistant Chemical Examiner. The Indian Medical Service men, appointed as Chemical Analysers, receive their training under him, and then they are put over his head. I understand the Government of Bombay is anxious to help this gentleman; but the matter rests with the Government of India, and somehow his ability and record of services receive no recognition from them.

"Lastly, I come to the Department of Railways. I am not going into the question in detail to-day, because my friend the Hon'ble Mr. Mudholkar has already dealt with it exhaustively. Here we are almost entirely excluded from all higher appointments, and I hold that this is absolutely indefensible. It cannot seriously be contended that Indians are not fit for any place in the Railway Administration above Rs. 200 a month, when you can put them on the Government bench there, make them Chief Justices of High Courts or entrust them with the management of districts and divisions. To those who speak of such unfitness, I would like to mention an interesting episode. It refers not to the Railway Department, but to another Department,—the Survey Department,—but the principle is more or less the same. Not many years ago, there was a controversy about the position of Indians in the Survey Department, and it was contended very vigorously by the champions of European monopoly that Indians were not fit for the work, and that therefore they should be kept out. Unfortunately a report, submitted by Colonel De Prée, who was then the head of the Survey Department and who was a strong advocate of Indian exclusion, came to be published, and this was what he was found to say in that report:

"I may here remark incidentally that my numerous late inspections show me that the tendency of the European surveyors is to stand and look on, while the Natives are made to do the drawing and hand-printing, as if they thought themselves quite above that sort of thing. This is a mistake and cannot be permitted for the future. Besides, it is suicidal for the Europeans to admit that Natives can do any one thing better than themselves. They should claim to be superior *in everything* and only allow Natives to take a secondary or subordinate part. In my old parties, I never permitted a Native to touch a theodolite or an original computation, on the principle that the triangulation or scientific work was the prerogative of the highly paid European, and this reservation of the scientific work was the only way by which I could keep a distinction, so as to justify the different figures respectively drawn by the two classes—the European in office time and the Native who ran him so close in all the office duties as well as in field duties. Yet I see that Natives commonly do the computation work, and the European some other inferior duties."

"Sir, I beg, with all respect, to make a present of this extract to the Hon'ble Sir T. Wynne! One word more, and I have done. Sir, I have admitted that the question is a difficult one, but what I urge is that there should be continuous progress. Nobody urges that the English element should be withdrawn suddenly or even largely, but unless Indians are introduced into the higher ranks in larger and larger numbers, the discontent which the Government are anxious to remove is not likely to disappear. With these words, I strongly support the motion which my Hon'ble friend has brought forward."

The Hon'ble SURGEON GENERAL LUKIS: "Sir, with your permission I should like to say a few words on the subject on the encouragement of independent medical practitioners whose case has been so ably dealt with by the Hon'ble Mr. Gokhale, and in so doing I wish to point out to the Council the various steps that have been taken by Government to improve the position of these gentlemen and also to indicate the lines on which, if they so desire it, they can help themselves. I wish it to be clearly understood, however, that I must not be regarded as the mouthpiece of Government or as holding any brief for the Indian Medical Service. I merely speak as one who has devoted 12 years of his life to teaching medicine in this country and whose interests in the spread of medical knowledge and in the improvement of the status of Indian medical practitioners is just as keen as is that of the Hon'ble Mr. Gokhale in the equally important subject of primary education. Now, Sir, when one considers the status of the Indian medical practitioner in this country, one finds that he labours under three disadvantages which are not shared by his professional brethren in the West. In the first place, when a private medical student has passed his curriculum and obtained his diploma or degree, he is practically debarred from holding any of the important appointments of house surgeon or house physician in the large Government hospitals; these appointments being, as a rule, reserved for civil assistant surgeons. Recognising the importance of this, the Bengal Government has agreed to the suggestion of the Government of India that in future the posts of house surgeon and house physician in the various large Calcutta hospitals shall be thrown open to the most deserving students of each year; whether or no they wish to enter Government service. This, Sir, is a very important boon, and I hope that future generations of medical students and young practitioners will take full advantage of it.

"The second disadvantage under which he labours is that here in India there are no opportunities whatever for post-graduate studies such as exist in connection with all the large medical schools in England and Europe. The result of this is that when a young practitioner goes out to a remote mufassal district, where he is probably over-worked and underpaid and has neither the leisure nor the facilities for study, he fails to keep himself abreast of the times and he very quickly lags behind in the race. Here, again, Government recognises that this is a tremendous drawback and that it militates very largely against his successful career. The Government of India, therefore, is now formulating a scheme for the establishment of a School of Tropical Medicine in Calcutta which it is hoped will be affiliated to the Calcutta Medical College; and for the introduction of a Diploma in Tropical Medicine in connection with the Calcutta University. This School of Tropical Medicine, if it takes shape, will afford facilities not only for post-graduate studies, but also for original research, and it will be open to all properly qualified medical practitioners, whether official or non-official. You will see, therefore, that the young medical practitioner will now have a chance of coming back to his hospital and furbishing up his knowledge; or, if he wishes to do original work, he will have every opportunity afforded to him in the research laboratories attached to the Tropical School of Medicine.

"The third disability to which he is subject—and this is the one upon which Mr. Gokhale laid most stress is—that the independent medical practitioner cannot obtain a share of the professorial and hospital appointments in connection with the big Government medical colleges. That of course is a great disability and it is one that has the serious attention of Government; but it is not for me to enter into it here. In this connection, however, I should like to draw the attention of Council to certain very sensible advice which was given to the Bombay medical men by Dr. Temalji Nariman when he was entertained at dinner in August 1908 by over a hundred Indian medical men. In the course of his speech Dr. Nariman said:

"If Indians wish to bring into existence a profession of native doctors, they should not hanker after one or two minor professorial posts in the Grant Medical College of Bombay, but should all unite and set to work to found a medical college of their own."

"Later on in his speech he went on to say :

"It is only when we have a larger number of teachers with hospital experience that we shall be in the position of an independent profession, and by perseverance, industry and self-sacrifice we are bound to produce young men who will adorn our profession and leave their names to posterity as those of Jenner, Harvey, Lister or Simpson. Founding hospitals alone will not elevate our status. We must have our own college, with laboratories, where some of our best men may carry on original research work. It may take years for its completion, but let us make a beginning."

"That, Sir, is very wise and statesmanlike advice. I strongly recommend it to the careful consideration of my Indian colleagues, and I beg of them not to be satisfied by merely obtaining a proportion of the professorial appointments in Government medical colleges. Let them also unite and found medical colleges of their own."

"In the very excellent speech which we listened to with such interest yesterday, the Hon'ble Mr. Gokhale, when pleading the cause of primary education, said that this was a case in which it was necessary that there should be the cordial co-operation of the Government with the public. May I be allowed to invert the terms and say. 'This is a case where we want the cordial co-operation of the public with the Government.' I hope that the wealthy and charitable public will bear this in mind, and I can assure them that if they will do anything to advance the scheme for the institution of unofficial medical colleges, entirely officered by Indians, they will not only be conferring a benefit on the profession, but on their country at large."

The Hon'ble MR. GOKHALE: "What about institutions maintained out of public funds, public monies?"

The Hon'ble SURGEON GENERAL LUKIS: "I am not dealing with appointments held by the Indian Medical Service. It is well known that the Government medical colleges and schools cannot accommodate more than a fraction of those who ask for admission. In Calcutta alone, as I know from personal experience, over 200 candidates have to be rejected every year, and there is, therefore, ample room for well-equipped and properly staffed unofficial medical colleges and schools which may be either affiliated to the University or run on the same lines as a Government medical school, but entirely conducted by Indian medical men; and I look forward to the time when in every important centre in India we shall have well-equipped unofficial medical schools working in friendly rivalry with the Government medical schools and each institution striving its hardest to see which can get the best results at the University examinations."

"As Dr. Nariman said, this may take years to accomplish, but I earnestly hope that, before I say farewell to India, I shall see it an accomplished fact, at any rate in Calcutta and Bombay; and if I have said anything to-day which will induce the leaders of the people to give this scheme their cordial support, I feel, Sir, that I shall not have wasted the time of the Council by interposing in this debate."

The Hon'ble MR. SACHCHIDANANDA SINHA: "Sir, I rise to give my support to the motion before the Council. I shall very briefly state the grounds on which I do so. It seems to me that there are several reasons why the Government should be pleased to appoint a Commission or Committee to enquire into the question of the appointment of Indians in the higher ranks of the public services. Since the last Commission was appointed and reported, certain rules have been introduced, for the first time, which take away from the Indians the privilege of competing with their British fellow-subjects in examinations held in England. The Hon'ble Mr. Subba Rao has referred to the examination held in England for the police, in which, in terms, the Indians are excluded from competing; and it seems to me, Sir, and has always seemed to me, a grave infringement of our rights as British subjects that we should not be allowed to compete for any appointments in our own country. I think a Commission would certainly go into a matter like that."

"The second reason, Sir, why I urge the appointment of a Commission is that the list of those appointments which were thrown open to the Provincial

Service and are known as 'listed posts' has not been revised for the last twenty years. In 1893, when the House of Commons passed a resolution about simultaneous examinations for the Indian Civil Service, the Government of India sent home a long despatch on the subject embodying the opinions of the different Local Governments and Administrations; and in that I find that Sir Anthony, now Lord, MacDonnell, who was then officiating Lieutenant-Governor of the Lower Provinces, said:

"Let them (Indians) in due time press for a further increase in the scheduled posts to be 'listed' or transferred to the Provincial Service: let them on a suitable opportunity urge that . . . the . . . posts now transferred shall be increased . . . All that is necessary now to do is to recognise and provide by rule that this division or the appointment of posts to each class, shall be from time to time revised."

"This was the suggestion of Sir Anthony MacDonnell, and I find that the Government of India also embodied that suggestion in their despatch to the Home Government. They said:

"There is no finality about the lists of 'covenanted offices,' which have been thrown open to members of that (Provincial) Service. These lists have been prepared with reference to proximate possibilities; but they are capable of alteration and expansion from time to time as circumstances may require or permit."

"Now, Sir, there has been a remarkable progress in the country in education during the last 25 years, and I think for this, if no other reason, the Government should appoint a Commission to go into this matter and see to what extent the people of the country are entitled to have these 'lists' amplified and revised. But I think, Sir, that I can go further and say that it seems to me, that apart from the revision and amplification of these lists, which is now surely desirable, the time has come when this artificial boundary between the Provincial Service and the Indian Civil Service should no longer be maintained. For these reasons, I gladly support the resolution."

The Hon'ble PANDIT MADAN MOHAN MALAVIYA: "Sir, I shall not take up the time of the Council by going into the details of the appointments in the different departments which have already been fully dealt with by other Members. The result of the discussion shows that in many departments Indians are not getting their fair share of the public appointments. The principle that they should freely and impartially be appointed to every office in the different departments for which they may be qualified has long been admitted. I do not think there is anything left to be desired in that direction either in the words of the Statute of 1833 or the Proclamation of 1858, or the subsequent declarations of Government on this question."

"The second point that has been brought out in the discussion by the Hon'ble Mr. Subba Rao is this, that the root of the evil of the exclusion of Indians from high offices lies in not holding simultaneous examinations for the Indian Civil Service in this country as well as in England. In the discussion in 1853, when the throwing open of the principal civil appointments in India to competition was under discussion, this was anticipated. Many members at the time pointed out that, while the Statute did not exclude Indians in terms from the Civil Service, still by requiring that the examinations for it should be held in England alone, it was practically excluding them from those appointments. I will refer to one or two of the speeches of those who took part in the debate. For instance, Lord Stanley said that he could not refrain from expressing the conviction that, 'in refusing to carry on examinations in India as well as in England—a thing that was easily practicable—the Government were, in fact, negating that which they declared to be one of the principal objects of their Bill and confining the Civil Service, as heretofore, to Englishmen. That result was unjust, and he believed it would be most pernicious. Let them suppose, for instance, that instead of holding those examinations here in London, that they were to be held in Calcutta. Well, how many Englishmen would go out there—or how many would send their sons perhaps to spend two or three years in the country on the chance of obtaining an appointment! Nevertheless that was exactly the course proposed to be adopted towards the Natives of India'."

" Mr. Rice also objected to this restriction that examinations should be held in England alone, and he said that his object was that all offices in India should be effectively opened to Natives. And therefore he would not require them to come over to this country for examination, as such a condition would necessarily entail on Natives of India great expense, expose them to the risk of losing caste, and thereby operate as a bar against their obtaining the advantages held out to all other of Her Majesty's subjects. The course of education through which the youth of India at present went at the established colleges in that country afforded the most satisfactory proof of their efficiency for discharging the duties of office.

" Again, Mr. Phillimore said in the same debate that he also feared that the Bill would prove delusive, and that, although it professed to do justice to the Natives, the 'spirit of monopoly would still blight the hopes and break the spirits of the Indian people.'

" This, Sir, was in 1853. In 1858, when the Government of this country was taken over by Her Majesty, the Statute which was enacted maintained the Indian Civil Service Examination on the footing on which it had been established; but the disadvantage and the unfairness of excluding Indians by confining the examination to London was strongly felt. With a view to devise a remedy for the evil the Secretary of State appointed a Committee in 1860, as Mr. Subba Rao has mentioned; and that Committee recommended in favour of simultaneous examinations being held in this country as well as in England. From that time various attempts have been made to get this done. Mr. Fawcett, for instance, brought a motion in 1868 in the House of Commons in favour of simultaneous examinations being held in Madras, Bombay and Calcutta; and it was, I believe, largely due to that resolution that the Statute of 1870 was enacted. The tardy action taken under that Statute did not give satisfaction, and complaints continued. To meet these complaints the Public Service Commission was appointed in 1886. But instead of improving the state of affairs that Commission has, as many speakers have pointed out, put Indians in a worse position.

" The question which we now have to consider is, will the Government make an attempt to remedy the injustice which has been done by the recommendations of the Public Service Commission being partly accepted? There were two alternatives before the Government of India: one was the holding of simultaneous examinations in this country as well as in England; the other was the creation of Provincial and Imperial Services. We know that the proposal for holding simultaneous examinations was not accepted, but a Provincial Service was created. We have heard what a deal of dissatisfaction has been caused by the creation of the Provincial Service, and that those who belong to that service or are given the option of joining that service feel that it is an inferior service. That this is really so has been attested to by the Government of Madras. The Government of Madras, of all the Local Governments that were consulted on the questions referred to by the Public Service Commission, expressed its opinion clearly in favour of simultaneous examination, and against the creation of a Provincial Service. I beg leave to quote from the despatch in which it said:

' Another reason for altering the status and position of Natives in the Civil Service is to be found in the fact that the new Provincial Service does not in any way satisfy their aspirations and wishes. It is evident that its introduction on the present lines has been a great disappointment to them; that it has relegated them to a distinct and limited service, and instead of placing them in line with the rest of the Civil Service, has confined them to what they consider an inferior and subordinate position, and that this has been accentuated by the designation which has been applied to them, a designation which they have always associated with a distinctly and well-recognised inferior branch of the Service.'

" The despatch went on to say:

' His Excellency in Council considers, therefore, that it is expedient to remove, by the institution of simultaneous examinations, the disabilities which now tend to hinder the entry of Natives into the Civil Service proper. This step will remove an injustice, or what has almost the same consequences, a feeling of injustice, and it will not endanger the British supremacy or impair the character or the administration as a civilised and enlightened

Government. It may possibly, in certain circumstances, weaken executive action; but the disadvantages in this respect are not so certain or so grave as to outweigh the advantages. The increase in the proportion of Native candidates selected is moreover not likely to be so great as is supposed, and it would be advantageous to remove the dissatisfaction and discontent which undoubtedly exists among the natives by some such measure as is now under discussion.'

" It is much to be regretted, Sir, that this wise recommendation was not accepted. Subsequently a resolution was passed by the House of Commons in 1893, but, as we know, unfortunately no action was taken upon that resolution also. The action taken by the Government on the Report of the Public Service Commission has deepened the complaints of Indians. Distinguished statesmen have again and again acknowledged the justice of the claims of Indians to a larger measure of the higher appointments. They have also acknowledged the injustice of the existing arrangements, and yet the injustice remains largely unremedied. It is pleasing to acknowledge that in recent years Government have shown a growing disposition to recognize the justice of these complaints and have been trying to remove them. The recent appointments to some high offices made during the time of Lord Morley and Lord Minto are striking evidence of the desire of Government to remove the injustice or at least to minimise it as much as possible. But, as Mr. Gokhale has pointed out, these appointments do not affect the situation in relation to the bulk of the appointments, and the question remains, what should be done to really improve it? I submit the solution obviously lies in holding examinations for all first appointments, which are held at present in London alone, in India as well. That, Sir, I submit, is the solution. Government may be pleased to adopt it now or it may defer it; but I venture to say that the holding of simultaneous examinations is the only course which will solve the problem with which we are confronted. But until that is done, a great deal can be done, and I hope it will be done, to admit Indians to higher appointments in the different departments of State in which they are employed in very small numbers or from which they are practically shut out.

" I would remind the Government in this connection of the gracious proclamation which His late Majesty King Edward issued in 1908. In that proclamation His Majesty was pleased to say:—

' Steps are being continuously taken towards obliterating distinctions of race as the test for access to posts of public authority and power. In this path I confidently expect and intend the progress henceforward to be steadfast and sure.'

" That, Sir, is the most solemn pronouncement of our late Sovereign on the question raised in the resolution before us. By bringing forward this resolution Mr. Subba Rao has merely reminded the Government of the desirability of taking some steps, of adopting some effective means, by which the desire of His late Majesty would be better given effect to. We also remember the noble message of His Majesty, our present King-Emperor, in which he graciously spoke of the Proclamations of 1858 and of 1902 as the charters of the rights of Indians under the British Government, which charters His Majesty promised to abide by during all his time. We are looking forward with great satisfaction this year to the visit of His Majesty to our country; and nothing would be more pleasing to the people of this country, nothing would raise the Government higher in the estimation of the people, than an earnest indication of the desire to treat, in the matter of appointments to the public service, Indians and Europeans as equal fellow-subjects, as they really are in law. They are no doubt in theory regarded as such. But it is undeniable that in the apportionment of public appointments a distinction which is entirely illegal and unjust, and which cannot be justified on any possible ground, is maintained. This naturally gives rise to a great deal of dissatisfaction and fosters discontent. If the motion of Mr. Subba Rao to appoint a Commission or Committee is accepted, it will help to remove all reasonable complaints. I am not particular about a Commission. I will be content with a Committee, and even with a Committee which may consist merely of officials. I would be content if a few select officials were appointed to go into the question and to see what bars, if any, have been created in the different departments against the pledges given to

the people of India in the Act of 1833 and in the Proclamations of 1858 and 1908, and to recommend how they may be removed. If this is done, Sir, a great deal of justifiable discontent will be removed, and there will be a feeling of gratitude growing up in its place in the minds of the people which cannot be created by the creation of a few high appointments alone. I hope the resolution will commend itself to the Government."

The Hon'ble SIR GUY FLEETWOOD WILSON: "I had an opportunity last week of answering in regard to my own Department, and therefore I do not think I am called upon to make any remarks to-day in connection with the Hon'ble Mr. Subba Rao's resolution."

The Hon'ble MR. CLARK: "I do not think I need endeavour to discuss exhaustively the question of the appointment of Indians in all the divisions and sub-divisions of the hydra-headed department over which I have the honour to preside, and in point of fact only two departments were mentioned to-day. One was the Customs and the other was the Railways. I was a little surprised that the Customs was mentioned, because, as Mr. Subba Rao himself very truly said, of the last three appointments of Assistant Collector that were made, two were filled by Indians. One of these gentlemen, I believe, who has risen to this appointment, is a relatively junior man who has gained his promotion by his merits and ability, and there is no reason why he should not eventually get to the top of the tree. I do not think therefore that there is much ground for cavil so far as the Customs are concerned."

"I now come to the question of the Railways. When this question was raised before at the discussion early last week on the budget, the Hon'ble Mr. Gokhale was not entirely satisfied with the answer which was given to him by my Hon'ble friend the President of the Railway Board. I cannot help thinking there was some misapprehension as to what fell from my Hon'ble friend. I listened myself very carefully to what he said, and I am quite sure he had no intention whatever of conveying the idea that the door is barred to Indians to the higher appointments in the Railways. If I may say so, I think that the standard which has been applied is not a very sound one. The Hon'ble Mr. Mudholkar dealt with the question and gave us figures to show how small a number of Indians had reached the higher appointments. That undoubtedly is true; but it seems to me that if the door were really barred and it were determined not to allow openings for Indians, it would have been impossible for them to have reached the point they have; it would have been impossible, for instance, for the gentleman whose appointment is published to-day in the papers, Mr. Rallia Ram, to have become the Deputy Engineer-in-Chief of a State Railway. And it is on a State Railway that this appointment has been made. As regards the Railways leased to companies, the Government can only endeavour to influence the companies in the desired direction: they cannot compel them to employ Indians; and as regards the companies which own their lines they have no powers at all. It is important to note, as the Hon'ble Mr. Subba Rao himself pointed out, that it is in those companies—the companies over which the State has no control—that matters in this particular are worst."

"A point which the Hon'ble Sir T. R. Wynne emphasised—and rightly, I think, emphasised—was that a special characteristic of this question in connection with the railways is that he and the Railway Board are responsible for the safety of the railways. Efficiency is greatly to be desired in all branches of Government service, but it must be remembered that in the railways any measure of inefficiency means also the risk of endangering safety. It is therefore not so easy to try experiments of any kind there as it may be in other services. I notice the Hon'ble Mr. Gokhale said that if Indians were not fit for these higher posts, it was not their fault that they had not the necessary training and experience. I do not think that was quite a fair way of putting it. As the Hon'ble Mr. Madge pointed out, what we have to consider is the conditions as they are actually now, and if a man does not seem to be thoroughly qualified for a high and responsible post, especially in so serious a matter as railway administration, I do not think anybody could advocate that he should be put into it. Undoubtedly more opportunities are being given now, and I hope the effect of

these opportunities will be that more Indians will receive the necessary training and will become efficient and will reach the higher posts."

The Hon'ble MR. SYED ALI IMAM: "Sir, my task in addressing you in connection with the debate that is before you is a simple one, for the simple reason that I do not represent any Department that has got largesses to dole out or offices to give away. Therefore I find that all I can say to the appeal that has been made by some of the non-official Members to Government to-day is that so far as I am concerned as a Member of the Government, I will give that appeal to the best of my ability the sympathetic consideration which it deserves."

The Hon'ble MR. BUTLER: "The Hon'ble Mr. Subba Rao, in the lucid and forcible speech with which he introduced his motion, dwelt somewhat lightly on the position of the Provincial Educational Service, and this matter has received even more attention from the Hon'ble Mr. Gokhale and others. Well I am not in a position to make any statement now about the Provincial Educational Service, because the improvement of the prospects of that service is at the present moment under the consideration of the Government of India. I should like, however, to correct one small error under which the Hon'ble Mr. Subba Rao quite inadvertently has fallen. He said that no Principalship of a Government college could be held by an Indian. At the present moment a first class Government college at Rajshahi has an Indian professor as Principal, and I should like to add, with reference to another remark he made, that the Assistant Secretary in the new Education Department, Kunwar Maharaj Sing, is an Indian. He has not taken up his appointment yet, because he could not be spared by the Local Government, and he will join in Simla; but he is the first Assistant Secretary appointed to the Department. At the close of his speech the Hon'ble Mr. Gokhale made some remarks about competitive examinations. I must not deal with those remarks at any length because they do not fall within my department; but I happen to have read in the newspapers of last week or the week before that there is a very strong demand in England now, which is headed by so able an educationist as Professor Sadler, for the appointment of a Royal Commission to enquire into the question of the suitability of competitive examinations for selecting men for posts under Government. There is a strong reaction in England at the present moment against the system of recruitment for the public service by competitive examination. I do not think I need detain the Council any more; I cannot make any statement on the only subject of real interest to them."

The Hon'ble MR. CARLYLE: "So far as regards the departments entrusted to my charge, complaints have been made of the state of things in the Survey and in the Public Works Departments."

"So far as the Survey Department is concerned, as I have said on a previous occasion, it must for obvious reasons continue to be administered mainly by military officers. The question of the Provincial Service and the possibility of giving them higher appointments is now under consideration. I may add that in Colonel Burrard the Department has a head who may be trusted to deal sympathetically and justly with every class and race in the Survey Department."

"In the Public Works Department the whole question of the relations between the Imperial and Provincial Services is being dealt with, and I trust it may be possible to arrive at some solution which will generally be recognized as just and satisfactory."

"So far as the ten per cent. limit on the appointment of Indians to the Imperial Service is concerned, it is not easy at present to get that proportion of fully qualified Indians at home."

The Hon'ble MR. EARLE: "I must in the first place congratulate the Hon'ble Member on the wide and general terms in which he has framed his resolution. I was afraid from the enquiries which he had at one time made from the Home Department—and they were exceedingly numerous—that he intended to move that the Government of India should make a definite pronouncement as to the line of action which they would take in regard to particular

services. In that case it would have been rather difficult to have given a satisfactory reply. Inasmuch, however, as he has couched his resolution in very wide and general terms, it is possible to indicate the general direction of the way in which the Government of India are prepared to move.

"I had intended to say a good deal about what we propose to be done in regard to the medical service, and particularly with regard to the development of an independent medical profession. I shall not do so, however, having regard to the lateness of the hour and to the fact that my friend the Hon'ble Surgeon General Lukis has already touched upon one of the points on which I had intended to speak. I may just mention, however, to the Council that the Government of India are taking a great interest in the development of an independent medical profession and that various questions in that connection have lately been referred to the Local Governments for consideration. The whole matter will be considered during the current year and we shall perhaps be able to say something on the subject next year.

"As regards the question of the police service, which has been specially mentioned by the Hon'ble Member, I would note that the following system of recruitment obtained between 1893—1905. A portion of the superior police force was recruited by a competitive examination in England, for which Europeans only were eligible; while the rest were selected in this country under a combined system of nomination and examination, to which Indians were also eligible. Then came the Police Commission's Report of 1905, and their recommendation was that direct recruitment to the superior police should be restricted to Europeans, the examination being held in England. This proposal was accepted. Now, although Indians are not eligible for direct recruitment to the superior police force, deputy superintendents, who are recruited almost entirely from among Indians, and who form a service similar to the provincial civil service, can be promoted to the superior service up to, for the present, a limit of 5 per cent. of the number of superintendents in a province. This works out at present to a total of 15 posts out of a total of 306.

"The main question to be considered appears to be whether Indians should be admitted to the open competitive examination in England as they are in the Indian Civil Service and Indian Medical Service, in addition to making a certain number of posts available for promoted deputy superintendents. The question was carefully considered by the Police Commission in paragraph 69 of their Report, and an adverse opinion was arrived at on the ground that recruitment in this country was the best system in the case of Indians required for the police force. In view of the very recent re-organization of the police service, it is perhaps too early to re-consider the matter at present. We should watch the effect of the new scheme for some time and see how the proposal to appoint deputy superintendents as superintendents turns out. The Government of India will be glad to see the 5 per cent. of places which are now available for Indians occupied by deputy superintendents as soon as circumstances allow.

"I will now turn to the case of the Indian Civil Service and the Provincial Service with which it is connected. The Indian Civil Service Act, 1861, practically lays down that most of the important appointments in the administration should be held by covenanted civil servants of the Crown, but, in special cases, persons other than covenanted civil servants could be appointed to the posts referred to. Inasmuch, however, as the permissive sections of this Act were not found in practice to be sufficiently favourable to Indians, the Government of India Act, 1870, was passed for the special purpose of facilitating the appointment of such persons to posts previously held by covenanted civil servants. This Act is, to use authoritative language, the parliamentary remedy for any inconvenience or injustice which Indians might be shown by experience to suffer through the necessary adaptation of the examination in London to the convenience of home-born rather than of Indian competitors for the civil service."

"The first tangible fruit of the Statute of 1870 was the statutory rules of that year, which provided that a proportion of the recruitment for posts in the

covenanted civil service up to a *maximum* of one-sixth in each year (exclusive of military recruits for non-regulation provinces) should be reserved for Indians appointed in this country. Altogether, between the years 1870 and 1889-1890, 69 statutory civilians were appointed. This system was abolished in the year last-named on the recommendation of the Public Service Commission, the plan of nomination having failed 'in securing sufficient guarantee of ability and education in persons appointed under the rules. Although it was considered that in most cases the nominations actually made had been fairly satisfactory, it was generally felt that no antecedent guarantee existed of the fitness of the persons selected.'

"As a result of the Public Service Commission's report, a provincial civil service was constituted from the higher ranks of the previously existing subordinate executive and judicial services, and a proposal was made that one-sixth of the covenanted charges (excluding the proportion reserved for military officers) should be removed from the cadre of the covenanted civil service, and that these should be thenceforward open as a permanent arrangement to members of the provincial civil service. The covenanted civil service was thus to be reduced to a *corps d'élite*, by limiting its numbers to what was necessary to fill the chief administrative appointments of the Government, and such a number of the smaller appointments as would ensure a complete course of training for junior civilians.

"The Commission specifically recommended that 108 posts usually held by civilians should be made available for provincial service officers. After, however, consulting Local Governments, the Government of India decided in 1892 that the number should be 93, this figure being considered as suitable to meet proximate reasonable requirements and to be worked up to after satisfying the claims of officers already in the service. It was understood that there was to be no finality about the list. The list was to be subject to alteration and expansion from time to time according to varying circumstances. The system of listing posts was to be final, but it was contemplated that in course of time the proportion of one-sixth might possibly be exceeded.

"In this connection I would refer to the remarks made by my Hon'ble friend Mr. Subba Rao in which he said that only district judgeships and collectorships are at present included in the list of listed posts. That is perfectly true, but at the same time there is absolutely nothing to prevent any post being given to an Indian. Thus, lately we have appointed an Indian as Commissioner at Lahore, and, if I am not mistaken, the brother of the Hon'ble Mr. Chitnavis is a Commissioner in the Central Provinces. There is nothing to prevent the Government of India from appointing a Secretary to the Government of India from among the ranks of Indian officials if they think fit. I think that the Hon'ble Member was mistaken in what he said in this respect.

"I will now show what has in fact been done to carry out the scheme. As above indicated, the scheme contemplated 93 posts being made available to provincial service officers as soon as the claims of officers already in the covenanted service allowed this to be done and duly qualified candidates were forthcoming. Since that time the number of listed posts has increased from 93 to 102, while the number of posts actually held by statutory civilians or provincial service officers has increased from 56 to 92. Moreover, now that there are only 21 statutory civilians left, the large majority of these 92 posts, *viz.*, 71, are held by provincial service officers.

"I will now explain that there is still a wide margin of posts available for provincial service officers. At the present time (1911) the number of posts held by members of the Civil Service, excluding posts held in Burma by military officers, is 993. One-sixth of this number is 165—very nearly what Mr. Gokhale mentioned. I think he mentioned the figure 163. There is, therefore, a wide margin, 165 minus 102, or 63 posts, still left for Provincial Service officers.

"The question naturally arises at this stage how it is that the listing of posts has not been taken up more vigorously in the past. That is a perfectly

legitimate criticism and question to put. In the first place, it must be remembered that the scheme was always considered to be an experimental one, and that the intention was that the maximum of one-sixth should only be worked up to if the system proved successful, and, in order to enable a proper opinion to be formed on the subject, a considerable probationary period was obviously required. In the next place, Burma and Assam were not considered ripe for the system of listing until recently (1905 and 1907, respectively). Again, large additions to the Indian Civil Service cadre have in recent years been found necessary. Thus, in Burma and the Punjab 54 new officers (22 in the former and 32 in the latter) have been recruited owing to the rapid development of those provinces. Next, the two provinces of Bengal and Eastern Bengal and Assam, taken together, account for an increase of 38 posts. Similarly, the creation of new districts in Madras accounts for 14 new posts, while the amalgamation of Berar with the Central Provinces and the decision to man the former in future from the Indian Civil Service accounts for 19 more posts. It must also be borne in mind that in 1893, after the decision to list 9 posts had been arrived at, the Government of India expressed their opinion that the European service was at its *minimum* strength and that no further reduction would be practicable for some years to come.

"On the other hand, no systematic enquiry has been made in order to ascertain whether more posts could be listed so as gradually to work up to the one-sixth proportion, as proposed by the Public Service Commission. It must be admitted, therefore, that there is a *prima facie* case for enquiry, and such enquiry will most certainly be made.

"The Hon'ble Member has advocated the holding of simultaneous examinations and the giving of all the higher appointments in India by competitive examination only. I fear that the Government of India can give him no encouragement in that respect. From the time of the famous despatch of the Duke of Argyll of 1869 to the present day, it has consistently been held that though a competitive system is generally suitable for the recruitment of Europeans in England and of those Indians who elect to proceed to England for the examination, it is not the best system for recruiting in this country Indians whom we require to assist us in the administration. There is no particular merit about open competition even as regards Europeans; but, given a good education in England, competition does secure in a general way good results. The case is totally different as regards the selection of Indians. The average education given at schools and colleges in this country is still some way behind that given at similar institutions in England. Moreover, it is not only the intellectual character of the education given that is of importance: it is the general character of the training which has to be looked to. Another grave objection would be the injurious effect which a simultaneous examination conducted in this country would be likely to have upon the development of education here. Even in England there has been considerable trouble in this respect, and in India it is certain that not only would private institutions be created for the main, if not the whole, purpose of offering special preparation, but the regular institutions would not be able to resist the temptation of so shaping their courses of study as to secure success at the examination rather than to impart a general liberal education to the mass of their scholars.

"Then there are the very grave difficulties connected with the personnel to be recruited. A fair proportion of Europeans is, as already indicated, essential. What is equally important is that the recruitment of Indians should be such as to secure that a fair proportion of the offices should be given to the various communities in India. These results could not be secured under any system of simultaneous examination. I think that for the present we must adhere to the present system. Then those Indians who are recruited in England will have been trained in the highest and best form of English education, and in the words of Lord Macaulay, 'enter the service in the best and most honourable way.' On the other hand, Indians recruited in India, as at present, by a system of careful and cautious selection and by promotion according to tried ability will, in the words of the Duke of Argyll, be recruited 'by a competitive examination of the best kind.'

"The Hon'ble Member has referred to the fact that the open competition in England has not produced results favourable to Indian competitors. It is true that the number of successes have not been large—5 per cent. of the total. Much better results might, however, have been secured if there had not been a large falling off in the number of Indian competitors in recent years. Why this has been the case, the Hon'ble Member probably can tell better than I can. In any case a low percentage of success is not a sufficient reason for subverting a good working system, though it might be a good reason for taking up the investigation which I have already suggested as to whether we cannot now work up to the full proportion of one-sixth of listed posts, as recommended by the Public Service Commission. In this connection I might note, for the information of the Hon'ble Member, that whereas in 1886, when the Commission was appointed, there were only 12 Indians in the Civil Service, there are now 64.

"As a matter of general interest, the Hon'ble Mover of the resolution may be glad to know that considerable progress is being made in respect of the appointment of Indians to posts carrying a salary of Rs. 1,000 and over. It was pointed out in the budget debate of 1904-05 that in 1867, out of a total of 648 such appointments, 12 were filled by Indians, all Hindus, or a percentage of 2; whereas in 1903, out of 1,370 such appointments, 71 were filled by Hindus and 21 by Muhammadans, the percentage of posts held by Indians being therefore 7. The present position is that in 1910, out of 1,882 such appointments, 134 were held by Hindus and 27 by Muhammadans, the percentage of posts held by Indians being therefore 8.6.

"I cannot help thinking, both from what the Hon'ble Mover has said to-day and from remarks which he has let fall to me from time to time, that what he is chiefly concerned about is the status of the provincial civil service. He would like to see the status of that service, or at any rate of those members of the service who attain to listed posts, improved. He has given no clear indication as to what he wishes; but, in referring the question of listing posts to Local Governments, the matter will be borne in mind.

"In conclusion, I may say that the Government of India will readily refer to Local Governments in order to see how far it is now practicable to work up the recommendation of the Public Service Commission. They do not, however, think that for this purpose the appointment of a Commission is called for. It must be remembered that the Public Service Commission was appointed only when, after two years of discussion, it was found impossible to arrive at a satisfactory solution of the questions involved. No such necessity now exists, as the question to be decided is a simple one, namely, to ascertain from Local Governments how many more posts can be listed up to the maximum of one-sixth. The appointment of a Commission would merely mean waste of time and labour. If the Government of India is left to take action of their own accord, much progress might be made within the course of this very year. On the other hand, if a Commission were appointed, we could not expect to see the result of its labours for at least a year or eighteen months, and then there would be a further great delay in consulting Local Governments. The Government of India are fully alive to the importance of associating Indians in the administration of the country, and, as I have explained, the subject is one which has constantly engaged their attention."

The Hon'ble MR. SUBBA RAO: "Sir, I have listened with much interest to the sympathetic speeches that have fallen from the Hon'ble Members opposite, who are in charge of the different departments of Government. I am glad to hear that their earnest desire is to associate Indians more largely in the government of the country. But I have to express my regret that the way in which it is proposed that Indians should be associated more largely with the government of the country is to be on the old lines. We know that under the Statute of 1870 lists were drawn up on the recommendations of the Public Service Commission, based on the rule that one-sixth of the appointments reserved for the Indian Civil Service should be given to the members of the Provincial Service. Hitherto the number of appointments which listed was only 102, and, if that proportion has to be worked up to, it will come to something like 165. It

is stated now by the Hon'ble Mr. Earle that it will be the endeavour of the Government to work up to that proportion.

"All this means that there is to be the Provincial Service and members from that service will be selected according to their ability to fill the posts which will be listed to make up the proportion. In fact, if the old plan is continued, I do not see a way out of the difficulty which has been created by the recommendations of the Public Service Commission and the orders thereon. Though we are glad to learn that an enquiry would be made to list more posts for the members of the Provincial Service, I regret to say that so long as the present system continues, there cannot be any real contentment in the country, because a line of demarcation is drawn between the two services and the stigma of inferiority is attached to the members of the Provincial Service. The Hon'ble Mr. Earle pointed out that there was no finality with regard to the lists already drawn up. I quite admit that the lists might be modified or enlarged from time to time, but what I have been pressing upon the attention of the Council is that so long as the present orders are there, you have to go up to the Secretary of State to modify them if you want to list certain places. The matter was arranged rather in a peculiar way. Certain principles were laid down for listing the places; then the Government of India, apparently with the sanction of the Secretary of State, in April 1892 fixed the places that should be listed; and then in November published the rules under the Statute of 1870 and authorised Local Governments to notify in the official Gazette the listed places to which they might appoint members of the Provincial Service. I quoted a passage from the Government of India Despatch of August 1892 to show that this scheme was intended to be a final settlement of the claims of the Indians for higher employment. I shall, however, accept the statement of the Hon'ble Mr. Earle that the lists as framed are not final and may be modified by the Government of India or by the Local Government. In this connection I shall draw the attention of the Council to the resolution brought in the Madras Legislative Council by the Hon'ble Mr. Raghunatha Rao that the Madras Government might be pleased to appoint an Indian to the Board of Revenue. The answer given by the Hon'ble Mr. Hammick on behalf of the Government of Madras was to this effect: 'we are powerless; we cannot do anything; it is the Secretary of State, under the Statute, that can make the appointment.' So the resolution was withdrawn since the Madras Government confessed its inability to make the appointment under the present rules. Therefore, as far as I can see, the rules and orders issued on the subject seem to direct 'thus far you shall go and no further.' And this has been going on from the year 1892 without any change.

"Now, the Hon'ble Mr. Earle, to show that the lists are not final, said: 'We have recently given the appointment of a Commissioner in the Punjab to an Indian; we have also given another appointment like that in the Central Provinces.' I may point out that those appointments were not made under the Statute of 1870. The Statute of 1870 applies only to the regulation provinces and the Government of India were authorised to frame rules under the Statute with regard to the regulation provinces only. But so far as non-regulation provinces were concerned, the Government of India were at perfect liberty to appoint anybody they pleased to any post they liked, under executive orders. Consequently the rules as framed have no application whatever to the non-regulation provinces, and the appointments made in the Punjab and in the Central Provinces had nothing to do with the rules framed under the Statute of 1870. I was, therefore, perfectly correct in stating that the Government of India, so far as the regulation provinces were concerned, had to go by the rules framed under the Statute, and for the time being the rules and orders issued on the subject are binding upon the Government of India and the Local Governments.

"Sir, it is unnecessary in connection with this resolution to discuss the question of the propriety of holding simultaneous examinations in England and India and the conditions under which they should be held here. It is a very large question, and a bulky volume was sent up by the Government of India on this subject to the Secretary of State in 1893. I hope shortly it would form the subject of a resolution when the Hon'ble Member opposite may defend the position which he has taken up at this meeting. The suggestion which I have made

is that if simultaneous examinations in both countries are not feasible, examinations of equally high standards, limited to nominated candidates from the whole of India, might be held here. This is a suggestion which I have made for the consideration of the proposed Commission.

"Now, the Hon'ble Mr. Earle has said that no particular suggestion has been made with regard to the removing of the stigma of inferiority attaching to the Provincial Service. I am glad to learn that the Government of India propose to make an enquiry into the matter and that this is one of the special points that will be considered. We shall of course wait for the result of the enquiry proposed to be made by the Government of India, and I shall not at this meeting press this resolution. Let them make the enquiry by all means. Let them refer this question to the Local Governments as to how the present discontent which is caused by the differentiation of the two Services can be removed. I have made my suggestion that the only way to remove the stigma and do justice is by having examinations in both countries. We have waited for a good long time and we shall wait till the Government makes full enquiry into this matter. I am sure the conclusion which they would come to, if really they want to remove the stigma, would be to have some kind of competitive examination in this country as well as in England.

"I do not propose to refer to the speeches made by the other Hon'ble Members opposite. It is enough for the present that the Government has promised to make an enquiry on the subject. I have a good deal to say as regards the Police, the Survey and other Departments. I hope we shall bring up a resolution with regard to each Department, when each Department can be considered on its merits. It is not fair that we should now discuss the details of each Department in connection with this resolution. I reserve that question for the present. We must first settle the main principles. In conclusion, I beg permission, Sir, to allow me to withdraw this resolution with liberty to bring it forward next year, when I hope we shall be in a better position to deal with this resolution. The Hon'ble Mr. Earle says that if a Commission is appointed, it will take a lot of time, whereas the Government of India will finish the business in no time. That is certainly true, if time is the only consideration. We shall gladly wait for some more months and I hope the result of the enquiry will be satisfactory."

The resolution was withdrawn.

The Council adjourned to Monday, the 20th March 1911.

J. M. MACPHERSON,
Secretary to the Government of India,
Legislative Department.

CALCUTTA;

The 30th March 1911.

Civil

Statement showing posts listed as open to the Provincial Services.

Superior posts.	Madras.	Bombay.	Bengal.	United Provin- ces.	Punjab.	Burma.	Bihar and Orissa.	Central Provin- ces (and Berar).	Total.
Heads of districts ...	2	2	8	2	2	2	5	4	49
District and Divisional Judges.	4	3		5	6	2		2	
Settlement Collectors ...	...	...	...	...	2	1	...	...	3
Sub-Collectors ...	2	...	...	...	...	...	...	...	2
Secretary, Board of Revenue	...	...	...	...	1	...	...	...	1
Talukdari Settlement Officer	...	1	...	...	...	...	...	...	1
TOTAL ...	8	6	8	7	11	5	5	6	56
<i>Inferior posts.</i>									
Secretary to Board of Reve- nue.	1	...	...	1	...	...	...	...	2
Under Secretary to Govern- ment.	1	...	1	...	1	...	1	...	4
Joint Magistrates or Assistant Commissioners or Assistant Collectors.	5	8	8	7	3	...	...	2	33
Assistant Judges ...	...	3	...	...	...	...	...	...	3
Small Cause Court Judges ...	...	...	...	2	...	...	...	...	2
Assistant Settlement Officers	...	...	...	2	...	...	...	...	2
Assistant to Director of Land Records.	...	...	...	1	...	...	...	...	1
TOTAL ...	7	11	9	13	4	...	1	2	47
GRAND TOTAL SUPE- RIOR AND INFERIOR.	15	17	17	20	15	5	6	8	103

Statement showing the number of Indians, as compared with others, recruited for the Indian Civil Service from 1853 to 1910, inclusive.

Year.	Number of Indians.	Number of others.	Total for the year.
1853	...	29	29
1854	...	36	36
1855	...	43	43
1856	...	105	105
1857	...	43	43
1858	...	39	39
1859	...	20	20
1860	...	32	32
1861	...	67	67
1862	...	61	61
1863	...	89	89
1864	...	51	52
1865	...	36	36
1866	...	...	...
1867	...	45	45
1868	...	39	39
1869	...	47	47
1870	...	41	41
1871	...	3	44
1872	...	2	38
1873	...	1	35
1874	...	...	32
1875	...	1	31
1876	...	2	30
1877	...	...	37
1878	...	...	30
1879	...	1	27
1880	...	...	23
1881	...	...	22
1882	...	...	27
1883	...	...	29
Carried over	...	...	30
	12	1,222	1,240

Statement showing the number of Indians, as compared with others, recruited for the Indian Civil Service from 1853 to 1910, inclusive—concl'd.

Year.	Number of Indians.	Number of others.	Total for the year.
Brought forward	12	1,222	1,240
...	...	34	34
1884	...	37	37
1885	...	36	38
1886	...	42	43
1887	...	36	36
1888	...	44	46
1889	...	45	46
1890	...	48	49
1891	...	40	44
1892	...	59	64
1893	...	53	54
1894	...	54	60
1895	...	65	66
1896	...	55	58
1897	...	59	62
1898	...	57	64
1899	...	50	53
1900	...	50	52
1901	...	41	43
1902	...	52	55
1903	...	48	51
1904	...	49	52
1905	...	44	48
1906	...	57	60
1907	...	53	57
1908	...	47	50
1909	...	51	52
1910	...	59	60
1911	...	50	53
1912	...	...	...
TOTAL	84*	2,643	2,727

*3 per cent. of the total.

Statement showing the number of Indians actually in the Indian Civil Service on the 1st April of each year from 1886 to 1912.

Year (1st April).	Madras.	Bombay.	Bengal.	United Provinces.	Punjab.	Burma.	(Assam or) Eastern Bengal and Assam.	Central Provinces.	Total for each year.
1886	...	3	6	1	...	...	...	...	10
1887	...	3	8	1	...	...	...	...	12
1888	...	4	8	1	...	...	...	...	13
1889	...	4	7	1	...	...	...	...	12
1890	1	3	8	1	...	...	...	...	13
1891	2	3	8	1	...	...	...	...	14
1892	2	4	8	1	...	...	...	...	15
1893	3	4	9	1	...	2	...	...	19
1894	3	4	13	1	...	2	...	...	23
1895	3	4	13	2	...	2	...	...	24
1896	5	5	13	4	1	1	...	...	29
1897	5	5	13	4	2	...	...	...	29
1898	5	6	13	5	2	...	...	...	31
1899	5	6	15	5	2	...	1	...	34
1900	7	7	17	6	2	...	2	...	41
1901	8	8	17	7	2	...	2	...	44
1902	9	8	17	8	...	...	2	...	46
1903	10	8	17	8	3	...	2	...	48
1904	10	8	18	9	3	...	3	...	51
1905	11	9	19	9	3	...	3	...	54
1906	12	9	11	10	3	8	3	...	56
1907	12	10	11	11	3	8	4	...	59
1908	12	10	9	11	4	1	8	...	59
1909	13	11	10	11	4	2	8	...	63
1910	13	12	10	12	4	2	8	...	65
1911	12	10	10	12	4	2	6	...	60
1912	11	10	13	12	4	2	3*	4	59

* Now Bihar and Orissa.

N.B. - The number of Europeans actually in the Indian Civil Service in April 1912 was 1,242.

G. C. B. P. Simla.—No. 8 P. S. C.—12-9-12.—150.—N.C.

No. 51.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

PUBLIC.

TO THE RIGHT HONOURABLE H. H. FOWLER,

Her Majesty's Secretary of State for India.

Simla, the 3rd October 1894.

SIR,

WE have the honour to forward, for your information, a copy of the papers entered in the annexed list, relative to a proposal made by the Government of Madras to appoint Subordinate Judges in that Presidency to be Assistant Session Judges to try Sessions cases referred to them by the Sessions Judges.

2. In 1890 the Government of Lord Lansdowne, in communicating to Local Governments the orders contained in Lord Cross's Despatch No. 104, dated the 12th September 1889, regarding the proposals of the Public Service Commission so far as they related to the Judicial and Executive Branches of the Administration, requested them to consider whether officers of the Provincial Service exercising only civil judicial functions should not undergo some period of probation in criminal business before they were appointed to a District and Sessions Judgeship. The Government of Madras expressed the opinion that this object could be secured either by the creation of two or three additional Subordinate Judgeships and the employment of about the same number of Subordinate Judges as Additional Sessions Judges, or by the appointment of all Subordinate Judges to be Additional Sessions Judges. There was, however, then no evidence to show that the agency for conducting Sessions trials in the Madras Presidency required to be strengthened; and Lord Lansdowne's Government considered that the desired result might be attained by transferring temporarily a Subordinate Judge, who gave promise of becoming an efficient District and Sessions Judge, to the executive line and employing him upon ordinary criminal work as a Deputy Magistrate and Collector. The Government of Madras have now represented that in order to permit of the efficient working of this system, it would be necessary to prescribe a Revenue test to be passed by Subordinate Judges prior to their first appointment, as some guarantee of fitness for revenue duties would be needed in their cases. But as only a few Subordinate Judges and District Munsifs would under this system be transferred temporarily to the executive line, the Madras Government consider that the knowledge of revenue matters would, as regards the majority of these officers, be of little use in the performance of their ordinary duties, and consequently the tests to be passed by them would be needlessly increased. They have come to the conclusion that the best method of securing the training of Subordinate Judges in criminal work will be to appoint these officers to be Assistant Sessions Judges, to try Sessions cases referred to them by the Sessions Judges. The latter (it is said), being thus relieved of Sessions work, will be able to an equal extent to relieve Subordinate Judges of civil appeals and suits.

3. We consider it undesirable that a Subordinate Judge, without having had any previous experience in criminal work, should be entrusted with the powers

exercised by a Sessions Judge, still less with the oversight of Criminal Courts which would be involved in his appointment to be Additional Sessions Judge. But the present proposal (*vide* section 409 of the Code of Criminal Procedure, 1882) does not involve the investment of Subordinate Judges with any appellate power, and Sections 31 and 408 of the Code of Criminal Procedure respectively limit the powers of sentence of an Assistant Sessions Judge and provide for an appeal from his decisions to the Court of Session. Moreover all cases reach an Assistant Sessions Judge after a careful preliminary inquiry by a Magistrate; and Subordinate Judges, experienced only in the work of the Civil Courts, will, we think, be better qualified to try cases in which such a preliminary inquiry has been carried out than to undertake the investigations, involving familiarity with police procedure and practice, which have to be performed by Magistrates in India. The Subordinate Judges, who would under the present proposal be invested with Criminal Judicial powers, are the picked men of their class; and having regard to their seniority and their standing in the service it might frequently be found unsuitable to employ them in Subordinate Magisterial posts. For these reasons we are prepared to support the proposal to invest Subordinate Judges in Madras with the powers of Assistant Sessions Judges, provided that the proposal is restricted to the conferment of these powers on selected Subordinate Judges to the extent necessary to provide an adequate supply for filling the appointments of District and Sessions Judge (four in number) which have been listed as open to the Madras Provincial Civil Service.

As however, the offices of Assistant Judges in the Regulation Provinces are reserved to the Indian Civil Service by Statute 24 & 25 Vict., Cap. 54, it is necessary, before the proposal can be carried out, that a rule should be made by us with the sanction of the Secretary of State in Council in accordance with Statute 33 Vict., Cap. 3, Section 6. We accordingly submit for the necessary sanction the enclosed rule authorising the Government of Madras to appoint certain Subordinate Judges to be also Assistant Sessions Judges. The precise number of the officers to be so appointed will be subsequently determined by us. It will probably not be found necessary that more than two Subordinate Judges should exercise these powers at any one time.

5. Our Honourable Colleague Sir Charles Pritchard does not concur with the proposals made in this Despatch, and considers that the training of Subordinate Judges for the position of District and Sessions Judge should be effected in the manner originally suggested by the Government of India, *viz.*, by employing them for a time as Deputy Collectors and Magistrates; in order that they may have opportunity for acquiring the practical experience of the working of the Revenue and Police branches of the administration, which is recognised as a necessary preliminary to the appointment of members of the Indian Civil Service as District and Sessions Judges.

We have the honour to be,

SIR,

Your most obedient, humble Servants,

ELGIN.

G. S. WHITE.

A. E. MILLER.

H. BRACKENBURY.

C. B. PRITCHARD.

J. WESTLAND.

A. P. MACDONNELL.

No. 104 (Public), dated India Office, London, the 8th November 1894.

From—The Right Honourable Henry H. Fowler, Her Majesty's Secretary of State for India,

To—His Excellency the Right Honourable the Governor General of India in Council.

Having considered in Council the draft Rule which accompanied your Government's letter No. 51, dated the 3rd ultimo, I have accorded my sanction to it with the concurrence of a majority of the members present.

2. The reasons which have induced Your Excellency's Government to propose this special rule for the Presidency of Madras are fully stated in the third paragraph of the letter under reply. They appear to me very cogent, but they would seem to apply to other provinces also, and not exclusively to Madras. I presume that your Government are desirous of trying the experiment in one province before proposing a rule of general application.

I have, etc.,

HENRY H. FOWLER.

Notification No. 67, dated Calcutta, the 24th January 1895.

In exercise of the power conferred by the Statute 33 Vict., Cap. 3, Section 6, and in continuation of the rules published in Notification No. 2159, dated the 2nd November 1892, the Governor General in Council has been pleased to make the following rule which has been sanctioned by the Secretary of State in Council with the concurrence of a majority of the members present :—

The Government of Madras may appoint any Subordinate Judge, being a member of the Provincial Civil Service and a Native of India of proved merit and ability, to be also an Assistant Sessions Judge.

By order,

J. P. HEWETT,

Offg. Secy. to the Government of India.

Notification No. 1859, dated Simla, the 8th November 1895.

In exercise of the power conferred by the Statute 33 Vict., Cap, 3, Section 6, and in continuation of the rules published in Notifications No. 2159, dated the 2nd November 1892, and No. 67, dated the 24th January 1895, the Governor General in Council has been pleased to make the following rule which has been sanctioned by the Secretary of State in Council with the concurrence of a majority of the members present :—

The Government of Bengal may appoint any Subordinate Judge, being a member of the Provincial Civil Service and a Native of India of proved merit and ability, to be also an Assistant Sessions Judge.

L. M. THORNTON,

Deputy Secretary to the Government of India.

No. 6 (Judicial), dated India Office, London, the 13th February 1896.

From—The Right Honourable Lord George Francis Hamilton, Her Majesty's Secretary of State for India.

To—His Excellency the Right Honourable the Governor General of India in Council.

I have considered in Council the letter of your Government, No. 4, dated 8th January last, submitting draft of a rule under the Statute 33 Vict., Cap. 3, Section 6, for the appointment of Subordinate Judges in the North-Western Provinces to be also Assistant Sessions Judges.

2. I have to inform Your Excellency in Council that, with the concurrence of the majority of members of my Council present at the meeting, I have accorded my sanction to the rule and to your proposal to apply it by executive order to Oudh.

Notification No. 661, dated Calcutta, the 26th March 1896.

In exercise of the power conferred by the Statute 33 Vict., Cap. 3, Section 6, and in continuation of the rules published in the Notifications marginally noted, the Governor General in Council has been pleased to make the following rule which has been sanctioned by the Secretary of State in Council with the concurrence of a majority of the members present:—

No. 215-G., dated 2nd November 1892.
No. 67, dated 24th January 1895.
No. 1858, dated 8th November 1895.

The Government of the North-Western Provinces may appoint any Subordinate Judge, being a member of the Provincial Civil Service and a Native of India of proved merit and ability, to be also an Assistant Sessions Judge.

J. P. HEWETT,

Secretary to the Government of India.

Notification No. 1713, dated Simla, the 30th October 1896.

In exercise of the power conferred by the Statute 33 Vict., Cap. 3, Section 6, and in continuation of the rules published in the Notifications marginally noted, the Governor General in Council has been pleased to make the following rule which has been sanctioned by the Secretary of State in Council with the concurrence of a majority of the members present:—

No. 2159, dated 2nd November 1892.
No. 67, dated 24th January 1895.
No. 1859, dated 8th November 1895.
No. 661, dated 26th March 1896.

The Government of Bombay may appoint any subordinate Judge, being a member of the Provincial Civil Service and a Native of India of proved merit and ability, to be also an Assistant Sessions Judge.

J. P. HEWETT,

Secretary to the Government of India.

NO. 122.

GOVERNMENT OF INDIA.

FINANCE AND COMMERCE DEPARTMENT.

SALARIES, ESTABLISHMENTS, ETC.
Law and Justice.

To

THE RIGHT HONOURABLE LORD GEORGE FRANCIS HAMILTON,
His Majesty's Secretary of State for India.

Simla, the 25th April 1901.

MY LORD,

WE have the honour to forward, for Your Lordship's consideration, a copy of a correspondence with the Government of the North-Western Provinces and Oudh, relative to a proposal to strengthen the superior Judicial Service in those provinces.

2. In 1895 the attention of the Government of Lord Elgin was drawn to the character of the work done by District and Sessions Judges in the North-Western Provinces and Oudh. It was found that there had been a great decrease in the amount of civil work and a considerable increase in the amount of criminal work disposed of by these courts during the five years ending 1893. The Government of India regarded with grave concern the gradual relaxation of the control and oversight of civil work by District Judges, and desired that the whole question should receive the careful consideration of the Lieutenant-Governor and Chief Commissioner in communication with the High Court at Allahabad and the Judicial Commissioner of Oudh. They also expressed their readiness to consider any proposals which His Honour might make for checking, whether by legislation or otherwise, the tendency to over-burden District and Sessions Judges with criminal work to the detriment of their duties connected with civil litigation.

3. The Government of the North-Western Provinces and Oudh explained in a letter, dated the 24th August 1896, that the heavy criminal work of District and Sessions Judges (so far as it consisted of Sessions trials) was mainly due to the greater prevalence of serious crime in those provinces as compared with Lower Bengal, and that this resulted in the number of civil suits (and, in Oudh, also the number of civil appeals) disposed of by District Judges being less than in neighbouring provinces. It was further represented that, in consequence of the large amount of grave crime triable by Magistrates with not less than full powers, there resulted a large number of sentences in which an appeal lay to the Sessions Courts, and that the number of such appeals was not evidence in itself that the Subordinate Criminal Courts failed to command confidence. Both the High Court and the Local Government were of opinion that the true remedy for the difficulty brought to notice was to be found in an increase in the number of District and Sessions Judges in the North-Western Provinces and Oudh. Lord Elgin's Government were not satisfied that an increase in the strength of the District and Sessions Judges, had been shown to be necessary. They suggested to the Local Government that a remedy might be found in the creation of a class of Assistant Judges, similar to that in the Bombay Presidency, to whom the Sessions Judges might transfer for disposal such part of their work as could safely be entrusted to a subordinate agency. They observed that such an arrangement would have the advantage of economy over that of appointing more District and Sessions Judges, and inquired whether its adoption commended itself to the Lieutenant-Governor and Chief Commissioner.

4. Sir Antony MacDonnell, on a consideration of this suggestion, recommended the creation of nine Assistant Judgeships, six to be held by members of the Indian Civil Service, and three by members of the Provincial Service. He proposed that the pay of the six appointments for members of the Imperial Service should be Rs. 700 a month each, and that of the three provincial appointments Rs. 448 a month each, the whole scheme involving an additional expenditure of Rs. 66,528 a year. These proposals appeared to us to be open to objection in some respects. In the first place we could not regard the pay proposed for Assistant Judges to be recruited from the Indian Civil Service as suitable, or likely to attract officers of sufficient experience who would remain for some time in the posts. Again the High Court of the North-Western Provinces and the Judicial Commissioner of Oudh wished the Assistant Judgeships to be filled by members of the Provincial Service. The pay of the lowest grade of Subordinate Judges in the United Provinces being Rs. 500 a month, this object could not be attained if the pay for Provincial officers were restricted to Rs. 448 as proposed by the Local Government, while the raising of the pay to Rs. 500 would have increased the cost of the scheme to Rs. 68,400 a year, a much higher expenditure than the highest (Rs. 24,044 in 1897-98) incurred in any year on the employment of temporary Additional Judges. In our Home Secretary's letter, dated the 21st June 1900, we therefore expressed our opinion that the total cost of the scheme should not exceed double the maximum expenditure at present incurred on the employment of temporary Additional Judges, *i. e.*, a total sum of Rs. 48,000 a year. This would admit of two appointments for the Indian Civil Service (one on Rs. 1,100 and one on Rs. 800), and four for the Provincial Service (one on Rs. 800, one on Rs. 600, and two on Rs. 500 each), the pay of one of the Joint Magistracies on Rs. 1,000 being reduced to Rs. 700. We inquired from the Local Government whether such a scheme would sufficiently meet the requirements of the case.

5. Sir Antony MacDonnell has accepted our scheme, though he is not assured that it will afford the needed relief, and the High Court specially says that temporary Additional Judges will still be required. We think it desirable to try this scheme although we are by no means certain that it will give adequate relief. We do not at present wish to propose a higher scale of expenditure without first making sure that what is now proposed will be sufficient. We therefore recommend the scheme for Your Lordship's sanction.

We have the honour to be,

MY LORD,

Your Lordship's most obedient, humble Servants,

(Signed) CURZON.

" A. C. TREVOR.

" C. M. RIVAZ.

" T. RALEIGH.

" E. FG. LAW.

" E. R. ELLES.

No. 23 (Judicial), dated the 14th June 1901.

From—The Right Honourable Lord George Francis Hamilton, His Majesty's Secretary of State for India.

To—His Excellency the Right Honourable the Governor General of India in Council.

I have considered in Council the Financial letter of Your Excellency's Government, No. 122, dated the 25th April, in which you submit for my consideration a scheme for strengthening the superior Judicial Service in the North-Western Provinces and Oudh.

2. Owing to the pressure of criminal work which cannot be neglected the Civil Works of the Courts of the District and Sessions Judges has for a considerable time fallen into arrears, and it is therefore proposed by your Government to create, at a cost of Rs. 48,000 a year, a class of Assistant Judges to aid in the disposal of Criminal business, two of whom will be drawn from the Indian Civil Service (one on Rs. 1,100 and one on Rs. 800 a month) and four from the Provincial Service (one on Rs. 800, one on Rs. 600 and two on Rs. 500 each), the pay of one of the Joint Magistracies being at the same time reduced from Rs. 1,000 to Rs. 700.

3. This scheme is a modification of one submitted by the Local Government involving the creation of nine Assistant Judgeships at a cost of Rs. 66,528 a year. It appears to be doubtful, in the opinion of your Government and that of Sir A. MacDonnell, whether it will give the requisite relief, or obviate the necessity which now exists for frequently appointing additional Civil and Sessions Judges to deal with arrears, but it has been accepted by the Lieutenant-Governor, and you are unwilling to incur a larger expenditure without giving the present scheme a trial.

4. I sanction your proposals.

No. 22.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

JUDICIAL.

To

THE RIGHT HONOURABLE ST. JOHN BRODRICK,

*His Majesty's Secretary of State for India.**Simla, the 3rd November 1904.*

SIR,

As promised in paragraph 2 of our financial despatch no. 119, dated the 28th April 1904, we have the honour to address you on the subject of the working of the system of assistant judges in the United Provinces.

2. In his judicial despatch no. 23, dated the 14th June 1901, Lord George Hamilton conveyed sanction to the scheme set forth in our despatch of the 25th April 1901 for strengthening the superior judicial service in the United Provinces by the creation of six assistant judgeships. In transmitting this sanction we asked the local Government to submit a report on the working of the scheme at the end of two years from its introduction. The report has now been furnished, and we forward for your information a copy of the correspondence which has passed between us and the local Government on the subject.

3. Our conclusions as to the result of the experiment are stated in our Home Secretary's letter* of the 26th October 1904. We agree with His Honour the Lieutenant-Governor that the scheme has not yet had a full and fair trial, but at the same time we consider that in view of all the circumstances of the case it has met with a fair measure of success. We are further of opinion that, whenever the circumstances permit of its adoption, the plan of affording relief by appointing assistant judges is preferable to that of entertaining additional judges which the local Government contemplates, both because it is less expensive and because it affords a valuable judicial training, a matter which is of very great importance in the case of junior members of the Indian civil service. We have accordingly instructed the Government of the United Provinces that the system of assistant judges should be continued, and that additional judges should be appointed only in exceptional cases. We have further intimated that, should it

* Enclosure No. 2.

become necessary to add to the number of assistant judges, we should be prepared to agree to an increase in the proportion of officers of the Indian Civil Service so employed to those of the Provincial Service.

We have the honour to be,

SIR,

Your most obedient, humble servants,

AMPTHILL.

KITCHENER.

E. FG. LAW.

E. R. ELLES.

A. T. ARUNDEL.

H. E. RICHARDS.

J. P. HEWETT.

India Office, London,
12th November 1909.

Public,
No. 146.

To His Excellency the Right Honourable the Governor General of
India in Council.

MY LORD,

I have given careful consideration in Council to the letter of Your Excellency's Government in the Foreign Department (Internal) no. 34, dated 13th of February 1908, with respect to the admission of subjects of Native States to the Indian Civil Service and to civil offices ordinarily reserved for that service and for the Indian Medical Service.

2. The question of the disability under which subjects of Native States suffer in this matter has from time to time been under the consideration of the Government of India and the Secretary of State, but, mainly owing to the legal difficulties involved, it has not hitherto been found possible to arrive at any satisfactory solution.

3. It has been held that these subjects are not natural-born subjects of the Crown within the meaning of Section 32 of the Government of India Act of 1858, and therefore are precluded from competing for the Civil Service of India, and that, for the same reason, they are ineligible for appointment in India under any rules framed in accordance with the Statute 33 Victoria, cap. 3. In the year 1885,* the Government of India pointed out that it would be practically impossible to appoint such Native States' subjects under the special provisions of the Statute 24 and 25 Victoria, cap. 54; and in 1890,† the Secretary of State was advised that the provisions of the British Naturalization Act of 1870, (Statute 33 Victoria, cap. 14) "are not applicable—and never were intended to apply—to subjects of Indian Feudatory States."

* Despatch to Secretary of State, No. 10 (Public) dated the 10th March 1885.

† Despatch to India, no. 54, 8th May 1890.

4. The position, therefore, of subjects of these States is, as stated in Your Excellency's letter, "worse in respect of admission to the service of the Crown not only than that of natural born subjects of His Majesty, but even than that of aliens, for the latter can, by naturalization, acquire the status of British subjects." Your Excellency in Council is of opinion that the time has now come when the distinction between these subjects and subjects of His Majesty born in British India should be removed. You are in full accord with the view expressed by Lord Kimberley in 1885 and concurred in by Lord Cross in 1890, that no opportunity should be lost in binding the inhabitants of the Feudatory States more closely to the interests of the British Government. In this view I also concur.

5. The question of the means by which the disabilities can be removed you leave for the consideration of His Majesty's Government but in view of the opinions that have been held on the subject in the past you naturally consider that legislation will be necessary. You add that it will probably be desirable that whatever action is to be taken should be as unobtrusive as possible. I fully share your views in this latter respect.

6. With reference to what was said in Lord Cross's Despatch no. 54 of 8th May 1890, as to the inapplicability of the provisions of the Naturalization Act of 1870 to the subjects of Indian Feudatory States, I have recently thought it

desirable to submit the questions involved for the opinion of the Law Officers of the Crown whose opinion had not previously been obtained. In their report they confirm the view that subjects of Native States are not natural-born subjects of His Majesty within the meaning of Section 32 of the Government of India Act of 1858, but they are of opinion that a subject of a Native State is entitled to obtain a certificate under the British Naturalization Act of 1870 which would qualify him for competition in this country for the Civil Service of India. They add that as the Act in question applies only to the United Kingdom such a certificate would not alter the status in India of its recipient.

7. I request that Your Excellency in Council will reconsider the matter in this new phase and inform me whether you think that to accept and take action upon the opinion of the Law Officers would afford a safe, desirable, and sufficient solution of the question. Your Excellency in Council will, no doubt, bear in mind that it is the desire of the Home Office at an early opportunity to initiate legislation with a view to making the privileges given by naturalization in the United Kingdom effective not only in the United Kingdom but throughout the Empire.

I have the honour to be,

MY LORD,

Your Lordship's most obedient humble Servants,

MORLEY OF BLACKBURN.

NO. 101.

GOVERNMENT OF INDIA.

FOREIGN DEPARTMENT.

GENERAL.

TO

THE RIGHT HON'BLE VISCOUNT MORLEY OF BLACKBURN, O.M.,
His Majesty's Secretary of State for India.

Simla, the 21st July, 1910.

MY LORD,

We have the honour to reply to Your Lordship's Public Despatch No. 146, dated the 12th November 1909, regarding the admission of subjects of Native States to the Indian Civil Service and to civil offices ordinarily reserved for that service and for the Indian Medical Service.

2. You state that the Law Officers of the Crown confirm the view that subjects of Native States are not natural-born subjects of His Majesty within the meaning of section 32 of the Government of India Act of 1858, but they are of opinion that a subject of a Native State is entitled to obtain a certificate under the British Naturalization Act of 1870 which would qualify him for competition in England for the Civil Service of India; and they add that as the Act in question applies only to the United Kingdom, such a certificate would not alter the status in India of its recipient. You accordingly enquire whether, in our view, to accept and take action upon the opinion of the Law Officers would afford a safe, desirable and sufficient solution of the question.

3. We are of opinion that the solution suggested is open to objection on two grounds. In the first place, it would involve acting upon the view that a subject of a Native State is an alien and not a subject of His Majesty, a view to which, though doubtless correct in point of law, we should on political grounds be reluctant to give expression in actual practice. Secondly, we observe that in order to obtain naturalization in England, a Native State subject must have resided in the United Kingdom or have been in the service of the Crown for a period of at least five years. This condition would, we think, neutralize to a large extent the advantage which the procedure suggested in Your Lordship's despatch is designed to secure.

4. In the circumstances, we venture to commend again to the favourable consideration of His Majesty's Government the adoption of one of the three courses suggested in our Foreign Department Despatch No. 34 (Internal), dated the 13th February 1908, namely, either:—

- (1) to alter the law governing admission to the Indian Civil Service and the Indian Medical Service so as to make "Natives of India" as well as natural-born British subjects eligible for admission, or
- (2) to provide in the Naturalization Bill now under consideration that Native State subjects shall have the rights and status of natural-born Indian subjects of His Majesty beyond the limits of their States of origin, or

- (3) to empower the Governor-General in Council in the same Bill, to issue certificates which would have the effect of conferring on Native State subjects the rights and status in question without affecting their primary allegiance to their States of origin.

The adoption of either of the last two courses would have the additional advantage of legalizing the grant to subjects of Native States of regular commissions in the Indian Army—a step which we have recently recommended to Your Lordship in our Foreign Department Despatch No. 81 (Secret-Internal), dated the 16th June 1910. We would suggest that, in deciding what form the proposed legislation should take, this consideration should be borne in mind.

We have the honour to be,

MY LORD,

Your Lordship's most obedient, humble servants,

(Signed) MINTO.

" O'M. CREAGH.

" GUY FLEETWOOD WILSON.

" S. P. SINHA.

" J. L. JENKINS.

" R. W. CARLYLE.

" B. ROBERTSON.

No. 1.

GOVERNMENT OF INDIA.

FOREIGN DEPARTMENT.

GENERAL.

To

THE MOST HONOURABLE THE MARQUIS OF CREWE, K.G.,

His Majesty's Secretary of State for India.

Coronation Durbar, the 30th November 1911.

MY LORD MARQUIS,

We have the honour to acknowledge the receipt of Your Lordship's telegram, dated the 6th September 1911, in which you ask for a full statement of our views in regard to the draft of a Bill to consolidate and amend the enactments relating to British Nationality and the Status of Aliens with special reference to the points raised in the note by Your Lordship's Legal Adviser, dated the 18th July 1911.

2. As Your Lordship is already aware, the object which the Government of India have had in view throughout this correspondence is to provide legislative machinery whereby subjects of the Native States in India may be enabled, while retaining their primary allegiance to their States of origin, to obtain the status and privileges of British subjects in British India and the United Kingdom and so become eligible for admission to certain services in India, admission to which is, under the existing law, confined to British subjects.

On an examination of the new draft Bill to which Your Lordship refers, we find that it does not in any way fulfil this object. It is true that, under clause 7 (1) of the draft Bill, the Governor-General in Council is given the same power to grant a certificate of naturalisation as the Secretary of State is to have under the Act, but this power cannot be exercised unless the applicant for naturalisation fulfils the conditions specified in clause 2 (a), *i.e.*, unless he has either resided in His Majesty's Dominions or been in the service of the Crown for a period of not less than 5 years. Clause 2 (2) moreover lays down that one out of the five years' obligatory residence must have been spent in Great Britain. As was pointed out in the despatch of Lord Minto's Government, No. 101 (General), dated the 21st July 1910, this condition would prevent full advantage being taken by Native State subjects of the privilege which it is our object to secure for them.

In the circumstances, it would seem that an additional clause is needed in the Bill on the lines suggested by Your Lordship's Legal Adviser in his note, dated the 18th July 1911. But this additional clause, if it is to secure the object in view, should refer not merely to the Indian Civil Service but also to all other services under the Government of India, and should provide that a certificate of naturalisation granted by the Governor-General in Council should have effect for the limited purposes required both in India and in the United Kingdom.

We shall be glad if Your Lordship can secure the introduction of a clause to this effect in the draft Bill. If this is impossible, we would again ask that special legislation for the purpose may be undertaken.

3. We agree with Your Lordship's Legal Adviser that clause 28 (1) (a) of the Bill as originally drafted is preferable to the proposed clause (1) (a) of the new Bill. The word "allegiance" as used in the latter clause is likely to prove embarrassing. For although the term is not applicable in its strictly legal sense with reference to the Rulers or subjects of the Native States in India, it is nevertheless frequently used in a wider sense than the technical one accorded it in English Law, and we should be loth to subscribe to the view that the subjects of Native States owe no "allegiance" of any kind to His Majesty the King-Emperor. We, therefore, think that it would be unfortunate if the word were retained as it stands, as the actual interpretation of this clause might come before the Courts of Law and furnish scope for much controversy and confusion of ideas.

We have the honour to be,

MY LORD MARQUIS,

Your Lordship's most obedient, humble Servants,

HARDINGE OF PENSHURST.

O'M. CREAGH.

J. L. JENKINS.

R. W. CARLYLE.

S. H. BUTLER.

SAIYID ALI IMAM.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

JUDICIAL.

To

THE MOST HONOURABLE THE MARQUIS OF CREWE, K.G.,

His Majesty's Secretary of State for India.

Simla, the 8th August 1912.

[1200]

MY LORD MARQUIS,

IN continuation of our telegram dated the 28th June we have the honour to submit our views regarding the clause on the subject of naturalization to be inserted in the Omnibus Bill which Your Lordship proposes to introduce into Parliament. In accordance with Your Lordship's telegram dated the 7th May 1912 such a clause would run as follows :—

"Persons who under any law, statute or ordinance made by the Governor General in Council in India are entitled to enjoy within British India the privileges of naturalization shall be qualified to become candidates for and to be appointed to any office in the service of the Crown in India in like manner as natural-born British subjects, anything in section thirty-two of the Government of India Act, 1858, or in any other Act to the contrary notwithstanding."

Foreign Department, General despatch no. 1, dated the 30th November 1911.
Home Department, Public despatch no. 23, dated the 9th November 1911.

2. Our despatches noted on the margin will indicate that the objects which we have in view in this connection are as follows :—

- (1) to render the subjects of Native States eligible for admission into all branches of the service of the Crown in British India from which they are at present debarred, and
- (2) to remove any doubts which may exist as to the eligibility of Rulers and subjects of Native States to sit upon Legislative Councils in British India.

We understand from Your Lordship's telegram dated the 3rd April 1912 that the draft clause is designed to make provision in accordance with this intention, but there are certain features in the proposal, which, in our opinion, are open to objection, and we would greatly prefer to attain the end in view by other methods. We gather that, under the clause as it stands, the privileges in question will be secured to such persons only as, under section 8 of the Indian Naturalization Act, 1852 (XXX of 1852), have received certificates of naturalization and subscribed the necessary oath of allegiance, but in the despatch of Lord Minto's Government, no. 101, dated the 21st July 1910, reference was made to the undesirability, on political grounds, of emphasizing the fact that subjects of Native States are aliens. Again, the clause goes beyond our purpose in rendering foreigners (such as French Indian or Portuguese Indian subjects, Russians, Turks, Armenians, etc.) who have become naturalized under the Act of 1852, eligible for the privileges mentioned, equally with the subjects of Native States, and thirdly, by requiring naturalization in British India as a condition precedent to eligibility for Government service, it infers a transfer of allegiance to the Government of India. The effect of such a transfer upon the allegiance of such a subject to his State of origin doubtless turns largely upon the Municipal law of the State concerned (which in the case of Native States is presumably exceedingly obscure.)

but we deprecate any provision which might have the effect of casting doubts on the position of such persons in respect of the divided allegiance which might thereby result. In our opinion the clause, as drafted, would render the subjects of Native States eligible for military commissions, in the Indian Medical Service or in the Native Indian Land Forces or in His Majesty's Native Indian Forces, and we presume that this result, to which we do not object, was intended by Your Lordship.

3. In our opinion, these difficulties could be avoided if any change effected is designed solely to make the subjects of Native States eligible for Government service in British India without seeking to convert them into naturalized subjects of His Majesty. Such a solution deals directly with the existing disabilities, which it is intended to remove, and does not import any question of the status of such persons for purposes other than those in question. In the despatch of Lord Minto's Government already referred to, three possible means of securing this result were indicated, and to these we desire to revert. We are not aware of the reasons which have been held to render inexpedient action upon these lines, and in view of the subsequent discussions of the matter we are disposed to think that the third course mentioned, namely, to empower the Governor General in Council to issue certificates which would have the effect of conferring on Native States subjects the rights and status of naturalized Indian subjects beyond the limits of their States of origin, without affecting their primary allegiance to such States, would probably be the simplest course to adopt.

4. As regards the eligibility of Rulers and subjects of Native States for membership of our Legislative Council, we solicit a reference to our Public despatch no. 23, dated the 9th November 1911, and suggest that if there is any doubt as to the correctness of the views there expressed provision may be made in the Omnibus Bill to the effect that Rulers and subjects of Native States are eligible for appointment to Legislative Councils in British India by nomination but not by election. In addition to the criticisms of the suitability for this purpose of the clause as drafted it may be mentioned that naturalization in India requires a declaration under section 2 of the Act of 1852, of settlement or intention to settle in British India. A Councillor who was a Ruler of a Native State cannot, in the nature of things, make such a declaration, while even in the case of a subject of a Native State it might not be convenient for him to do so.

We have the honour to be,

MY LORD MARQUIS,

Your Lordship's most obedient, humble Servants,

HARDINGE OF PENSHURST.

O'M. CREAGH.

R. W. CARLYLE.

HARCOURT BUTLER.

S. A. IMAM.

W. H. CLARK.