(1) பக்கங்களின் எண்ணிக்கை 16

(2) புதுக்கித் திருப்பிய நாள் 3-90

(3) ஆதாரங்குறிப்பவர் சுருக்கொப்பம்

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

PW துறை

அரசாணை எண். மு. கோப்புத் தாள் எண்.	69	அச்சகம் பலவகை

நாள் : 14.1.1893 ~~198~~.

மடிக்கவோ கண்டபடி கையாளவோ கூடாது

ஆவண. கா-1—18,006—15-6-87.

1/69

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—the following paper :—

From C. J. LYALL, Esq., C.I.E., Secretary to the Government of India, Home Department—Public, to the Chief Secretary to the Government of Madras, dated Simla, the 27th May 1892, No. 1535.

In continuation of Resolution No. $\frac{9\text{-Public}}{1342—1352}$, dated the 21st April 1892, conveying the orders of the Governor-General in Council on the proposals of the Public Service Commission in regard to the constitution of the Provincial (Executive and Judicial) Services, and with reference to the correspondence ending with your Public letter No. 62, dated the 23rd January 1891, I am now directed to address you on certain points on which it was said in the resolution that a further communication would be made to local Governments and Administrations. I am to state that the conclusions arrived at by the Governor-General in Council on the several matters dealt with in this letter have been generally concurred in by the Secretary of State.

2. 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 Civilians in any one year after 1881 had to be made were ten, 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 Civilians 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.

3. With regard to the pay assigned to the superior appointments listed as open to the Provincial Service, I am to observe that 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 2, 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 appointment 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, *e.g.*, 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 has accordingly been considered necessary to specify in the resolution of the 21st April last 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.

4. In the letter of the Home Department, dated 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, now thrown open to the Provincial Service, should be amalgamated with the general body of Deputy 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 his Despatch No. 104, dated the 12th September 1889 (paragraph 19), 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 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 honorable 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 honorable prospect of high employment which the new system will hold out to all its members as the reward of merit and capacity.

For these reasons the Government of India have, as observed in paragraph 6 of the resolution of the 21st April 1892, determined to adhere to the decision communicated in the letter 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. This decision has now received the approval of the Secretary of State.

5. In the letter 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, in my letter No. 1543, dated the 8th August 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, Mr. P. Ramachandra Rao, has elected to enter the Provincial Service.

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 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.

* Paragraph 22 of Despatch of 12th September 1889.

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 2) be promoted *at any time*, if deemed thoroughly competent, to a listed post. If not deemed fit for promotion to the 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. 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 2 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 in paragraph 5 of the resolution of the 21st April 1892; if he does not join the Provincial Service, his salary will be, at 64 per cent., Rs. 106 or 48 a month less than that mentioned in the resolution according as he is a Magistrate and Collector of the 1st or 2nd grade.

The Governor-General in Council will be glad if the Madras Government 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.

6. In regard to the place at which the line should be drawn between the Provincial and Subordinate Services, the Governor-General in Council finds that 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 the prospect of regular promotion to higher employment. The chief difficulty is in regard to Tahsildars, 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. The Government of Madras considered that Tahsildars should be excluded from the Provincial Service, and if they still adhere to that view, the Government of India will accept it.

7. In the letter of the 14th February 1890, inquiry was made whether a Board of Examiners ought not to be constituted for the purpose of ensuring a uniform standard of qualification in candidates for the Public Service. The Madras Government state 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 replies received from local Governments and Administrations 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 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. The Madras Government should review their 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.

* Paragraph 82 of their report.

8. The only remaining subject mentioned in the letter 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. 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 there is not at present any evidence before the Governor-General in Council that the agency for conducting Sessions trials in Madras requires to be strengthened. It appears to the Government of India 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 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.

9. The last question upon which it is now necessary to address the Governor in Council is that of the rules to be laid down for regulating admission to the Provincial Service.

It is desirable to recapitulate here the conditions which the Government of India and the Secretary of State have determined must be satisfied by candidates for admission to the Provincial Service. They are the following:—

I—Every candidate for appointment by recruitment must furnish satisfactory evidence—

(*a*) that he is not over 25 years of age, except in the case of Barristers, Advocates, or Pleaders appointed to the Judicial branch otherwise than by competitive examination. In these excepted cases article 63 of the Civil Service Regulations fixes the maximum age at 30;

(*b*) that he has attained a prescribed preliminary standard of education, and especially of qualification in one of the vernacular languages of the province in which he is to be employed. The vernacular standard should be a high one, involving a thorough knowledge of the language and ability to write and read the written character with facility. In the case of Europeans and Eurasians, this requirement will have to be enforced by means of a special examination; in the case of Natives, evidence of it will be provided by the candidate having passed the University or School Standard examinations;

(*c*) that he is of sound health, good physique and active habits; and

(*d*) that he is of good character.

II—Every person appointed to the Provincial Service by recruitment shall be subject to a period of probation or training during which time his appointment will be probationary only, unless in special cases the local Government declares such probation or training to be unnecessary.

III—The subjects of Native Princes in alliance with her Majesty shall be eligible for appointment provided they are qualified in other respects.

IV—Recent residence of at least three years in the province should, as a general rule, be an essential condition of admission, and no Barrister, Advocate, or Pleader should be appointed as such unless he has been at least three years actually practising his profession in India and can speak the provincial vernacular.

V—Europeans who are not natives of India shall be eligible, if qualified by the above conditions, for appointment in the Madras Presidency with the sanction of the Secretary of State.

VI—No member of the Provincial Service shall be dismissed otherwise than on the result of a judicial or formal departmental inquiry. This condition is practically in accordance with the orders already in force, but it is desirable that it should be definitely laid down in the rules.

The Government of India also think it desirable that the rules should contain an announcement that the local Government reserves to itself the right to make promotion to the superior grades of the Provincial Service without regard to seniority and are of opinion that it might be ruled that seniority shall not give a claim to appointment to the grade on Rs. 500 a month and higher grades. Such an announcement would not in any way interfere with the discretion of the local Government to retard promotion in particular cases in grades below that on Rs. 500 a month, should it consider that the character of any individual's service has not been such as to justify his receiving promotion in the ordinary course according to his seniority.

10. The views of the Madras Government on the subject of the rules to regulate admission to the Provincial Service are contained in paragraphs 15 and 19 of your confidential letter No. 401 (Public), dated 4th June 1890. The opinion was expressed by the local Government that a definite plan can hardly be devised at present in the Madras Presidency in regard to either the Judicial or the Executive branch. In the former, Subordinate Judges are at present appointed by Government entirely by selection, but the appointment of District Munsifs under Act III of 1873 lies in the hands of the High Court, the qualifications required being regulated by rules made by the High Court subject to the approval of Government. The rules which appear to be in force for the appointment of Munsifs limit the choice to—

(1) Advocates, Vakils and Attorneys of the High Court, and persons qualified for admission as Advocates, Vakils and Attorneys of the High Court.
(2) persons who have obtained the Degree of B.L at one of the Universities of Madras, Calcutta, or Bombay; and,
(3) persons who have passed the First-grade Pleaders' Examination.

The system cannot be discontinued while the law remains as it is, and, in view of the fact that it has hitherto worked very satisfactorily, Lord Connemara's Government saw no necessity for making an alteration in it. They, however, suggested that it might be ruled that only Barristers, Advocates, High Court Vakils, and District Munsifs should be eligible for the post of Subordinate Judge, and as the law permits the local Government to select for the office of Subordinate Judge "such duly qualified person as it thinks proper," there is no legal impediment to the adoption of this suggestion.

In respect of the Executive branch, they were of opinion that it will not be possible, consistently with a due regard for the claims of the present Revenue service, to introduce, for some years to come, any uniform system of recruitment, and that it will hardly ever be possible to deny to members of the Subordinate Service, who have proved their merit in it, admission to the Provincial list as Deputy Collectors, or to organise a system of recruitment which would contemplate men beginning their service in the lowest grade of that list.

They therefore proposed that, for the bulk of appointments now classed as Deputy Collectorships, the recruitment should be carried out as hitherto mainly by selection, chiefly from the Subordinate Service, of persons who have passed the examinations now prescribed, and that it should be declared that this system will be continued for at least seven years. Meanwhile, they recommended that the extra recruitment to provide for the 15 reserved appointments, now to be thrown open to the Provincial Service, and corresponding to the recruitment for the Statutory Service which will be discontinued, should be arranged for by offering one Deputy Collector's appointment for competition in each of the next seven years, such appointment being added yearly to the present sanctioned scale of Deputy Collectorships. At the end of the seven years, two-thirds of the vacancies in the whole list might, they thought, be annually filled by similar competitions, the remaining third being reserved for appointment by selection from the Subordinate Service and from persons not in the service of Government of proved merit and ability. Arrangements of this nature would in their opinion ensure thoroughly efficient candidates being obtained, and at the same time satisfy the claims of the Subordinate Service, while they would also provide for the Provincial Service eventually becoming one recruited mainly from the best of the Native youth. In respect of the educational attainments to be required from candidates it was explained by the Madras Government that from 1890 only graduates would be allowed to appear for the special test prescribed for Deputy Collectors, and that the chances of others in the competitive examinations, which will be a species of honours examination by the B.A. course, would be very small.

11. So far as the Government of India are able to judge, the present system of making appointments to the Judicial Service in the Madras Presidency gives very satisfactory results, and they consider that the addition proposed by the Madras Government to the qualifications to be required of candidates for the post of Subordinate Judge might very suitably be made. The rules in force require to be made more definite in respect of conditions II, III, IV, V and VI, enumerated in paragraph 9 of this letter, and any new rules made regarding the selection of persons to be Subordinate Judges should embody these conditions.

In regard to the recommendation of the Madras Government for the future recruitment of the Executive branch of the Provincial Service, the Government of India, I am to say, agree to the proposal to retain for the present, as the most common way of recruitment, the system of promoting good officers from the Subordinate Service. They also accept the proposal to throw open one Deputy Collectorship a year for the present to selected candidates who will be subjected to a special competitive examination, and will be glad to receive from the Madras Government a draft of the rules which may be prepared to carry out this decision. They are, however, disposed to think that the period of seven years during which admissions under this system will be limited to one annually is rather long, and that it may be unwise to prevent the Government from taking full advantage of any marked extension of high education in the Madras Presidency which may take place at an earlier date. Perhaps the most convenient course will be to arrange for a more gradual transition from the initial one appointment annually to the full maximum of two-thirds of the vacancies.

The rules to be now prepared by the Madras Government for the Executive Branch of the service should provide for conditions II, III, IV, V and VI enumerated in paragraph 9 of this letter.

12. The Public Service Commission in paragraph 82 of their report recommended that the following further condition should be adopted in connection with recruitment for the Provincial Service, viz. :—

that the Government of India should retain power in very special cases to make direct appointments to offices in the higher grades of the Provincial Services, and that whenever the Government of India exercises this power in the case of Judicial officers, it should be confined to Barristers, Advocates, or Pleaders of the High and Chief Courts who have shown distinguished ability in the exercise of their profession for not less than ten years and have a thorough knowledge of the vernacular.

The Government of India do not propose to exercise this power except in very special circumstances such as are not likely to arise in connection with appointments to the Provincial Service in the Madras Presidency. Should such circumstances at any time require the direct appointment of a European in this manner, the selection would require the sanction of Her Majesty's Secretary of State.

13. I am to request that copies of the rules which the Government of Madras may now prepare to regulate admission to the Provincial Service and of the rules for admission to the Subordinate Executive Service may in due course be forwarded to the Government of India.

G.O., dated 6th August 1892, No. 1430, Judicial.

ABSTRACT.—Ruling that the Presidency Magistrates shall be included in the Provincial Service List, and requesting the Public Department to take the necessary action.

From E. GIBSON, Esq., President, Board of Examiners, to the Chief Secretary to Government, dated Madras, 16th September 1892, No. 679.

With reference to paragraph 2 of my letter of the 31st ultimo, No. 614, reporting result of the half-yearly examination of Assistants held on the 18th July 1892 and following days, I have the honour to report that Mr. R. Ramachandra Rao, Assistant Collector, doing duty under the Collector of Tanjore, was examined and found qualified in Division E. He heads the list of the Assistants who passed according to the Second or Higher Standard in July last. The increased allowance to which he is entitled may be passed to him from the 22nd July 1892—the date on which his examination in other subjects was concluded. Mr. Ramachandra Rao was prepared to pass his examination in Malayalam (Division E) on this date, but the Committee were, as already reported, unable to examine him.

From K. C. MANAVEDAN RAJAH, Esq., Sub-Collector of the Chingleput District, to the Chief Secretary to Government, dated Chingleput, 2nd October 1892, No. A.

I have the honour to acknowledge the receipt of G.O., dated 24th August 1892, No. 583, embodying Government of India Resolutions, in which I am asked whether I desire to reconsider my decision as to the retaining of my present position.

2. In reply I beg to state that that decision was arrived at after careful consideration, and that there was no obscurity in my mind as to the advantages and disadvantages now pointed out by the Government of India at length.

3. The Government will see that in my particular case I gain nothing by joining the Provincial Service except perhaps a small increase to my pay, the loss of which I do not consider a disadvantage. On the other hand, I still hold that I am a member of the Covenanted Civil Service, and as such entitled to all the privileges attached to it, including among others promotion by seniority.

4. For these reasons, I beg to state that I adhere to my former decision and decline to join the Provincial Service.

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5. The Government Order reached me only on the 22nd instant on my return from leave, and I was under the impression that I had a month from that date within which to submit my reply. Hence the delay.

From MUHAMMAD RAZA KHAN SAHIB, Bahadur, C.S., Head Assistant Collector and Magistrate, Cuddapah, to the Chief Secretary to Government, dated Camp, Musiri, 3rd October 1892.

I have the honour to acknowledge the receipt of G.O., dated 24th August 1892, No. 583, Public, wherein you recall on me to choose whether I shall stick to my present position or be transferred to what is called the *Provincial Service*. I see that I am now asked to reconsider my former decision under the orders of the Supreme Government upon the report of the Public Service Commission.

2. In the Government Order under reply, the *present position* of the so-termed Statutory Civilians has not been distinctly and clearly explained and defined. Should by the *present position* be understood the status of a Statutory Civilian, as laid down in Chapter XXVI, paragraph 627, clause 1 (*a*), page 159, of the Civil Service Regulations, and his fitness of promotion to higher appointments in the same wise as all other members of the Covenanted Civil Service, I must respectfully observe that it is needless to redesire me to make any selection. On the other hand, should my *present position* be according to a very new interpretation recently put somehow upon the Statute 33 Vic., Chapter 3, Section 6—an interpretation which, with all my deference, I am bound to remark has never been originally intended—then I most humbly urge my inability to make my choice redemanded of me, holding, as I do, that by so doing I deprive myself of those honorable rights and privileges conferred on me by the statute. Nay, until the statute of 1870 is cancelled, I regret my inability to reconsider my first refusal.

3. It seems that the said statute is now interpreted to signify that its provisions admit Statutory officers to specific posts only and not to membership in the Covenanted Civil Service. This new interpretation—which was never authoritatively told to us—ignores completely the hitherto recognized character and status of our service by giving retrospective effect to a recently created and purely departmental disability. The despatches of the Duke of Argyle and Lord Cranbrook are self-evident on the subject, and so also is the answer of the Government of India thereto explaining that the Civil Service, as used in the statute, meant the *Covenanted Civil Service* alone. The Statutory rules of 1879 clearly contemplate the appointment of natives of India to Covenanted Civil Service and not simply to specific listed posts.

4. The terms of my appointment as set forth in the *Gazette of India* of November 1882 established undoubtedly that my appointment was to the Covenanted Civil Service and to that alone.

5. From December 1882 up to 1888 or 1889, the official lists recognized me as a member of the Covenanted Civil Service, and my name was just below Mr. O. Horne, C.S., and above Messrs. Shipley and Miller, C.S.

6. I understand that no Crown Law officers were consulted in 1885 when Lord Cross ruled that our appointment was specific and not in an organized service and have not been till now consulted. They were, I believe, consulted about the meaning of *proved merit* and *ability*, and the new ruling of the Secretary of State destroys the wide and extensive interpretation of those terms put by those Law officers.

7. I crave pardon for answering the Government Order in question so elaborately. It is my bounden duty that I should inform His Excellency the Governor as to why I cannot comply with the requisition again asked of me. The statute under which I was appointed distinctly and definitely asserted my appointment to the Covenanted Civil Service alone and to all its rights and privileges. It is in such a position I am now and the statute under which I was taken stands unrepealed; I respectfully submit my inability to make the choice required of me.

8. If, however, the new meaning put upon the statute is considered correct and accurate, I submit that there have been mistakes by Government in its application to

the case of the Statutory members. They, therefore, humbly expect that those mistakes may be validated by an Act, which, even if passed, cannot be held to have a retrospective effect.

9. Lastly, it is with my profound deference and loyal submission that I solicit that the Right Honorable Lord Wenlock will be pleased to peruse with attention few enclosed credentials, which will convince his august and impartial Lordship that I, a Muhammadan of character and antecedents, have been doing justice to the Sirkar patronage wherever I have been sent by doing substantially good service. I have just come from Chingleput, where I was Acting Sub-Collector for 3 months; I was relieved on the 23rd ultimo, when Mr. Thomson in bidding me farewell said that he was very thankful to me for my excellent work and that he would be very glad to have me back in Chingleput. I cannot but submit that an honest and unbiassed critic must confess that I do far more substantial work than many of my co-Civilians, Natives and Europeans, wherever I am sent. Allow me to bring respectfully to your remembrance that in 1887 when I was Head Assistant Collector of Nellore, you, as Revenue Secretary, entrusted me, by wire to the Collector, the Ongole Sub-Division income-tax business in preference to its Sub-Collector, Mr. Mullaly.

10. The Government order under reply was received by me at Conjeeveram on the 7th September last when I was too busy with collection and other heavy works; hence the delay in submitting my answer.

Enclosures.

My dear Raza Khan,

. . . . I have no doubt that you will be Acting Sub-Collector almost immediately. It will be a consolation to you to know that you go with the respect and regard of your superior officer. That does not always happen.

Believe me, &c.,

(Signed) C. D. MACLEANE.

My dear Raza Khan,

. . . . I shall be very glad if you come back to Ongole to act and for many reasons I would rather have you there than any one else.

Yours, &c.,

(Signed) C. D. MACLEANE.

My dear Raza Khan,

. . . . How valuable I have found your services as Head Assistant Collector in this district. My best wishes for prosperity in whatever you may undertake.

Yours very sincerely,

(Signed) E. J. SEWELL.

My dear Raza Khan,

As I am leaving for England shortly and you are also leaving the district, I send you a line to thank you for the many good services and the great assistance you have been to me during the year or more you have been Head Assistant. I hope you will progress throughly in the future and that you will obtain what you desire.

Your action in introducing so successfully the well loans in your division I have specially brought to the notice of Government.

Yours, &c.,

(Signed) O. WOLFE MURRAY.

From C. RAMACHENDRA IYER, Esq., District Judge, Nellore, to the Chief Secretary to Government, dated 5th October 1892.

I have the honour to acknowledge the receipt of G.O., dated 4th August 1892, No. 583, Public.

I respectfully beg to submit that I choose to remain in my present position.

From C. RAMACHENDRA IYER, Esq., District Judge, Nellore, to the Chief Secretary to Government, dated Nellore, 29th November 1892.

With reference to my letter, dated 5th October 1892, in reply to G.O., No. 583, dated 24th August 1892, I have the honour to submit, for the information of Government, that upon a consideration of all the advantages pointed out in paragraph 5 of the letter, dated 27th May 1892, No. 1535, Public, recorded in the said Government Order, I have made up my mind to join the Provincial Service and enjoy all the privileges as a member of that service.

2. I request that the Government may be pleased to accept my request and intimate the same to the Accountant-General to calculate my pay as a member of the Provincial Service.

3. At the time I was asked to reply to the said Government Order, I was under the impression that I could not expect to be made either an acting or permanent 1st grade Judge until all the Indian Civilians who joined the service prior to my confirmation in June 1891 were made permanent Judges or Collectors, and that this would never occur before my retirement from service.

4. I respectfully beg to submit that I thought that the salary fixed for members of the Provincial Service would not be allowed to a Statutory Civil Servant retrospectively, though one holding the position of a District Judge expressed his desire to join that new service, until the Provincial Service was formally organized by the Government of India, and that my reply, dated 5th October last, was due to misapprehension on my part as to the date of operation of the resolution regarding the new Provincial Service.

5. Under these circumstances, I respectfully request that the Government may be pleased to consider my case and direct my emoluments to be calculated from the date of my confirmation as a member of the Provincial Service and not as a Statutory Civil Servant.

From P. RAJAGOPALACHARI, Esq., Acting Head Assistant Collector of Malabar, to the Chief Secretary to Government, dated Pálghat, 5th October 1892.

Adverting to G.O., dated 24th August 1892, No. 583, Public, asking Statutory Civilians whether they desire to re-consider their decisions as to retaining their present positions, I have the honour to state that I adhere to the election already made by me to continue a Statutory Civilian and I decline to join the Provincial Service.

2. With reference to paragraph 2 of the Government order under reply, laying down "that those Statutory Civilians who elect to remain as such can expect promotion to listed posts alone and to those only on the ground of special merit and not of mere seniority," I venture respectfully to invite a re-perusal of the extracts printed in the Government Order, from which it will be seen that the expression used throughout is only "merit and ability" and the word "special" is nowhere used by the Government of India.

3. In the letter from the Government of India, No. 1543, Public, dated 8th August 1890, it is stated that "the advancement of a Statutory Civilian who elects to remain in his present position will depend entirely on the merit and ability he may display. Should his merit and ability justify his advancement, his promotion will be effected by making a fresh special appointment under the statute," and the same statement is repeated in the illustration given by the Government of India in the next paragraph in regard to the advancement of C, D, and E Statutory Civilians. Again, in the letter of the Government of India, No. 1535, dated 27th May 1892, it is stated in paragraph 5 that a Statutory Civilian's "claims to advancement depend entirely on the merit and ability that he may display," and further on it is stated that his "claims to advancement will come under consideration after those of the Indian Civilians whose covenants bear date previous to his confirmation."

4. I submit that "merit and ability" is different from "special merit." As a Statutory Civilian I have never laid any claims to promotion solely on the ground of seniority and independent of my fitness. Rule 4 of the rules framed under the statute has already laid down that "any person admitted under these rules may, with the previous sanction of the Governor-General in Council, be declared by the Local Government to be disqualified for further employment in the said service," and it has always been open to the Government of India, not only to debar my promotion, but to remove me from the service if I was found unfit. But so long as I am in the Statutory Service I respectfully claim that I should be promoted if I display "merit and *ability*" and that I shall not be called upon to display "special merit" at each stage of my advancement.

5. I request leave to take this opportunity to invite the attention of Government to the fact that the orders of the Government of India that a Statutory Civilian's "claim to advancement will come under consideration after those of the last Indian Civilians whose covenants bear date previous to his *confirmation*" appear to be at variance with the practice hitherto followed in this Presidency where a Statutory Civilian's claims to promotion hitherto came under consideration after those of the competition men whose covenants bear date previous to his *nomination*. The effect of the order of the Government of India is to throw Statutory Civilians back two years in their career for no fault of their own. I solicit that if His Excellency in Council sees no objection, the Government of India may be addressed to modify the order to bring it into consonance with the procedure hitherto adopted.

From T. VARADA RAO, Esq., Statutory Civilian, to the Chief Secretary to Government, dated Calicut, 4th October 1892.

With reference to G.O., dated 24th August 1892, No. 583, I have the honour to state that I am not desirous of joining the Provincial Service.

From T. M. SWAMINADHA AIYAR, Esq., Acting Head Assistant Co llecto South Arcot, to the Chief Secretary to Government, dated Camp, Cuddalore 12th October 1892.

I have the honour to acknowledge the receipt of G.O, dated 24th August 1892, No. 583, Public, and to state that I adhere to my decision to continue in the Statutory Service.

2. I beg respectfully to add that, as regards my promotion, I am willing to rely on such consideration as, having regard to the conditions of this branch of the service, the Government may be pleased to accord to me in view of such ability and devotion to duty as I may endeavour to show in doing my work.

3. I feel that it is my misfortune to be considered to belong to no organized branch of the public service; and I trust I may be forgiven for not thinking that I better my position by exchanging my present status for that of a Deputy Collector.

ORDER—dated 16th December 1892, No. 875, Public.

The following letter will be forwarded to the Government of India.

(True Extract.)

J. F. PRICE,
Chief Secretary.

To the Accountant-General.

Copy to the Revenue Department.

Exd. A. Raitt.

Govt. of {1892} Madras.

PUBLIC.

Issued

Recd. Encl.

G.O., 16th Dec. 1892, No. 875.

DECEMBER.

Provincial Service.

Directing that a letter be addressed to the Government of India forwarding replies of Statutory Civilians in this Presidency who have been requested to reconsider their former decisions in regard to retaining their present positions, together with the draft rules for regulating admission into the service, and requesting early orders on certain proposals.

Superintending Engineer's Office,
V. Circle, Madras,
Chepâk, 10 January 1892.

No. 6/S
8/69

From W. Hughes Esquire
Superintending Engineer, V Circle,

To
The Chief Engineer
P.W.D

Sir,

Enclosures.

Adverting to para 4 of G.O. No. 3432 W dated 15th December 1892 passing orders on the preliminary issue of the military works Budget estimate for 1893-94 I have the honor to report that an estimate of Rs 5,350 for constructing quarters for the Serjeant Instructor of the S.I.R. Volunteer Rifle Corps at Cuddalore was submitted to the Assistant Adjutant General Madras District on 2d December 1892.

I have the honor to be
Sir
Your most obedient servant
W. Hughes
Superintending Engineer
V Circle

P. W. CURRENT No. 217

From

THE SUPERINTENDING ENGINEER,

V CIRCLE,

To

THE Chief Engineer
P. W. Department

Dated 10th January 1893.
Recd. 11th

ENCLOSURES.

No. 6 W.

Conducting Sergeant Cubbon's Quarters of the S. I. R. V. R. C. al- Cuddalore.

Reports that an Estimate of Rs 5380 for — was submitted to the Superintendent Public Works

In 836 W/D 21-3-91
" 1856 W/D 8-6-91
" 1868 W/D 27-6-92
" 2642-3 W/D 23-9-92
" 4870-C W/D 21-11-92
" 3432-33 W/D 15-12-92

B.
No. 69 W/D 14 Jany 1893

Recorded.
for 13/1/93

B.
No. 73
13-1-93

3-181-
L.C. 164

B'w
5/1