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Government of Madras.

Financial DEPARTMENT.

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No. 681 of 1868.

FINANCIAL DEPARTMENT.

Bombay Castle, 25th May 1868.

From the Honorable M. J. SHAW STEWART,
Acting Chief Secretary to the Government of Bombay,

To E. H. LUSHINGTON, Esq.,
Secretary to the Government of India,
Financial Department.

SIR,—I am directed to reply to the Resolution of Government of India, Financial Department, No. 2198, of 14th April last, by which the opinion of the Government of Bombay is requested on the propositions of the Furlough Committee, and on the review of them by the Secretary of State.

2. It is observed that the Secretary of State has sanctioned the proposed Rules (as modified by the Government of India) on certain conditions.

3. Before discussing the Rules themselves, His Excellency in Council desires prominently to draw attention to two of these conditions. In paragraph 7 of the Despatch of the Secretary of State it is proposed to cancel the present Rule which allows accumulation of privilege leave for three months, substituting privilege leave for six weeks in a year without power of accumulation or re-accumulation to two months. In paragraph 14 it is proposed to withdraw the privilege of counting as residence in India one year of absence on medical certificate.

4. His Excellency in Council regrets that the Secretary of State has seen reason to suggest conditions which must be most distasteful to the Service, and which will greatly detract from the popularity of the new Rules. Indeed, if these conditions be enforced, he is confident that the new Rules will be received even with disfavour.

5. The accumulation of privilege leave for three months does not in itself seem a great matter, but it is one of the most cherished privileges of the Service. Persons in England cannot judge of the value of the privilege. It is easy for an English official to take a house at the sea-side for six weeks, or to get through a continental trip in two months. But in India the same facilities are not enjoyed, and though railroads have already made a great difference, yet there are many stations which are, and for years will remain, remote from railways. Besides, a period of three months' leave gives opportunity for a trip to the China seas, or for a tour through India, for which a shorter period will not suffice, and there are many other ways in which the accumulation of leave for three months can be utilized. It may be felt by some Officers to be a pleasant relief from work to take a month's leave remaining at the same station free from official cares. But there are many others who cannot find relaxation from their work unless they go away to a distance from it. This is not the least zealous or efficient class, and it is precisely to them that the longer period of privilege leave is the greatest privilege.

6. His Excellency in Council would, therefore, express a very earnest hope that no alteration will be made in the old Rule. It is not a new concession that is asked for, but simply to leave matters as they are in this respect.

7. In the matter of the withdrawal of the right already enjoyed of counting as residence one year's absence on medical certificate, His Excellency in Council does not understand the arguments on which the change is based. The Rules of the Civil Service Annuity Fund can very readily be altered if required, but it is not easy to see wherein can be the difficulty when, as a matter of fact for some time past, the period of actual residence has been twenty-one years. There are few who do not in the whole course of service take one year's leave on medical certificate, and there are few, therefore, who do not complete their twenty-two years' residence constructively by aid of this relaxation of rule.

8. The alteration which naturally follows the abrogation of the distinction between leave on medical certificate and ordinary leave, is to permit furlough of all kinds to count as residence for one year, as hitherto furlough on medical certificate has counted. The Committee proposed this, and the proposal seems reasonable. The concession is not of much importance to Government, for, as above noticed, nearly every one now is compelled to take the year's leave on medical certificate allowed under the existing Rules. On the other hand, to withdraw the privilege hitherto enjoyed will be felt as a hardship, quite inconsistent with the general liberality of the proposed new Rules.

9. His Excellency in Council hopes, therefore, that the Government of India will urge very strongly on the Secretary of State a reconsideration of the decision in his 14th paragraph.

10. Before entering on the details of the Rules, His Excellency in Council would take leave to question the view of the Government of India that there is a public benefit in acting appointments. It is true that occasionally Government is able thereby to remove a man who on trial is not found qualified for his post. But it is also easy to transfer to some other place any one who has a permanent appointment for which he is proved on trial not to be qualified, and even if an occasional convenience be admitted from the facility with which an acting Officer can be moved, it is an undoubted fact that a man in temporary command of an appointment does not feel the same interest in his work, and does not venture to improve and reform in the same manner as one whose tenure of office is permanent, and therefore the interests of the country suffer severely by the multiplication of acting appointments for long periods. This evil will be mitigated by the adoption of the proposal of the Committee that an absentee shall maintain his claim to an office of equal emolument, but not to the same office. This provision is essential to the proper working of the new Rules, and as all authorities are agreed it will of course be adopted. But still there will be more acting appointments than are desirable.

11. Turning now to the proposed Rules, His Excellency in Council desires cordially to endorse all that has been said on the propriety of conceding the same amount of leave, carrying retention of appointment and time for pension to those who do and those who do not require a medical certificate. But it is necessary to be careful not to carry the principle of retaining appointments too far.

12. If promotion be too much retarded, the spirit of junior Officers will be broken; they will lose all interest in their work, and the public will suffer. The Government may secure the good-will of men whose service is near its end, but certainly will not obtain energetic and hearty service from the great majority who are debarred till late in life from obtaining the higher and better paid offices. Moreover, the excessive retention of appointments by absentees would so lower the emoluments of those performing the duties of their appointments as to lead to a deterioration in the work, as well as in the character and tone of the service.

13. The Committee, beyond all doubt, carried the principle of retaining appointments too far when they suggested that a Civilian should retain office for three years at a time. This term has been reduced to two years by the Governor

General in Council, and the decision has been confirmed by Her Majesty's Secretary of State. His Excellency in Council desires to add his full concurrence. Indeed, he is only doubtful whether, considering that the Civil Service have a vested right to certain appointments to the exclusion of others, eighteen months would not be better as a limit for the retention of office at any one time. It is not understood why the Committee recommended a less tenure for Military men in Civil or Staff employ, who require this protection so much more than Civilians do. A limit of two years would certainly not be too long for them, but it is full long for Civilians.

14. Admitting, however, the limit of two years, to which both the Secretary of State and the Government of India have agreed, as the time during which an appointment can under any circumstances be continuously retained, His Excellency in Council would urge that a further restriction is necessary as to the total length of time during which appointments can be retained in a whole service. The effect of sanctioning six years of leave with retention of appointment and on half salary has not been sufficiently considered. It will tend to retard retirements without any corresponding benefit to the state; for, supposing a service of twenty-five years to have been completed, every one will, as a matter of course, take two years further leave, so as to reap the advantages of the large furlough allowances which, according to the Rules as now proposed, will be even larger than the pension, and to obtain the additional benefit of having to pay up a smaller sum as the value of his annuity inasmuch as he retires two years later in life. The promotion of the whole service will be delayed for two years, and those who have no intention of returning to duty will be needlessly retained on the effective List. His Excellency in Council would submit that no amendment of the draft Rules is more urgently required than that the limit of leave with retention of appointment should be restricted to four years in the whole service of twenty-five or more years.

15. Even, however, with this restriction, appointments will be held by Acting Officers more often than is desirable either for the public interests or for promotion in the service. To obviate ill effects as far as possible, His Excellency in Council would strongly urge that the rate of acting allowances should be increased beyond what has been recommended by the Committee. At present acting allowances are fixed at

20 per cent. on salaries up to 2,000 Rs.,

and

10 per cent. on the portion of salaries above that sum.

The Committee have proposed to raise these rates to 30 and 20 per cent. respectively, but this Government would urge that they should be still further raised to 40 and 20 per cent. respectively. By this scale it is calculated that all Officers acting in junior appointments will secure full pay, while those who act for Collectors or Judges will receive a more suitable portion of the allowance to enable them to maintain their position. The higher appointments will not be affected, for even with 30 per cent. acting allowances, the full pay will ordinarily be reached; but it is especially Acting Collectorships or Judgeships that should be considered, on account of the number of this class of appointments. If, however, the higher rate of acting allowance be held to be objectionable on account of the prospect of a future necessity for its extension beyond the Civil Service, then it might be considered whether it would not be better to allow an uniform rate of 30 per cent., which would benefit chiefly an Officer

* e. g.—Under Secretary onRs. 1,250 on low pay, acting for one on much
Acting for Secretary on ... " 3,000 higher salary,* and sanction a special
deputation of three hundred Rupees a

month, in addition to ordinary acting allowances to all Officers acting for Collectors and Judges, subject, of course, to the usual limitation that in no case shall any one draw more than the full pay of an appointment in which he is acting.

16. The Rule being clear that under no circumstances can a Civilian be absent for more than two years with retention of appointment, His Excellency in Council would yet permit him to take leave, if due to him, for as long as three years at a time. He thinks also that there should be a limit in the other direction, and he would not allow a furlough to be taken for less than six months.

17. With regard to the periods qualifying for furlough, His Excellency in Council would recommend that the Committee's proposal be revised. He thinks that the present rule allowing one year's furlough after seven years' service has worked well. Not only would it be unfair now to put the juniors on a worse footing when others are being so greatly benefited, but, looking at the matter on its own merits, the grant of a year's furlough after seven years of service seems to be in itself reasonable. The period of three years required by the Committee between furloughs seems unnecessarily long. His Excellency in Council doubts if it be requisite to fix any limit, but if a limit must be fixed two years would be ample, and he would suggest the following scale. A Civilian should be entitled

After seven years of residence, to one years' furlough.

After nine years of residence, to three years' furlough.

After eleven years of residence, to four years' furlough.

(of which only three can be taken at once, and only two with retention of appointment.)

18. It is not to be supposed that every one will take his furlough precisely at the time it is due. But the extent of leave being decided on the greatest possible facility ought to be given to every one to avail himself of it in the manner most convenient to himself. It can be of no possible moment to the public service whether a year's furlough is taken two years or three years after the expiration of the last leave.

19. There is one other point in the proposed Rules for furlough which, in the opinion of His Excellency in Council, calls for reconsideration, namely, the maximum and minimum amount of furlough allowances.

20. The maximum has been fixed at £ 1,200. The former limit of £ 1,000 a year was certainly not illiberal, but if it be held to be insufficient, the boon conferred on the Service has been dearly purchased in the injury done to juniors by reducing their minimum furlough allowance from £ 500 to £ 300. In consideration of the great disappointment of all juniors at this reduction, it seems absolutely necessary to revert to the former minimum of £ 500, and if, at the same time, the increase in acting allowances above suggested be acceded to, there will be no objection to reduce the maximum to its former amount, £ 1,000.

21. At the same time a minimum of £250 may be laid down for furloughs on medical certificate, or special leave taken before the completion of the first seven years of service. Until a title has been acquired to leave, it will not be inequitable that the allowance of half salary should be subject to a lower minimum. And it will certainly be for the advantage of Government to prevent those who have no intention of returning to duty from taking furlough at the end of their service tempted by a furlough allowance greater than, or equal to, the amount of pension. It may, therefore, be ruled that for all furlough beyond the period of four years, only £ 500 a year will be admissible. It is only in cases of continued illness that leave beyond a total amount of four years in a service of twenty-five years should be available. Provision is made for two additional years of this class of leave, but no encouragement should be given to Officers to avail themselves of it. A compassionate allowance of £ 500 seems sufficient, bearing in mind the principle of the revised rules, and further that we have to guard against the abuse of this extended leave by those who will be disposed to avail themselves of it with an object quite foreign to its original purpose.

22. In this place His Excellency in Council would offer some suggestions on the points referred to in paragraph 16 of the Despatch from Her Majesty's Secretary of State.

23. Provision has to be made for the grant of furlough to—

1.—Officers holding an acting and substantive appointment.

2.—Officers holding an acting appointment only.

3.—Officers without appointment.

It would be inconsistent to allow the half salary of furlough to be reckoned on acting allowances, seeing that an acting appointment cannot be retained during furlough, and the proper mode of providing for the furlough allowances of acting Officers is to fix a liberal furlough allowance for those who have either no substantive appointment or no appointment at all. It may be suggested that £ 500 a year up to 12 years, and £ 1000 a year for those who have more than 12 years' service, would be a fair furlough allowance. This would provide for all under classes 2 and 3 above. Those on the first class would resign their substantive appointment before proceeding on furlough, if, owing to slow promotion, they found themselves worse off by taking furlough on half salary than by receipt of the fixed furlough allowance.

24. As regards privilege leave in the case of an Officer holding only an acting appointment, it seems a natural result of the multiplication of acting appointments to rule that privilege leave shall not affect a claim to retention of an acting appointment when a large proportion of the service will be "acting." It will be tantamount to a denial of privilege leave to a great majority if the officiator is by taking it to vacate his appointment. Even at present privilege leave often remains in abeyance because an acting Officer cannot afford to give up the appointment to which he is acting, and the inconvenience will be greatly magnified when the number of acting appointments is largely increased.

25. It will, at the same time, be right to introduce the practice of appointing Officers at Home on furlough to suitable vacancies occurring during their absence.

26. These rules, it seems to His Excellency in Council, provide fully for all the cases referred to in paragraph 16 of the Despatch. On the subject of subsistence allowance, a representation has already been made to the Government of India.

27. Before dismissing the subject of leave on furlough, His Excellency in Council would call attention to No. XIX. of the Draft Rules, which provides that "furloughs not under Medical Certificate will be granted only to the extent of 10 per cent. of the total number on the List of each Presidency."

28. Now the proposed rules will entitle an Officer to take one year's leave in five of service, in other words to take as leave 20 per cent. of his service; and if a rule be added that 10 per cent. only of the number of servants can take leave at the same time, it seems obvious that an arithmetical impossibility will be created. It is true that allowance may be made for Officers who do not care to take all their furlough, or who die with furlough untaken, or who take medical certificate when furlough is not due to them; but all this together would go but a little way to fill up the difference between 20 and 10 per cent. Either, then, the boon given with one hand will be nearly half taken away by the other, or, which is more probable, Officers will claim the leave which is due to them through medical certificate, and so perpetuate the objectionable practice which the rules are designed to prevent.

29. The rule also will operate very unfairly. It provides that when there are more applications than available furloughs, the furloughs will be granted

according to the seniority of the applicants. Now it is likely that seniors will take all the furlough that is due to them. If they have not taken it during their service, they will take it at the end of their service. Taking then the case of the fourteen furloughs available for the 140 members of the Bombay Civil Service, 8 will be taken by the first 40, and 6 only will be available for the last hundred; or, again, all 14 will be taken by the senior half of the service, and the junior half will obtain no furlough, except on medical certificate. This seems very unjust, since a junior is as much entitled to furlough as a senior, in consideration of a given amount of service.

30. At present 10 per cent. of the service may take furlough at one time, and there is no restriction to the number who may be also absent on medical certificate. In proposing that 10 per cent. should continue under the new rules to be the proportion of the service able to take furlough at one time, it seems to have been overlooked that many will in future take furlough who, under the present system, would have taken sick leave. Obviously, therefore, the percentage should be proportionably increased, but His Excellency in Council would deprecate any rigid rule on the subject. He would lay down broadly that Government is at liberty to defer the grant of a furlough, except in cases of illness, whenever the services of an Officer are urgently required in India; and he is convinced that this check will in this Presidency prove sufficient. Should the operation of the Leave Rules lead to a demand for an increase to what may be called the reserve of junior Officers in order to enable the full number to take their leave, it will then be time to reconsider the Rules. But even then, though it might be right to alter the proportion of leave to service, it could not be right to introduce one rule to stultify another.

31. His Excellency in Council would now offer a few remarks on the subjects of Special Leave and Privilege Leave.

32. With regard to special leave, His Excellency in Council concurs in the propriety of the condition attached to it by the Secretary of State, namely, that the pay should be no more than that allowed on furlough. It is unreasonable that the pay should be greater when a special indulgence is granted than when a title to leave has been duly acquired. When an emergency arises for leave to be taken by a Civil Servant who has not earned a title to furlough by the necessary residence, nor obtained a medical certificate, then arises the necessity for special leave. As the speciality of the leave will be forgotten if it be constantly taken, the restrictions proposed by the Committee, and adopted by the Government of India, may well be adopted, namely, that the special leave can be taken once only with pay during a service, and with or without pay once only in six years. Whether the appointment should be retained during the leave, and the time count as residence, should depend on the fact of the four years allowed in the whole service having been completed or not.

33. With regard to privilege leave, I have already stated in paragraph 5 that His Excellency in Council attaches great importance to the existing privilege of accumulating up to three months being preserved to the service unimpaired, and in paragraph 24 he has proposed that privilege leave with retention of appointment should be allowed to Officers holding acting appointments. In this place it remains only to discuss the propriety of allowing privilege leave to be joined to furlough or special leave. The Committee proposed that privilege leave should be susceptible of being joined with special leave, but not with furlough. To His Excellency in Council there appears no intelligible reason for combining privilege leave with special leave, if it cannot be combined with ordinary furlough for the same period. But the Secretary of State would appear to have disallowed the combination with either description of leave, and it is on this point that His Excellency in Council would offer a few remarks.

34. The force of the objections stated in paragraph 9 of the Secretary of State's Despatch to allowing the combination proposed by the Committee must be

admitted. Privilege leave being intended to afford the opportunity of occasional change and relaxation, it is obvious that permission to combine three months accumulated leave with other leave would induce Officers to reserve their leave for that purpose, and so defeat the object for which the privilege leave was designed. His Excellency in Council would, therefore, join in negating the proposal that three months' privilege leave should be joined with special or any other leave.

35. But the question arises whether the objection alluded to applies to the combination of one month only of privilege leave with furlough or special leave. When a Civil Servant desires to take his furlough he would probably be entitled to at least one month's privilege leave in consideration of his last year of service. If he does not wish to sacrifice this month's leave, he will take it, return to his duty for some short time, and then leave again on his furlough. It would be better for the interests of his office that he should join the two leaves together and leave once for both. And while this would cost Government nothing it would be an immense boon to the Officer taking furlough, by helping him to meet the heavy expenses of his journey to England, which often consume a large portion of the furlough allowances.

36. It seems obvious again that the permission to join a single month of privilege leave to other leave, instead of encouraging men to reserve their privilege leave for this combination, would have a contrary effect. While it would facilitate their going home in the proper way on furlough, it would induce them to take their privilege leave in this country according to its design. His Excellency in Council is convinced that the concession of this boon, which will cost the State nothing, would be most thankfully received by all classes, juniors and seniors.

37. In conclusion, I am directed by His Excellency in Council to submit a memorial signed by Mr. Watt and other junior members of the Service, and also a memorandum by Mr. Willie, Under Secretary to Government, showing the way in which the proposed Rules will operate to the detriment of juniors.

38. Observations regarding the Military Leave Rules will follow shortly.

I have the honor to be,

Sir,

Your most obedient Servant,

M. J. SHAW STEWART,
Acting Chief Secretary to Government.

To the CHIEF SECRETARY to the GOVERNMENT of BOMBAY.

SIR,—We, the undersigned, Junior Members of the Bombay Covenanted Civil Service, have the honor to request that you will forward to the Government of India the following memorial.

1. We understand that the proposed New Furlough Rules are at present under the consideration of the Supreme Government, and we beg respectfully to represent that we believe that if that provision in them be sanctioned by which furlough can be taken with retention of appointment for six years on allowances varying from 300£ to 1,200£ a year, our interests will materially suffer.

2. We believe, that the immediate effect of the passing of this rule will be that most of the Senior Members of the Service, who can do so, will take furlough, and that, in consequence, promotion to permanent appointments will virtually cease, as such can only occur in the event of death or retirement, and that any such which may occur immediately will be given to Officers now without permanent appointments, and to those at present at Home on furlough under the old rules who will shortly come out. We also believe that several of the more senior men in the Service who would under the old rules have taken their pension when their period of service had expired will now avail themselves of the new rules, and, if able, will go Home on 1,200 £, for two years, retain their appointments, and thus stop promotion; for by doing so there will be a clear gain to them of at least 200 £ a year, as our pension cannot exceed 1,000 £ a year.

3. We beg to give instances to show how great a hardship will result to us, and we quote two cases from the two great divisions of our Service, viz., the Revenue and Judicial Departments, at the same time stating that they are not extreme nor isolated cases.

A is a Second Assistant Collector of six years' service, acting now in the higher grade of First Assistant Collector. His substantive pay, exclusive of allowances, as Second Assistant Collector is 660 £ a year. By the new rules, as his promotion permanently to a higher grade will be stopped, **A** almost certainly after eight, and probably after ten, years' service will have to go home, if he wishes to take furlough on 330 £ a year, whereas under the present or old rules he would be able to go home for one year on 500 £ a year, after seven years' service, and on the same allowance for three years after ten years' service. **A**, we think, is clearly in a worse position than before.

B is a Junior Assistant Judge, whose substantive pay is 840 £ a year. He probably will not get a permanent appointment to a higher grade for three or four years, for, even under the present Rules, when Furlough vacates appointments, experience shows that eight, nine and ten years' service is necessary to get the confirmed appointment of Senior Assistant Judge. **B** will therefore, like **A**, either have to wait for his furlough for some time after he has completed eight years' service, or else take it on 420 £ a year, whereas under the old Rules he could go Home on the allowance mentioned above.

4. We beg, therefore, most respectfully to solicit that these facts being taken into consideration, the provision of retention of appointment for six years of furlough may be reconsidered and modified. If this request cannot be entertained, we would respectfully beg that the acting allowances be

*W. H. Ford
Bombay*

increased from 20 to 40 per cent., and that the scale of allowances to Officers on furlough be revised and altered to one ranging from 500 £ a year as a minimum to 1,000 £ as a maximum.

Mahableshwur, 30th April 1868.

We have the honor to be,
Sir,
Your most obedient Servants,

A. WATT,
A. D. POLLEN,
G. W. VIDAL,
G. WADDINGTON,
W. H. CROWE,
E. J. EBDEN,
J. F. FLEET,
E. H. LITTLE,
R. W. HUNTER,
W. WEDDERBURN,
E. T. CANDY,
M. B. BAKER,
E. CORDEAUX,
J. F. MUIR,
F. BIRKBECK,
E. SHARKEY,
W. B. MULLOCK,
A. KEYSER,
J. NUGENT,
J. F. JOHNSTON,
A. D. CAREY,
J. JARDINE,
J. MACFARLAN.

Memorandum by Mr. F. R. S. Wyllie, Under Secretary to the Government of Bombay.

In submitting these papers, I cannot help remarking, as a Junior Civilian, that the revised scheme of Furlough Rules for the Civil Service, submitted to the Secretary of State, appears to have been drawn up solely for the benefit of the Seniors of the service at the expense of the Juniors.

While the former will derive unmixed advantage from all the proposed changes, the latter will be deprived of privileges to the enjoyment of which many of them are anxiously looking forward.

The main principle of the new Rules is the retention of appointment during furlough. The effect will be to retard promotion to substantive appointments, and in this the Juniors of the Service will be sufferers.

Again, the new scheme provides that furlough shall not be granted (except on medical certificate) under less than eight years' residence. The young Civilian will be, therefore, compelled to serve an additional year before he can obtain furlough, and on obtaining that furlough under the new rules he will draw reduced pay.

At present he gets a furlough allowance of £500. Under the new scheme he will be entitled to 50 per cent. of his allowances. But as few Civilians of eight years' standing hold substantive appointments of more than Rs. 800 per month, the great majority of them will draw less than £500 per annum furlough allowance.

The young Civilian compelled to go home by sickness after two or three years' residence in India will be a sufferer to a still greater degree. He will get pay at the rate of £300, instead of £500, per annum.

The proposed rule providing for the computation of furlough available under the new rules to those who have already taken furlough on sick leave, will press very hardly on some Members of the Service, as the Committee indeed admit.

Officers should certainly be allowed the option of remaining under the old Rules if they wish it. To take my own case under the present rules at the end of two years' residence in India, I shall be entitled to a furlough of one, two, or three years, with pay at £500 per annum. Under the new scheme, I should not be entitled to furlough until after I had completed nearly five and half years' residence, and then I should only be eligible for *five months'* leave, at a rate of pay probably less than £500 per annum.

27th April 1868.

F. R. S. W.

W. H. Good
No 267

N^o 684 of 1868

X 13

Financial Department

Bombay Castle 26th May 1868

To,

The Chief Secretary to the
Government of Madras.

Sir,

I am directed to forward for the
information of the Government of Madras
6 copies of the letter addressed by this Government
to the Government of India N^o 681 dated the
25th Instant, on the subject of the New Furlough
Rules.

I have the honor to be

Sir,

Your most obedient servant

A. Shawcross

Acting Chief Secretary to Govt

W. H. 684
no 264

W. H. 684: 6th June/68
No 264

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