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Government of Madras.

PUBLIC DEPARTMENT.

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Replying to Govt. letter No.

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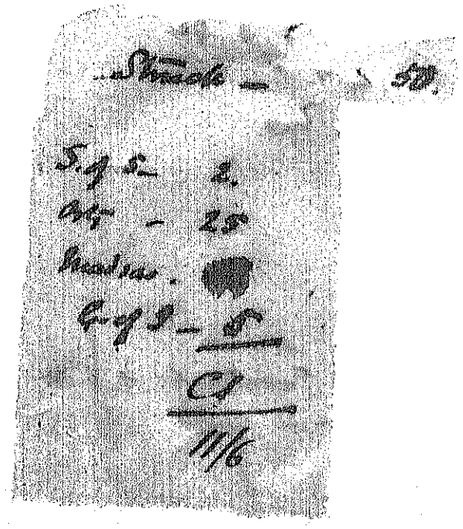

Government { 1890 } of Madras.

PUBLIC.

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Letter, 4th June 1890, No. 401.

JUNE.

Public Service Commission.

Communicating the views of His Excellency the Governor in Council on the proposals of the — in regard to the Judicial and Executive branches of the Administration.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—the following paper :—

From A. P. MACDONNELL, Esq., C.S.I., Secretary to the Government of India, Home Department (Public), to the Chief Secretary to the Government of Madras, dated Calcutta, 14th February 1890, No. 300.

In continuation of correspondence ending with Mr. Stokes' letter No. 580, dated 5th June 1888, regarding the final report of the Public Service Commission, I am now directed to forward, for the information of His Excellency the Governor in Council, copies of the Government of India's despatch, No. 58, dated 9th October 1888, and of the Secretary of State's reply, No. 104, dated 12th September 1889. I am also to communicate the following remarks and suggestions on the proposals of the Commission so far as they relate to the Judicial and Executive branches of the Administration, and to request that the Governor in Council will take them into his consideration and favour the Governor-General in Council with his views on the several points dealt with.

2. The Governor in Council will observe that, while approving of the proposal to create a Provincial Service,* the Secretary of State has decided that legislation shall not be undertaken with the object of amending section 6 of 33 Vict., Cap. 3, and that a proportion of the appointments now ordinarily held by members of the Civil Service recruited in England shall not be definitely transferred to the Provincial Service. His Lordship considers that the object contemplated by the Commission will be practically attained by requiring each Provincial Government to place, on a classified list, 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 despatch from the Government of India, dated 9th October 1888) 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.

* The term Provincial Service is throughout this letter provisionally used in the sense attached to it by chapter VII of the Public Service Commission's Report and it is requested that it may be also so used in the reply of the Madras Government.

3. The Governor-General in Council desires that the question of how this decision can be best carried into practice may now receive the careful consideration of the Madras Government, and with a view of aiding its deliberations the following suggestions are thrown out. The conditions, subject to which it will be possible to appoint a member of the Provincial Service to an office entered in the classified list, are (1) that 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 now held by the Indian Civil Service; (2) that the time and extent of the admission of members of the Provincial Service to scheduled appointments must, however, be determined by the preponderant administrative needs and aptitudes of the province and its people, and by the necessity for according to Indian Civil Servants, who entered the service before the reduction of recruitment in 1880, the

preferential right, save in the exceptional circumstances contemplated in paragraph 21 of the Secretary of State's despatch of 12th September last, of appointment to offices entered in the schedule to 24 & 25 Vict., Cap. 54, and other offices to fill which the Indian Civil Service and Statutory Civilians have hitherto been recruited; and (3) that if no member of the Provincial Service who is fully fit and competent be available for any such office which may become vacant, a member of the Indian Civil Service shall be appointed.

4. The first point to be considered then is what appointments in Madras may be declared to be appointments to which, subject to the foregoing qualifications, members of the Provincial Service shall be eligible. In determining this question it will be necessary to pay attention to the schedule attached to the Government of India despatch of 9th October 1888, to the *cadre* requirements of the Madras Presidency so far as appointments scheduled under 24 & 25 Vict., Cap. 54, are concerned, * and especially to the preponderant administrative needs and aptitudes of the province and its people at the present time. Having regard to these considerations, the following suggests itself to the Governor-General in Council, as at present advised, and subject to any representations which the Governor in Council may see fit to make, as being a suitable list in the existing circumstances of time and place :—

* Secretaries	2
Under Secretaries	2
Members, Board of Revenue	4
Secretaries, Board of Revenue	2
Heads of Districts	22
Sub and Assistant Collectors	42
District Judges	20
	94

Heads of Districts	2
District Judges	4
Sub-Collectors, Head Assistant, and Assistant Collectors	7
Secretary to the Board of Revenue	1
Under Secretary to Government	1

giving a total of 15 appointments for the province or nearly one-sixth of the total number of scheduled posts. Besides the 94 "scheduled" appointments enumerated in the margin above, the *cadre* of the service in the Madras Presidency, as suggested in the correspondence ending with Mr. Price's letter, No. 926, dated 22nd September 1888, would contain 17 local appointments which, though not reserved, are ordinarily filled by members of the Indian Civil Service. These 17 appointments include 2 Memberships of Council, 2 High Court Judgeships and the 13 general appointments noted in the margin. The Governor in Council may desire to increase the number of 15 appointments specified above by declaring some of the appointments marginally-noted to be open to members of the Provincial Service; if so, the additional posts should be shown separately in the way indicated in paragraph 8 below, care being taken that the maximum limit of one-sixth is not exceeded. The pay proposed for any post which the Governor in Council may desire to add to the list should be stated in the reply to this communication.

Director of Public Instruction.
Private Secretary to H. E. the Governor.
Inspector-General of Police.
Two Deputy Commissioners, Salt Revenue.
Deputy Commissioner, Revenue Settlement.
Resident, Travancore and Cochin.
Assistant Resident, Travancore and Cochin.
Assistant Secretary.
Registrar, High Court, Appellate Side.
Inspector-General of Jails.
Deputy Conservator of Forests.
Reserve 1.

5. The schedule attached to the despatch of 9th October 1888 provided for the admission of eligible Provincial officers to three more District Judgeships in Madras than have been included in the list above suggested. But that schedule was meant to be a final settlement of the claims of the Provincial Service to scheduled posts, to be gradually worked up to within "a generation of official life." It is certain that neither the administrative needs of the Madras Presidency, nor the aptitudes of its people, nor the claims of Civilians recruited before 1880, permit at present, or will permit for many years to come, of the appointment of so many as seven Provincial officers to be Civil and Sessions Judges. The list should be framed

with reference to proximate reasonable requirements. It can be altered when such requirements change. But the necessity of holding these three appointments in reserve, if His Excellency the Governor in Council concurs in the schedule attached to the Government of India's despatch, dated 9th October 1888, to the Secretary of State must not be lost sight of: their addition to the 15 posts mentioned in paragraph 4 will give a total of 18 or one-sixth of the full *cadre* of 111 for local service.

6. When the number and description of the posts to be placed upon the lists have been determined the following points will arise for consideration, viz., (1) the pay to be attached to those posts when held by members of the Provincial Service, (2) the method of exhibiting the posts in the list of Provincial appointments, and (3) the rules regarding leave and pension to be applicable to the Provincial Service. On the first point, having regard to the results emerging from a strict application of the two-thirds rule, to the character of the duties to be performed, and to the conditions of native society, the Government of India is disposed to think that the following rates of pay will be found suitable for the higher appointments when held by Natives of India:—

	Rs.
First-grade Judge and Magistrate and Collector	1,600
Secretary to the Board of Revenue	1,200

It is also suggested that if the Magistrate-Collectorship on Rs. 1,800 is held by a Provincial officer, the pay should be fixed at Rs. 1,200 per month. It is observed that there is already an Uncovenanted Secretary to one of the Members of the Board and that his pay has been fixed at Rs. 1,000. Perhaps the Government of Madras will deem this sufficient.

7. When scheduled appointments below the grade of District Magistrate and Collector are now held by Statutory Civilians, the operation of the two-thirds rule gives to the unpassed Assistant Rs. 256 a-month, to the passed Assistant Rs. 358, and to the Head Assistant and Sub-Collector Rs. 491 and Rs. 746, respectively. If such offices were to be kept separate it would probably be sufficient to allot pay at the rate of Rs. 250, 300, 500, and 700 to listed posts corresponding to unpassed and passed Assistant Magistracies and Head Assistant and Sub-Collectors, respectively, and Rs. 700 to that of Under Secretary to Government, and this scale, while so far abolishing the two-thirds rule, would enable the Government to incorporate the listed appointments in the grades of the Provincial Executive and Judicial services.

8. There is, however, no substantial distinction between the work of an Assistant or Sub-Collector and that of a Deputy Collector. All alike are Sub-divisional officers, and even now it often happens that a Deputy Collector is placed in charge of an Assistant's or Sub-Collector's charge. There is therefore nothing to be gained by retaining the title of Sub or Assistant Collector when the post is filled or the sub-division administered by an officer of the Provincial Service who would really be neither more nor less than a Deputy Collector. His Excellency in Council therefore suggests that the seven additional appointments of the Sub-divisional officer class which it is proposed to open to Provincial officers should be distributed among the various grades of the Deputy Collectors in such manner as may appear equitable, a note being added that these appointments are subject to the conditions noted in paragraph 3 *supra*, and that, when held by Members of the Civil Service, their designation will be that of Assistant, Head Assistant or Sub-Collector as the case may be. There would thus be a fulfilment of the Secretary of State's instructions to exhibit these appointments on the Provincial Service list so that the result may be "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."

9. Subject to the condition referred to in the preceding paragraph, the Local Government would be competent to appoint members of the Provincial Service to the Sub-Collectors', Head Assistant and Assistant Magistrate-Collectors' charges

for which Provincial officers are eligible, without reference either to the Government of India or to Statutory rules, and promotion up to the grade of first-class Deputy Collector or first-class Subordinate Judge would run in the ordinary way. Whether it is desirable that the Local Government should, under Statutory rules to be now framed, be competent to appoint to the higher offices, or whether such higher appointments, or any of them, should be made or sanctioned by the Government of India, is a point upon which I am to request an expression of the views of the Madras Government.

10. The list of Provincial Executive and Judicial officers in Madras would then run as follows:—

APPOINTMENTS MADE BY THE GOVERNMENT OF INDIA / THE LOCAL GOVERNMENT UNDER RULES FRAMED UNDER 33 VICT., CAP. 3, SECTION 6.

A = Executive, B = Judicial.

* = Number of appointments.

I.

	Pay. Rs.
A—Magistrate-Collectors (*x*)	1,600
B—Civil and Sessions Judges (*x*)	1,600

II.

A—Magistrate-Collector (1)	1,200

Officers holding ungraded appointments.

Executive.

Names.	Appointments.	Pay.
....	Secretary to Board of Revenue.	Rs. 1,200
....	Under Secretary to the Government of Madras.	700
....	....	....

Judicial.

Names.	Appointments.	Pay.
....	....	....
....	....	....

APPOINTMENTS MADE BY THE LOCAL GOVERNMENT NOT UNDER 33 VICT., CAP. 3.

	Pay. Rs.
I.	
B—Subordinate Judges (*x*)	800
II.	
A—Deputy Magistrates and Deputy Collectors (*x*)	700
III.	
B—Subordinate Judges (*x*)	650

	Pay. Rs.
IV.	
A—Deputy Magistrates and Deputy Collectors (x)	600
V.	
A—Deputy Magistrates and Deputy Collectors (x)	500
B—Subordinate Judges (x)	500
VI.	
A—Deputy Magistrates and Deputy Collectors (x)	400
B—Munsifs (x)	400
VII.	
A—Deputy Magistrates and Deputy Collectors (x)	300
B—Munsifs (x)	300
VIII.	
A—Deputy Magistrates and Deputy Collectors, Tahsildars (x) ..	250
B—Munsifs (x)	250
IX.	
A—Tahsildars (x)	*200—225
B—Munsifs (x)	200

NOTE.—Of the above (x) appointments in grade II, (x) in grade V, (x) in grade VII are subject to the claims of officers in the Indian Civil Service appointed before 1880. If no fit and competent member of the Provincial Service is available, or if the preponderant administrative needs of the province require it, an Indian Civil Servant may be appointed to any of the said appointments and to any of (x) appointments of Deputy Magistrates and Deputy Collectors in grade VIII.

Officers holding ungraded appointments.

Executive.

Names.	Appointments.	Pay.
....	....	....
....	....	....
....	....	....

Judicial.

Names.	Appointments.	Pay.
....	....	....
....	....	....

Such a scale as the preceding will enable the Local Government to give promotion from one grade to the other, while if the Sub-Collectors', Head Assistants' and Assistants' charges, when held by Provincial officers, were shown separately, promotion would become more difficult. It is difficult to see how the retention of the designations Sub-Collector, Head Assistant or Assistant Collector for a Provincial officer would secure any practical advantage, while it would certainly lead to inconvenience.

* See paragraph 16 below.

11. With reference to the orders contained in paragraph 22 of the despatch of 12th September last, I am to request that each Statutory Civilian appointed in the Madras Presidency before the close of 1889 may now be called upon to choose whether he will remain in 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. In this connection it may be well to state that the claims to promotion of a Statutory Civilian who elects to retain his present position and who has shown the merit and ability necessary to justify his advancement, will only be considered after the claims of Civilians whose covenants bear dates previous to that of his confirmation have been satisfied. The admission of the prior claims of Civilians recruited before 1880, and after them of preferential claims of fit and competent Statutory officers recruited since that year, must be satisfied before any member of the Provincial Service can be appointed to listed posts under the rules now to be framed. The Governor-General in Council will now be glad to learn how the choice has been exercised in each case.

It must not be forgotten that the number of appointments referred to in paragraph 4 of this letter as to be opened from time to time to the Provincial Services must for the time be reduced to the extent to which Statutory Civilians decline to join the Provincial Service and in the grade in which such Statutory Civilians hold offices. But once the claims of existing Statutory officers are satisfied, all officers of the Provincial Service would be placed on the same footing as regards promotion to all grades. In other words, their promotion would be governed by the same rule, namely, seniority qualified by fitness.

12. With regard to the question of the leave and pension rules to be applicable to officers holding the appointments under notice, I am to say that the Governor-General in Council sees no reason why the present Uncovenanted Service leave and pension rules, or in other words the provisions of part III, cap. XIV, Civil Service Regulations, regarding leave, and of part IV, caps XV—XIX, regarding pensions, should not apply. Existing Statutory Civilians who refuse to join the Provincial Service would continue to be governed by the leave and pension rules now applicable to them.

13. The next step will be to prepare rules to regulate (1) admission to the Provincial Service and (2) appointment from the Provincial Service to the offices of District Officer or District Judge, and the ungraded appointments to be made under the statute. These rules should be prepared by the Government of Madras and submitted for the previous sanction of the Governor-General in Council. Those on the former point should, as directed by the Secretary of State, make due provision (so far as this has not already been secured) for indispensable educational attainments, and must be adapted, on the one hand, to obtain thoroughly efficient candidates, and, on the other, to secure the due representation in the public service of the different classes of the community.

14. The Governor in Council will observe that the Secretary of State has declined to sanction the entire cancellation of the orders of April 1879, which in Madras prohibit the appointment of any one but a Native of India to any office in the Executive or Judicial Service carrying a salary of Rs. 200 a month or upwards without the previous sanction of the Secretary of State. If, therefore, the Government of Madras desires to appoint to such an office a person who is not a Statutory Native of India, it will still be necessary for it to obtain the previous sanction of the Secretary of State. Such appointments will often, in the opinion of the Governor-General in Council, be desirable, and he therefore thinks that in the draft rules to regulate admission to the Provincial Service it should be made clear that the orders of 18th April 1879, though they restrict, do not prohibit the appointment of Europeans. It is to be remembered, however, that no European who does not satisfy the definition of Native of India contained in section 6, 33 Vict., Cap. 3, is eligible for appointment to any of the scheduled offices opened to the Provincial Service, except in accordance with the procedure prescribed by 24 and 25 Vict., Cap. 54.

15. The rules regarding the appointment of members of the Provincial Service to scheduled offices under the provisions of the Statute 33 Vict., Cap. 3, must, as directed by the Secretary of State, be drawn in accordance with the Act. They must, therefore, be prescribed by the Governor-General in Council and sanctioned by the Secretary of State in Council. With reference to paragraphs 7 and 8 *supra*, the Provincial officers appointed in the place of Sub-Collectors, Head Assistants and Assistants will be styled Deputy Collectors and appointed by the Local Government. Whether appointments to higher posts and to the Under Secretaryship should also be made by the Local Government under rules to be framed under the statute or by the Government of India on nomination by the Local Government is a question on which, as already stated, the opinion of the Governor in Council is requested. And I am now to ask that rules may be drafted under 33 Vict., Cap. 3, sec. 6, in accordance with the views of the Governor in Council and submitted for the consideration of the Governor-General in Council. As it will be unnecessary to maintain for the Provincial Service, which is already a very large one, a reserve for men on leave and in training, such as is maintained for the strictly limited Civil Service and mixed Commissions, provision must be made in the rules for the making of temporary appointments from the Provincial Service to scheduled offices in place of men deputed to other duty or absent on leave. It should also be considered 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.

16. In paragraph 4 of Mr. Stokes' letter of 5th June 1888 it was indicated that the Governor in Council would draw the line between the Provincial and the Subordinate Services so as to exclude Tahsildars and include District Munsifs and Presidency Magistrates and Small Cause Court Judges. In other provinces, the Governor-General in Council is inclined to think that some grades of Tahsildars at all events ought to be included in the Provincial Service, and with this view he has suggested to them whether the line of demarcation between the Provincial and Subordinate Services might not properly be fixed according to pay, and all officers drawing pay proper of less than Rs. 200 be included in the Subordinate Service. I am to ask the Governor in Council to consider whether the circumstances of the Madras Presidency suggest the propriety of a similar arrangement being adopted in it.

17. With reference to paragraph 25 of the despatch of the Government of India, dated 9th October 1888, I am directed to inquire whether His Excellency in Council thinks that the arrangements recently made by him for testing the educational qualifications of candidates for the public service are adequate, and, if not, what proposals he would now make for establishing a Board of Examiners to test the educational qualifications of candidates for the Provincial Service. It will also be for the Governor in Council to consider whether any, and, if so, what, change is required in the existing rules for recruitment of the Subordinate Service.

18. Lastly, 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 from other provinces in which officers have complained of their supersession 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 recognised that mere length of service gives no claim to promotion in the Indian Civil Service above the rank of Sub-Collector, 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.

ENCLOSURES.

Despatch from the Government of India, Home Department (Public), to the Right Hon'ble Her Majesty's Secretary of State for India, dated Simla, 9th October 1888, No. 58:—

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. $\frac{34}{1573-98}$, 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 confided 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 favour. 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 fulness 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, sec. 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 and 22 Vict., Cap. 106, sec. 32, and the rules framed under 33 Vict., Cap. 3, sec. 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 arrangement 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, sec. 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, sec. 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 shown 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 shown 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 re-opened and carefully re-considered 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 in 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 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.

Accounts, Archæology, Customs, Education, Forests, Geological Survey, Jails, Mint, Opium, Pilot Service, Police, Post Office, Public Works, Registration, Salt, Surveys, and Telegraphs.

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 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 conclusions 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 Civilians 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 para. 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 78rd and 81st paras. 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 para. 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 twofold 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 para. 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 para. 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 Honorable 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 (para. 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, para. 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 para. 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 these 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 Honorable General Chesney and the Honorable 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 paras. 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 Uncovenanted 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'élite* 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 not 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, *cæteris paribus*, the latter shall, if considered qualified, 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., Chapter 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 connection 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 officers included in the schedule than is now conferred upon them by the statute. In regard to these points, we consider that the adoption of 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 suggestions for improving the method of procedure under section 1 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 connection with this portion of the subject, the Secretary of State observed that the chief points for inquiry 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 honorable way." The establishment of simultaneous competitive examinations in India and in England would sacrifice the principles 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 inquiry, the results of which were summed up in our despatch No. 57, dated 30th September 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 22nd September 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 of 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 recommendation in question. The Commission was precluded by the terms of its instructions 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 Elliott, 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 it 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.

IV.

21. The preceding observations have reference to the Commission's proposals in connection with the Covenanted and Statutory Services; we now proceed to consider its recommendations in connection with the proposed Provincial Service. As stated in the 11th para. 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, paras. 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, para. 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, paras. 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 appointment will be provisional only, unless in exceptional cases the Government decides otherwise. Finally, it is proposed (Report, para. 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 connection 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 para. 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 *selections* 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 offices of a less responsible and less independent character. We observe that in para. 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 show 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 connection 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, para. 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 leaving appears to be 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 para. 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. This recommendation we accept with the qualification that the barrister or advocate shall have practised his profession for three years in India. The other recommendation, which we accept without qualification, is that the Government should reserve the power (similar to that conferred by 24 and 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 (para. 83 of its Report) recommends that in the High Courts of Calcutta and Bombay the number of Judges selected from the Judicial Branch 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 and 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 (para. 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 connection 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 (para. 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 and 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, para. 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, para. 85). The fourth is that, before dismissal for misconduct, a member of the Provincial Service should be entitled to demand an inquiry into his conduct under whatever law may be at the time in force relating to inquiries into the behaviour of public servants (Report, para. 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, para. 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. 132 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 formal 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 Inquiry. It is true that laws do exist which enable the Government to hold a Court of Inquiry into the conduct of an incriminated officer, but the institution of an inquiry 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 inquiry. 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 High Court Judgeships, we have no objection to offer, so far as the question concerns pay. But we consider it undesirable to reopen 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 considerations.

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 para. 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 connection 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.

PROPOSED SCHEDULE* AS REFERRED TO IN PARAGRAPH 13 OF DESPATCH.

General.

(1) Secretaries and Junior Secretaries to the several Governments in India, except Secretaries and Junior Secretaries in the Military, Marine, and Public Works Departments.
(2) Comptroller and Auditor General.
(3) Accountants-General except one.
(4) Commissioners of Customs, Salt and Opium.
(5) Opium Agents.

Judicial.

(6) Judicial Commissioners.
(7) Two-thirds of Civil and Sessions 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.

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.

Judicial—cont.

(9) Nine-tenths of Magistrates or Chief Magisterial officers of districts and in the Punjab 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.

List of Enclosures.

1. Circular to Local Governments and Administrations, No. 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. 2166A, 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—4 C.S., dated 22nd May 1888, and enclosure.
9. From 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. 181G., dated 16th May 1888.
12. Telegram to the Government of Madras, No. 1938, 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.

Despatch from the Right Hon'ble Her Majesty's Secretary of State for India, to His Excellency the Right Hon'ble the Governor-General of India in Council, dated India Office, London, 12th September 1889, No. 104 (Public).

Report of the Indian Public Service Commission.

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 inquiry; 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 Panjab, 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 Uncovenated 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 follow-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 Talukdar of Oudh, who has taken much interest in public affairs; Sir Sayyid Ahmad Khan Bahadur, one of the leaders of the Muhammadan community in Northern India and the founder of the Anglo-Oriental College at Aligbar; Kazi Shahbudin Khan Bahadur, late Dewan of Baroda; Rao Bahadur Krishnaji Lakshman Nulkar, President of the Poona Sarvajanik Sabha; and Mr. S. Ramaswami Mudaliar, 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 offices 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., Cap. 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 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."

* Report paragraph 74.

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., Cap. 54, and section 6 of the Act 33 Vict., Cap. 3, which may be quoted as the Statute of 1861 and the Statute of 1870. By an earlier Statute (33 Geo. III., Cap. 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-Western 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., Cap. 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 1860, 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 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.

* Report, paragraph 76.

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 its 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 and 25 Vict., Cap. 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 these 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,—"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."

Paragraph 14.

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 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 included the analogous appointments in the rest of India; and the Government of India, in accepting the prop sal, observe that "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 12.

Paragraph 27.

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, Natives 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 1879 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 date 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 for 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 mush, 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 re-distributing 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 reseves 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'élite*, 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 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.

* Government of India, Home Department, Resolution No. 68—2024, dated 15th December 1881.

† Secretary of State to Government of India, Educational, No. 3, dated 8th April 1869, para. 11.
Secretary of State to Government of India, Public, No. 113, dated 22nd October 1872, para. 7.

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, Salt 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 1888. 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 prefereutial claims or prior rights are subjected to several exception, 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 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.

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, arising 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.

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., Cap. 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 had 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 organized 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 is proposed that "*cæteris paribus*, they should, if considered qualified, have a preferential claim over members of the Provincial Services for promotion to the transferred appointments."

* Paragraph 87.

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 continue as hitherto to be specially treated outside both the Covenanted and 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 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.

* Para. 15.

23. The next subject to which the despatch of the Government of India refer 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 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 rise 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 officer 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.

† Para. 47.

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 the 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 that despatch:—*

* Para. 18.

"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 honorable 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 powers 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 to as 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 paras. 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 subjects.

* Para 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 para. 53 of the Commission's Report and noticed in para. 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 and 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 a 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 bar 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 reconsider 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

† Despatch, para. 26. Report, para. 82.

than ten years' standing and possessing a thorough knowledge of the vernacular language of the province. I entirely agree with the Commission* that, 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.

* Report, para. 84.

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 careful revision in each province of the rules for the recruitment of the Subordinate Service.

† Despatch, para. 21. Report, para. 81.

‡ Para. 82.

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 favorable leave rules.

§ Para. 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 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 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 re-open the question. 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

‖ Para. 85.

¶ Para. 82.

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 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 Department,* 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.

* Accounts, Archæology, Customs, Education, Forests, Geological Survey, Jails, Mint, Opium, Pilot Service, Police, Post Office, Public Works, Registration, Salt, Surveys, Telegraphs.

LETTER—from the Chief Secretary to the Government of Fort St. George, to the Secretary to the Government of India, Home Department.

I am directed to acknowledge the receipt of your letter, No. 300, dated 14th February 1890, forwarding, for the information of this Government, copies of the despatch from the Government of India on the final report of the Public Service Commission and the reply of the Secretary of State thereto. In this you communicate certain remarks and suggestions on the proposals of the Commission so far as they relate to the Judicial and Executive branches of the administration and request to be favored with the views of His Excellency the Governor in Council on the several points dealt with.

2. In para. 2 of your letter it is pointed out that, though averse to any legislation being undertaken with the object of amending section 6 of 33 Vict., Cap. 3, and to the definite transfer to the Provincial Service of appointments now ordinarily held by Covenanted Civilians, the Secretary of State approves of the creation of a Provincial Service and is of opinion that the object contemplated by the Commission will be practically attained by requiring each Provincial Government to place on a classified list certain offices in the different grades and

departments and publicly declaring these to be offices to which members of the Provincial Service may, subject to certain conditions, properly be appointed. The lists referred to are to 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 are from time to time to be determined and varied accordingly. The conditions subject to which it will be possible to appoint a member of the Provincial Service to an office in the classified list are enumerated in paragraph 3 of your letter and it is there requested that this Government will carefully consider how the decision of the Secretary of State can be best carried out. I am directed in reply to communicate the views of His Excellency the Governor in Council on this subject.

3. The first point on which an expression of the opinion of this Government is requested is as to what appointments in this Presidency may be declared those to which, subject to the necessary qualifications, members of the Provincial Service shall be eligible. The Government of India suggest that, of 94 appointments scheduled under the Statute of 1861, 15 * should be transferred to the Provincial Service and that the *cadre* of the Covenanted Civil Service should consist of the remaining 79 appointments *plus* the 17 † miscellaneous appointments noted in the margin, which, though not scheduled under the Statute of 1861, are ordinarily held by members of the Madras Civil Service, and asks whether His Excellency the Governor in Council would wish to transfer any of these miscellaneous appointments to the Provincial Service.

* Heads of district	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
† Members of Council	2
High Court Judges	2
Director of Public Instruction	1
Private Secretary to H. E. the Governor.	1
Inspector-General of Police	1
Deputy Commissioners, Salt Revenue ..	2
Deputy Commissioner, Revenue Settlement.	1
Resident, Travancore and Cochin ..	1
Assistant Resident do. ..	1
Assistant Secretary	1
Registrar, High Court, Appellate Side.	1
Inspector-General of Jails	1
Deputy Conservator of Forests ..	1
Reserve	1
Total ..	17

4. In Mr. Lyall's letter No. 158, dated 7th March 1890, it is intimated that it has been decided to add 5 post under the Government of India to the *cadre* of the Madras Civil Service and these, together with the 94 scheduled appointments and the 17 miscellaneous appointments noted above, will give a total of 116 *cadre* appointments. The transfer of 15 appointments to the Provincial Service will reduce this total to 101 as the new *cadre* to be recruited up to from England, and I am to say that, for the reasons stated in paragraph 3 of my letter, No. 926, dated 22nd September 1888, His Excellency the Governor in Council considers that the 15 appointments proposed by the Government of India is the highest number that can for a very considerable period be allotted to the Provincial Service. In regard to the 17 miscellaneous appointments, I am to state that His Excellency in Council is distinctly of opinion that they should be retained in the Civil Service *cadre*.

5. In paragraph 5 of your letter it is pointed out that the schedule attached to the despatch of the Government of India of the 9th October 1888 provided for the inclusion of 7 District Judgeships, and that only 4 of these have been entered in the present list as that schedule is intended as a final settlement of the claims of the Provincial Service to be gradually worked up to within "a generation of official life," and the necessity of holding remaining 3 appointments in reserve is dwelt on. His Excellency the Governor in Council not only agrees with the opinion there expressed that neither the administrative needs of the Madras Presidency, nor the aptitudes of its people, nor the claims of Civilians recruited before 1880, permit at present, or will permit for many years to come, of the appointment of so many as 7 Provincial officers to be District and Sessions Judges but also considers that even the scale now allotted can only be gradually worked up to.

6. Adverting to the second of the conditions laid down in paragraph 3 of your letter, it is there observed that no member of the Provincial Service can be appointed as acting or permanent Collector or District Judge, save in the exceptional circumstances contemplated in paragraph 21 of the Secretary of State's despatch of 12th September 1889, until all the Covenanted Civilians of 1880 are provided with acting or permanent appointments of this class. As soon therefore as the last Covenanted Civilian of that year is confirmed as a Collector or Judge, the next six vacancies in this class should, it is understood, be provided for from the Provincial list if it contains men fit to fill them. As far as can be at present calculated, the first appointment of an Acting Collector or Judge from the Provincial list will under these circumstances take place about 1892 and the first permanent appointment about 1895 or 1896. In paragraph 11 of your letter, however, it is ruled that the claims of such Statutory Civilians as elect to retain their present position will only be considered after those of Covenanted Civilians whose covenants bear dates previous to the confirmations of the former and that the preferential claims of Statutory officers recruited since 1880 must be satisfied before any member of the Provincial Service can be appointed to the listed posts. As, however, there is one Statutory Civilian in this Presidency confirmed in August 1882, I am to point out that this ruling which fixes the date of confirmation as that by which a Statutory Civilian is to take rank in the Covenanted list will have the effect of postponing the transfer of appointments with one exception to the Provincial Service until the Covenanted Civilians of 1882 are provided for, or two years later than appears to be the intention of the Government of India. I am to request the instructions of the Government of India on this point.

7. His Excellency the Governor in Council, I am to say, agrees to the proposal contained in paragraph 6 of your letter suggesting Rs. 1,600 as the pay of a first-grade Judge or Collector when that post is held by an officer belonging to the Provincial Service, and to the transfer of one of the second-grade appointments with a salary of Rs. 1,200 to the Provincial Service. I am, however, to point out that the Government of India is under a misapprehension in supposing that it is only the appointment of Collector-Magistrate that is a second-grade one in this Presidency, for it is the practice here to treat the posts of the two junior officers, whether Collector or Judge, as second-grade, and it thus happens that there is a second-grade Judge as often as a second-grade Collector. In this connection I am to draw attention to the correspondence ending with Mr. Stokes' communication, dated 10th May 1888, No. 496, and especially to the remarks contained in paragraph 8 of his letter No. 1685, dated 21st December 1887, and to urge once more upon the Government of India the consideration of the question of the abolition of the second-grade appointments. If, however, the Government of India is still averse to complying with this request, His Excellency the Governor in Council would prefer one of the second-grade appointments being transferred to the Provincial Service as a Judgeship and the other retained in the Covenanted list as a Collectorship. As regards the pay of the Uncovenanted Secretary to the Board of Revenue, I am to observe that there appear to be no reasonable grounds for raising it beyond the sum drawn by the present incumbent and to suggest that on the inclusion of the appointment in the Provincial list the pay may remain at Rs. 1,000.

8. With reference to the pay of the lower appointments, dealt with in paragraphs 7 and 8 of your letter, I am to say that, in the opinion of this Government, the rates of pay for confirmed appointments to correspond with those of passed and unpassed Assistant, Head Assistant, and Sub-Collector should be Rs. 250, 350, 500 and 570, respectively, instead of Rs. 250, 300, 500 and 700. In this connection I am to point out that the Government of India appears to have overlooked the question of acting allowances and to treat the Civil Service of this Presidency throughout as if it were a personally graded one, which it is not except as regards the junior graded offices introduced by the Government of India in 1881 and referred to in the last paragraph. As Statutory Civilians are, moreover, to have the preference for the transferred appointments, His Excellency in Council is of opinion that it should be ruled that when it comes to the turn of one of them to be promoted to an acting Head Assistantship or Sub-Collectorate, acting allowances should be granted as at

present. There are no acting allowances between the different grades of Deputy Collectors and if the Statutory Civilians are absorbed as such in the second part of the list they will, as members of a graded service, cease to be entitled to them unless a special order permitting these is passed. The justice of this measure will be seen from the accompanying table which exhibits the amount at present drawn by Statutory Civilians and that proposed to be drawn by members of the Provincial Service as permanent and acting in the different appointments:—

	Statutory Civilian.	Provincial Service.	
	At present draws.	As proposed by Government of India would draw.	As proposed by Madras Government would draw.
	Rs. A. P.	Rs.	Rs.
Passed Assistant	358 6 5	300	350
Do. acting as Head Assistant	486 6 5	400	450
Do. do. as Sub-Collector	617 3 11	440	500
Head Assistant	491 11 2	500	500
Do. acting as Sub-Collector	661 11 0	610	650
Sub-Collector	746 10 8	700	750

His Excellency is of opinion that in fairness to the Statutory Civilians this concession as regards acting allowances should be made, as otherwise some of them will draw less pay than they did before appointment to the Statutory Service.

9. It is understood by this Government that the distribution of the 7 Sub-divisional appointments (Sub-Collector, Head and Passed Assistant) allotted to the Provincial Service should be proportional to the distribution of the 42 district appointments as proposed in para. 4 of your letter, that is in the proportion of 2, 4, and 1.

10. The suggestion contained in para. 8 of your letter regarding the change in the denomination of the appointments of the Sub-divisional officer class when these are held by officers of the Provincial Service does not, I am to say, meet with the approval of His Excellency the Governor in Council. I am to point out that particular Sub-Collectorates and Head Assistantships will not be transferred to the Provincial Service and that for this reason it will not be practicable to add a note stating that when held by members of the Civil Service these appointments will bear their old designation. There is, however, nothing to prevent the wishes of the Secretary of State being carried out as regards the exhibition of these offices on the Provincial Service list in a connected and graduated series, for as each Statutory Civilian obtains an acting or permanent appointment as Head Assistant Collector or Sub-Collector there will be one less of that rank in the Imperial list, and after all the Statutory Civilians are absorbed the appointments will be added to the present grades of Deputy Collectors and new grades of Rs. 750 and 350 will then arise. I am further to point out that after this occurs it will be unnecessary to continue the grant of acting allowances as between the grades.

11. In para. 9 of your letter the view of this Government is requested as to whether, under Statutory Rules to be framed, the sanction of the Government of India should be necessary to appointments from the Provincial list to offices higher than that of Sub-Collector, or whether the Local Government should be competent to make such appointments. In reply I am to say that His Excellency in Council is of opinion that, as regards appointments to offices under section 6, 33 Vict., Cap. 3, the sanction of the Government of India should be required only for appointments made from outside the Provincial list and no further sanction should be needed for promotions after first appointment. The rules to be framed should provide, as now, for the appointment of Natives of proved merit and ability.

12. In para. 11 of your letter, it is requested that, in accordance with para. 22 of the Secretary of State's despatch, dated 12th September 1889, each Statutory Civilian appointed in this Presidency before the close of last year may be called upon to choose whether he will remain in his present position or be transferred to the Provincial Service with an acknowledgment of his preferential claims to promotion to scheduled appointments. It is also pointed out that the claims to promotion of a Statutory Civilian who elects to retain his present position and who has shown the merit and ability necessary to justify his advancement will only arise after the claims of Civilians whose covenants bear date previous to that of his confirmation have been satisfied and that the prior claims of Civilians recruited before 1880 and after them the preferential claims of fit and competent Statutory officers recruited since that year must be considered before any officer of the Provincial Service can be appointed to the transferred posts. His Excellency the Governor-General in Council desires to learn how the choice permitted has been exercised in each case. In this connection after drawing attention to paragraph 4 of my letter, I am to say that, as the views of this Government differ from those of the Governmer. of India on the question of the present position of Statutory Civilians, it has been thought advisable to address you further on the point before calling upon the existing members of that body to make the election referred to. In my letter, No. 732, dated 30th August last, it was stated that this Government was of opinion that, under the rules framed in 1879, with reference to section 6 of 33 Vict., Cap. 3, its powers were limited only in regard to first appointments to the Statutory Service and that the sanction of the Government of India was required only for nominations under the first of the rules, that is, to nominations *for employment* in the Covenanted Civil Service, and the practice obtaining in this Presidency under which acting appointments were made from the ranks of Statutory Civilians without reference to the Government of India was pointed out. In Mr. Lyall's reply thereto, dated 30th October 1889, the views of the Goverment of India were intimated demi-officially, as the despatch from the Secretary of State now forwarded by you was under consideration. It was pointed out that so far as substantive appointments are concerned, the question is set at rest by the orders contained in paragraph 22 of the despatch, under which such Statutory Civilians as do not elect to enter the Provincial Service will have to be appointed under the Act of 1870 upon each occasion on which they obtain promotion. In regard to acting appointments, however, it was stated that the terms of the rules issued under the Government of India Notification, dated 22nd August 1879, universally admitted to be faulty, would admit of temporary or even permanent promotions being made by the head of a local Government; that His Excellency the Governor-General in Council would not interfere with any past appointments; that the point would be made clear in the rules now to be issued; and that meanwhile the present practice might be continued. In the despatches to and from the Secretary of State, which form enclosures to your letter now under reply, it is held that a Statutory Civilian is now merely the holder of the office to which he stands appointed and that each subsequent promotion or transfer is a fresh appointment requiring sanction under the rules of 1879. I am, however, to point out that, rightly or wrongly, Statutory Civilians stand appointed for employment in the Covenanted Service, and that their status as members of that service, entitled to promotion according to seniority and fitness like other members of it, has hitherto always been acknowledged in this Presidency. While willing to admit that the rules of 1879 as they now stand are possibly not in accordance with the statute and that rules in accordance with it should be to the effect stated by the Government of India, His Excellency the Governor in Council is nevertheless of opinion that it would be unjust to visit on the Statutory Civilians the error which has arisen in drawing up the rules and to deny them the status conferred upon them and hitherto recognized. The advantage held out as an inducement to join the Provincial Service, I am to observe, is, in view of what has just been stated, one which they already enjoy; so that they will gain nothing by joining that service, but will lose their more favorable leave and pension rules. In consideration of the facts noticed above and of this being a fitting opportunity to decide the question raised in my letter, No. 732, dated 30th August last, whether Statutory Civilians do or do not possess the status which the Government of India now offers as a consideration for joining

the remainder retained in the Subordinate Service. As, however, the object contemplated by the Government of India appears to be to obtain appointments in the Executive branch to correspond with those of District Munsifs on Rs. 200 at the bottom of the Judicial branch of the Provincial list, I am to say that His Excellency in Council would much prefer to revise the grading of the District Munsifs so as to abolish the grade on Rs. 200 and in view of the moderate additional cost would suggest this course for the consideration of the Government of India. The lowest grade of District Munsifs are by no means overpaid at present. The following table exhibits the present and proposed scale:—

Present scale.	Proposed			
	(1)		or	(2)
25 at Rs. 400 = 10,000	20 at Rs. 400 = 8,000			25 at Rs. 400 = 10,000
25 at ,, 300 = 7,500	25 at ,, 350 = 8,750			40 at ,, 300 = 12,000
25 at ,, 250 = 6,250	30 at ,, 300 = 9,000			43 at ,, 250 = 10,750
33 at ,, 200 = 6,600	33 at ,, 250 = 8,250			
108 30,350	108	34,000		108 32,750

His Excellency in Council would have no objection to the regrading of Tahsildars, Huzur Sheristadars, Taluk Sheristadars and Deputy Tahsildars, on a list working up to a maximum of Rs. 225. This would create a compact and uniform subordinate executive service and it might be possible to concentrate appointments and promotions under one central authority. The service would be about 350 strong and the educational qualifications prescribed, namely, the F.A. standard of the Madras University and lower grade Special Tests, would be sufficient. The question of regrading of Tahsildars was, however, I am to observe, raised by the Government of Madras and negatived by the Government of India in letter No. 805, Financial, dated 16th April 1884.

19. In reply to the question contained in paragraph 17 of your letter, His Excellency the Governor in Council is of opinion that the present arrangements in this Presidency for testing the educational qualifications of candidates for the Public Service are adequate. I am to point out that in the near future they will practically amount to the exclusion from the Provincial Service of all those who have not graduated and passed at the same time either the B.L. degree of the local University or the higher Special Tests and from the Subordinate Service of all those who have not passed the First-in-Arts Examination of the local University and at least the lower Special Tests. As regards the establishment of a Board of Examiners for the Provincial Service, I am to say that His Excellency is of opinion that the present arrangements require no change. The Commission for the U.C.S. Examination has worked well under the Director of Public Instruction and 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. If, however, His Excellency the Governor-General in Council is still of opinion that a Board should be established, I am to say there will be little difficulty, though probably some extra expense, in amalgamating the present Board of Examiners and U.C.S. Commission.

20. His Excellency the Governor in Council fully recognizes the principle laid down in paragraph 18 of your letter as to the more complete adoption of the principle of selection in making appointments to the higher posts of the service.

21. In conclusion, I am directed to refer to paragraph 36 of the Secretary of State's despatch, no allusion to which appears in your letter under reply. If is there stated that the new Provincial Service is to be called the "Madras Civil Service," and I am to say that, in the opinion of His Excellency the Governor in Council,

this transfer of a time-honored name which has been borne with pride by an honorable body of Her Majesty's servants to a newly created service, such as the Provincial Service, will be felt by every member of it as in the last degree humiliating and cruel, while it is not called for by any necessity of justice or public interest. I am therefore to urge upon the Government of India the adoption of some other designation for the Provincial Service.

OOTACAMUND,
4th June 1890.

J. F. PRICE,
Chief Secretary.

NOTES CONNECTED WITH G.O., No. 401, PUBLIC, DATED 4TH JUNE 1890.

[SUBJECT.—*Public Service Commission.*]

Previous papers.

Provincial Civil Service stock file.

From the Government of India, Home Department (Public), dated 14th February 1890, No. 300.

Chief Secretary—

This letter deals with the proposals of the Public Service Commission so far as they relate to the Judicial and Executive branches of the administration.

2. The first point touched on is the creation of a Provincial service, and this Government is asked to consider how the decision of the Secretary of State can be best carried out. The Secretary of State is averse to any legislation being undertaken with the object of amending section 6 of 33 Vic., Cap. 3, and to transferring definitely to the Provincial service a proportion of the appointments now ordinarily held by members of the Covenanted service recruited in England. He considers that the object contemplated by the Commission will be carried out by requiring each Provincial Government to place on a classified list certain offices and by declaring these to be offices to which members of the Provincial service may properly be appointed, subject to the conditions proposed by the Government of India in their despatch, dated 9th October 1888. These conditions are enumerated in paragraph 3 of the letter from the Government of India.

3. The first point is the consideration of what appointments should be declared open to members of the Provincial service. The cadre requirements of this Presidency so far as appointments scheduled under 24 and 25 Vic., Cap. 54, are concerned number 94, and in paragraph 4 the Government of India suggests that 15 of these appointments should be thrown open to the Provincial service. It is left to this Government to decide whether it would be advisable to include any of the 17 local appointments which, though not reserved, are ordinarily filled by covenanted civilians. In the schedule which accompanied the despatch from the Government of India to the Secretary of State of the 29th October 1888 provision was made for the inclusion of one-third of the District and Sessions Judgeships. This for Madras would make 7. Only 4 of these are included in the 15 appointments proposed to be made Provincial. The Government of India point out that present circumstances could not possibly permit of so large a number as 7 being filled by Provincial officers, but request that the 3 appointments not included may not be lost sight of. Their addition to the 15 appointments would give a total of 18 or one-sixth of the full cadre of 111 (94 + 17).

4. The second point is the consideration of the pay to be attached to the appointments when held by members of the Provincial service. The Government of India proposes the following :—

		Rs.
	First-grade Collector and Judge	1,600
* See remarks in paragraph 6.	Secretary to the Board of Revenue *	1,200
† The Government of India only contemplate a Magistrate-Collectorship being a second-grade appointment, but a District Judgeship is often so too.	Second-grade Collectorship †	1,200
	Sub-Collector	700
	Head Assistant Collector	500
	Passed Assistant	300
	Unpassed Assistant	250
	Under Secretary to Government	700

This will abolish the two-thirds rule and enable Government to incorporate the listed appointments in the grades of the Provincial executive and judicial services.

5. As regards the method of exhibiting the posts in the list of Provincial appointments, the Government of India suggest that officers of the Provincial service holding charge of a sub-division or an Assistant's division should be styled "Deputy Collector," in fact that so far as they are concerned the terms "Sub-Collector", "Head Assistant" and "Assistant Collector" should be abolished. Subject to the conditions noted above, as regards pay and denomination, the local Government would be competent to appoint members of the Provincial service to the Sub-Collectors,' Head Assistants' and Assistants' charges for which Provincial officers are eligible without reference either to the Government of India or to statutory rules, and promotion to the grade of first-class Deputy Collector or first-class Subordinate Judge would run in the ordinary way. The views of this Government are requested as to whether the local Government should be competent to appoint to the higher offices or whether these or any of them should be made and sanctioned by the Government of India.

6. The proposed list of appointments will be found in paragraph 10 of the letter from the Government of India carried down to Tahsildars and Munsifs on Rs. 200.

7. In paragraph 11 the Government of India direct that each Statutory Civilian appointed before 1889 shall be called upon to choose whether he will remain in his present position or be transferred to the Provincial service with an acknowledgment of his preferential claims to promotion to the scheduled appointments. Such Statutory Civilians as elect to remain will rank after Civilians whose covenants bear date previous to their *confirmation* (*vide* letter No. 630, dated 13th August 1889). As regards promotion no Provincial officer can be appointed to the listed posts under the rules to be framed till the claims of all Civilians *recruited* before 1880, and after them, of fit and competent Statutory officers recruited since that date are satisfied.

8. *Leave and Pension Rules.*—The Government of India sees no reason why those of the present Uncovenanted service should not apply.

9. *Rules for* (1) *admission to the Provincial service and* (2) *appointment from the Provincial service to the offices of Collector and Judge and ungraded appointments under the Statute.*—These should be prepared by the Government of Madras and submitted for the sanction of India. Those for admission to the Provincial service should provide for indispensable educational attainments and must be adapted to obtain thoroughly efficient candidates and to secure the due representation in the public service of different classes of the community. It should also be made clear in these rules that though the appointment of Europeans is restricted, it is not prohibited. The lines on which the rules for the appointment of members of the Provincial service to scheduled appointments under 33 Vic., Cap. 3, should be drawn up are enumerated in paragraph 15 of the Government of India letter.

10. In paragraph 16, the Government are asked whether a similar arrangement to that proposed in other provinces might not obtain in Madras whereby the line of demarcation between the Provincial and subordinate service might not properly be fixed according to pay, the limit being fixed at Rs. 200.

11. In paragraph 17 the Government are asked to report on the adequacy of the examination rules at present in force for admission into the public service, to submit proposals for the establishment of a Board of Examiners to test the educational qualifications of candidates for the Provincial service, and to state whether any changes are required in the existing rules for recruitment of the subordinate service.

12. In paragraph 18 attention is drawn to the importance of the principle of special selection being rigidly enforced on all occasions of appointments from the Provincial service to the posts of District Officer, Sessions Judge, and the ungraded appointments made under the Statute, and it is pointed out that this principle should be more rigidly enforced even in the cases of Covenanted Civilians.

C. M. Schmidt—3-3-90.

Honourable Member and circulate—

Perhaps it would be better to give six Judgeships than two Collectorates and four Judgeships to the Provincial service. Rs. 1,000 seems to me to be enough for the Uncovenanted Secretary to the Board (paragraph 6). The term "Deputy Collector"

might cause confusion and mistakes. Why not use the term "Special Sub-Collectors"? The term "Special Assistant Collectors" has been already appropriated. I do not see why the examination rules need be altered. The selection of men for the appointment of District Judge ought to depend on selection only and be left entirely to the local Government. The entry into the Provincial service might be determined by promotion to a particular rate of pay. Nothing more than general orders can safely be issued about the proportion of the various classes to be employed.

2. The Government of India seem to have determined that Statutory Civilians are to take seniority according to date of confirmation, not of entry into the service on promotion, but they do not expressly order this to take effect till the Statutory Civilians have made their election as to whether they will belong to the Provincial service or not. Should it be acted on at once? *e.g.*, Mir Shujaat Ali has been lately promoted as if he were 102 on the list. According to the new order he ought to be 109 and far below Muhammad Razá Khán.

J. Grose—3-3-90.

In paragraph 4, India proposes that of 94 appointments scheduled under the Statute of 1861, 15 shall be transferred to the Provincial service and that the *cadre* of the Civil service shall consist of the remaining 79 appointments *plus* 17 miscellaneous appointments which are not scheduled under the Statute of 1861. It asks whether the Governor in Council would wish to transfer any of these miscellaneous appointments to the Provincial service. I would reply in the negative. The question is really as to the strength of the Civil service proper. We may have to fill all these appointments with Covenanted Civilians but there is nothing to prevent their being held by Provincial service men or anybody else. If they are so held they will appear in the third section of the Provincial list, and some of them, *e.g.*, Deputy Commissioners, Revenue Settlement, are now so held and should be entered when held by natives. It is necessary that the Covenanted *cadre* should include them because we may have to fill them. It is advisable that we should have as large a *cadre* as we can get, as to recruitment and as to supplementing which we contest and which give us too few men. In a separate letter* they propose to add to our *cadre* 5 men for service under India, so that they admit (79 + 17 + 5 =) 101 as the new *cadre* to be recruited up to from England. They add 38 per cent. to *cadre*; we contend they ought to add 50 per cent. if the *cadre* is to be always filled. Their calculation gives us 139 men; we want 143 or a *cadre* of 97. We cannot therefore afford to consent to a reduction of the *cadre* of 101 they offer.

So would I.
J. H. G[arstin].

Yes.
J.H.G.

* G.O., 235, Public, 26th March 1890.

145?
J.H.G.

2. As to the 15 appointments I think we may accept them as the utmost that we can accept at present. We could not at once find 6 men outside the Civil service fit to be Collectors or Judges. With reference to the second condition in paragraph 3, no acting or permanent appointments can be made to headships of districts or District Judgeships until the covenanted men of 1880 are provided with acting or permanent appointments of this class. Accordingly no acting Collectors or Judges can be made from the Provincial list until probably 1892, and no permanent appointment probably before 1895 or 1896. By these dates we may be able to find two Collectors and four Judges. As soon as the last man of 1880 gets a confirmed Collectorate or Judgeship, the next six vacancies are apparently to go to the Provincial list, if it contains men fit to fill them. This means two years' retardation of promotion to this grade for all men who join the service after 1880, unless the rule that the Statutory Civilians are to rank as compared with covenanted men according to dates of confirmation applies to Collectorates and Judgeships as well as to other transferred

We may accept the number 15, but I should prefer to substitute 6 Judges for 2 Collectors and 4 Judges.
J.H.G.

Precisely and as I understand it, so long as there is one of the covenanted men of 1880 unprovided with a confirmed Collectorate or Judgeship no Provincial officer can be confirmed in such an appointment.
J.H.G.

agree with his proposal as to the annual appointment of Deputy Collectors by competition and as to the subsequent extension of that system. I believe that the problem proposed by the Government of India of providing for educational attainments and at the same time securing due representation of the different classes of the community is almost impossible to solve without injustice, but the proposition of Mr. Stokes leaves one-third of the appointments for selection which may possibly enable Government to secure "due representation of the different classes".

11. As to the training of Civil Judicial officers in criminal work I think the first alternative of the Hon'ble Mr. Stokes is the best.

12. As to the proposal that some grades of Tahsildars should be included in the Provincial service, my Honourable Colleagues seem agreed and their reasoning seems to me quite conclusive.

13. I also concur as to their remarks upon the testing of educational qualifications for the Provincial service, paragraph 17.

14. As to the principles of selection I concur in the remarks of both my Honourable Colleagues.

15. I also concur entirely as to the remarks of my Honourable Colleagues as to the new nomenclature. I would adhere to the words "Imperial" and "Provincial".

C[onnemara]—23-4-90.

As I know little or nothing of the subject under consideration, having never seen the case before, I do not wish to express an opinion especially as I see that His Excellency the Governor has already recorded his opinion on my Honourable Colleagues' minutes.

C. G. A[rbuthnot]—26-4-90.

Chief Secretary—

Draft letter to India is submitted.

C.M.S.

Honourable Member and circulate—

J. F. Price.

Extract from paragraph 5 of draft letter.

I am to suggest that, instead of dividing six posts in the Provincial list between Collectors and Judges as proposed in paragraph 4 of your letter, it would be better to allot six posts to District Judges.

I don't agree in the suggestion as it would have the effect of denying altogether the highest executive office to the Provincial service. For that reason it will be disallowed. I think that to provide for two possible native Collectors is a reasonable and proper thing to do. Further, Government is protected by the rule that no Provincial officer is to be appointed to those offices unless fit.

H. E. S[tokes]—28-5-90.

J. H. G[arstin]—29-5-90.

I am opposed to giving any Collectorate to the Provincial service. This may be a sound opinion, but there would be no use in sending it up to India. I therefore concur with the Hon'ble Mr. Stokes.

C[onnemara]—31-5-90

Query on paragraph 6 of draft letter.

Should any reference be made to Statutory Civilians' promotions acting and permanent to the lower grades, Sub-Collector and Head Assistant?

J. F. Price.

No. Statutory Civilians will get them in turn.

H. E. S[tokes].

Paragraph 17 of draft letter.

In the concluding portion of paragraph 15 of your letter it is suggested that officers of the Provincial service exercising only civil judicial functions should undergo some period of probation in criminal business before they are appointed District and Sessions Judges and I am

to say * in view to carrying out this proposal that this Government would suggest the creation of two or three additional Sub-Judges and the employment of the same number of Sub-Judges as additional Sessions Judges, a rule being laid down that no one shall be appointed to the post of District Judge unless he has had five years' practice as a Barrister or High Court Vakil; a year's service as Sub-Judge or Additional Sessions Judge or two years' service as a Presidency Magistrate.

I would like to say—

that His Excellency in Council not only fully concurs in the expediency of the suggestion but also considers it of the highest importance that some cognate provision should be made for giving members of the Imperial Service opportunities of acquiring both civil and criminal judicial experience before taking their seats on the Bench as District Judges and therefore in view to giving effect to these proposals this Government would recommend the creation of 6 or 8 additional Sub-Judgeships.

2. I hope my Honourable Colleague will adopt this addendum as it is of vital importance to the efficiency of our District Judge who through want of such training is often conspicuously wanting. No doubt the expense may be urged as an objection, but there will never recur so fitting an opportunity for raising and pressing the question.

J. H. G[arstin]—29-5-90.

I agree with my Honourable Colleague that something of the kind is desirable, but I am not prepared to accept the [proposal to ask India for] 6 or 8 [additional Sub-Judges]. I would put the suggestion generally. . . . I don't think there is any harm or incongruity in bringing the matter forward at the end of the paragraph thus—

His Excellency the Governor in Council regards as of quite equal importance the provision of means of training in the administration of civil justice of members of the Imperial Civil Service destined for employment as District and Sessions Judges and would advocate such further addition to the number of Sub-Judgeships as might be necessary for the purpose.

H. E. S[tokes]—31-5-90.

There is much to be said in support of the remedy here proposed by the Hon'ble Mr. Garstin for an evil that I fear exists in our service. But I fear the proposal can hardly be considered to come within the scope of this draft as it opens up subjects administrative and financial hardly cognate to those with which the despatch is dealing. However if the Hon'ble Mr. Stokes concurs with the Hon'ble Mr. Garstin I have no objection.

C[onnemara]—31-5-90.

Paragraph 18 of draft letter.

His Excellency in Council would have no objection to the regrading of Tahsildars, Huzur Sarishtadars, Taluk Sarishtadars, Deputy Tahsildars and Revenue Inspectors on a list working up to a maximum of Rs. 225. This would create a compact and uniform subordinate executive service and it might be possible to concentrate appointments and promotions under one central authority.

I don't agree to Revenue Inspectors. They must in my opinion always remain in the inferior Civil Service and their appointment left to Collectors. I would ask my Honourable Colleague to consider how it would be possible to appoint Revenue Inspectors from Madras? I included Collectors' Head Clerks because they get Rs. 150.

H. E. S[tokes]—31-5-90.

Very well. I won't press the point about Revenue Inspectors.

J. H. G[arstin]—2-6-90.

Paragraph 21 of draft letter.

In conclusion, I am directed to refer to paragraph 36 of the Secretary of State's despatch, no allusion to which appears in your letter under reply. It is there stated that the new Provincial service is to be called the 'Madras Civil Service' and I am to say that, in the opinion of His Excellency the Governor in Council, this transfer of a time-honoured name by an honourable body of Her Majesty's servants to a newly-created service such as the Provincial service will be felt by every member of it as in the last degree humiliating and cruel while it is not called for by any necessity of justice or public interest.

Is any suggestion to be made as to the names? If so orders as to what they should be are solicited. The wish no doubt of every member of the service is that it should retain its old name. There seems no reason why one service should not remain the Madras Civil Service and the other the Madras Provincial Civil Service. To call us the Civil Service of India is a misnomer so long as there are separate Presidencies and separate sets of officers who are appointed to them and them only.

J. F. PRICE.

I think we must leave to India the settlement of the designation which will be on one plan for all provinces.

H. E. S[TOKES].
J. H. G[ARSTIN].

Issue draft as modified.

J. F. PRICE.

[G.O., No. 401, Public, dated 4th June 1890.]

CHIEF SECRETARY
19 FEB 90
GOVERNMENT OF MADRAS

Public C. No. 527.

No. 300

FROM

A. P. MACDONNELL, ESQ., C.S.I.,
Secretary to the Government of India.

TO

THE CHIEF SECRETARY TO THE GOVERNMENT OF MADRAS.

Home Department.
Public.

Calcutta, the 14 February 1890.

SIR,

IN continuation of correspondence ending with Mr. Stokes' letter No. 580, dated 5th June 1888, regarding the final report of the Public Service Commission, I am now directed to forward, for the information of His Excellency the Governor in Council, copies of the Government of India's Despatch No. 58, dated 9th October 1888, and of the Secretary of State's reply No. 104, dated 12th September 1889. I am also to communicate the following remarks and suggestions on the proposals of the Commission so far as they relate to the Judicial and Executive branches of the Administration, and to request that the Governor in Council will take them into his consideration and favour the Governor General in Council with his views on the several points dealt with.

2. The Governor in Council will observe that, while approving of the proposal to create a Provincial Service,* the Secretary of State has decided that legislation shall not be undertaken with the object of amending section 6 of 33 Vict., Cap. 3, and that a proportion of the appointments now ordinarily held by members of the Civil Service recruited in England shall not be definitely transferred to the Provincial Service. His Lordship considers that the object contemplated by the Commission will be practically attained by requiring each Provincial Government to place, on a classified list, 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 Despatch from the Government of India dated 9th October 1888) 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.

* The term Provincial Service is throughout this letter provisionally used in the sense attached to it by Chapter VII of the Public Service Commission's Report, and it is requested that it may be also so used in the reply of the Madras Government.

3. The Governor General in Council desires that the question of how this decision can be best carried into practice may now receive the careful consideration of the Madras Government, and with a view of aiding its deliberations the following suggestions are thrown out. The conditions, subject to which it will be possible to appoint a member of the Provincial Service to an office entered in the classified list, are (1) that the maximum extent to which room in the higher offices will gradually become available for competent members of the Provincial Service is $\frac{1}{6}$ of the appointments now held by the Indian Civil Service; (2) that the time and extent of the admission of members of the Provincial Service to scheduled appointments must, however, be determined by the preponderant administrative needs and aptitudes of the province and its people, and by the necessity for according to Indian Civil

Servants who entered the service before the reduction of recruitment in 1880, the preferential right, save in the exceptional circumstances contemplated in paragraph 21 of the Secretary of State's Despatch of 12th September last, of appointment to offices entered in the schedule to 24 and 25 Vict., Cap. 54, and other offices to fill which the Indian Civil Service and Statutory Civilians have hitherto been recruited; and (3) that if no member of the Provincial Service who is fully fit and competent be available for any such office which may become vacant, a member of the Indian Civil Service shall be appointed.

4. The first point to be considered then is what appointments in Madras may be declared to be appointments to which, subject to the foregoing qualifications, members of the Provincial Service shall be eligible. In determining this question it will be necessary to pay attention to the schedule attached to the Government of India Despatch of 9th October 1888, to the cadre requirements of the Madras Presidency so far as appointments scheduled under 24 and 25 Vict., Cap. 54 are concerned,* and especially to the preponderant administrative needs and aptitudes of the province and its people at the present time. Having regard to these considerations, the following suggests itself to the Governor General in Council, as at present advised, and subject to any representations which the Governor in Council may see fit to make, as being a suitable list in the existing circumstances of time and place:—

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

giving a total of 15 appointments for the province or nearly one-sixth of the total number of scheduled posts. Besides the 91 "Scheduled" appointments enumerated in the margin above, the *cadre* of the service in the Madras Presidency, as suggested in the correspondence ending with Mr. Price's letter No. 926, dated 22nd September 1888, would contain 17 local appointments which, though not reserved, are ordinarily filled by members of the Indian Civil Service. These 17 appointments include 2 Memberships of Council, 2 High Court Judgeships and the 13 general appointments noted in the margin. The Governor in Council may desire to increase the number of 15 appointments specified above by declaring some of the appointments marginally noted to be open to members of the Provincial Service; if so, the additional posts should be shown separately in the way indicated in paragraph 8 below, care being taken that the maximum limit of $\frac{1}{6}$ is not exceeded. The pay proposed for any posts which the Governor in Council may desire to add to the list should be stated in the reply to this communication.

Secretaries	2
Under Secretaries	2
Members Board of Revenue	4
Secretaries, Board of Revenue	2
Heads of Districts	22
Sub. and Assistant Collectors	42
District Judges	20
	94

* Director of Public Instruction.
Private Secretary to His Excellency the Governor.
Inspector General of Police.
Two Deputy Commissioners, Salt Revenue.
Deputy Commissioner, Revenue Settlement.
Resident, Travancore and Cochin.
Assistant Resident, Travancore and Cochin.
Assistant Secretary.
Registrar, High Court, Appellate Side.
Inspector General of Jails.
Deputy Conservator of Forests.
Reserve 1

5. The schedule attached to the Despatch of 9th October 1888 provided for the admission of eligible Provincial officers to three more District Judgeships in Madras than have been included in the list above suggested. But that schedule was meant to be a final settlement of the claims of the Provincial Service to scheduled posts, to be gradually worked up to within "a generation of official life." It is certain that neither the administrative needs of the Madras Presidency, nor the aptitudes of its people, nor the claims of civilians recruited before 1880, permit at present, or will permit for many years to come, of the appointment of so many as seven Provincial officers to be Civil and Sessions Judges. The list should be framed with reference to proximate reasonable requirements. It can be altered when such requirements change. But the necessity of holding these three appointments in reserve, if His Excellency the Governor in Council concurs in the schedule attached to the Government of India's Despatch, dated 9th October 1888, to the Secretary of State,

must not be lost sight of: their addition to the 15 posts mentioned in paragraph 4 will give a total of 18 or $\frac{1}{6}$ of the full cadre of 111 for local service.

6. When the number and description of the posts to be placed upon the lists have been determined the following points will arise for consideration, *viz.*, (1) the pay to be attached to those posts when held by members of the Provincial Service, (2) the method of exhibiting the posts in the list of Provincial appointments, and (3) the rules regarding leave and pension to be applicable to the Provincial Service. On the first point, having regard to the results emerging from a strict application of the two-thirds rule, to the character of the duties to be performed, and to the conditions of native society, the Government of India is disposed to think that the following rates of pay will be found suitable for the higher appointments when held by natives of India:—

	Rs.
1st grade Judge and Magistrate and Collector	1,600
Secretary to the Board of Revenue	1,200

It is also suggested that if the Magistrate-Collectorship on Rs. 1,800 is held by a Provincial officer the pay should be fixed at Rs. 1,200 per month. It is observed that there is already an Uncovenanted Secretary to one of the Members of the Board and that his pay has been fixed at Rs. 1,000. Perhaps the Government of Madras will deem this sufficient.

7. When scheduled appointments below the grade of District Magistrate and Collector are now held by Statutory Civilians the operation of the two-thirds rule gives to the unpassed Assistant Rs. 256 a month, to the passed Assistant Rs. 358, and to the Head Assistant and Sub-Collector Rs. 491 and Rs. 746 respectively. If such offices were to be kept separate it would probably be sufficient to allot pay at the rate of Rs. 250, 300, 500, and 700 to listed posts corresponding to unpassed and passed Assistant Magistracies and Head Assistant and Sub-Collectors, respectively, and Rs. 700 to that of Under Secretary to Government, and this scale, while so far abolishing the two-thirds rule, would enable the Government to incorporate the listed appointments in the grades of the Provincial Executive and Judicial Services.

8. There is however no substantial distinction between the work of an Assistant or Sub-Collector and that of a Deputy Collector. All alike are Sub-Divisional Officers, and even now it often happens that a Deputy Collector is placed in charge of an Assistant's or Sub-Collector's charge. There is therefore nothing to be gained by retaining the title of Sub. or Assistant Collector when the post is filled or the sub-division administered by an officer of the Provincial Service who would really be neither more nor less than a Deputy Collector. His Excellency in Council therefore suggests that the seven additional appointments of the Sub-Divisional Officer class which it is proposed to open to Provincial officers should be distributed among the various grades of the Deputy Collectors, in such manner as may appear equitable, a note being added that these appointments are subject to the conditions noted in paragraph 3 *supra*, and that when held by Members of the Civil Service, their designation will be that of Assistant, Head Assistant or Sub-Collector as the case may be. There would thus be a fulfilment of the Secretary of State's instructions to exhibit these appointments on the Provincial Service list so that the result may be "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."

9. Subject to the conditions referred to in the preceding paragraph the Local Government would be competent to appoint members of the Provincial Service to the Sub-Collectors', Head Assistant and Assistant Magistrate-Collectors' charges for which Provincial officers are eligible, without reference either to the Government of India or to Statutory Rules, and promotion up to the grade of first class Deputy Collector or first class Subordinate Judge

would run in the ordinary way. Whether it is desirable that the Local Government should, under Statutory Rules to be now framed, be competent to appoint to the higher offices, or whether such higher appointments, or any of them, should be made or sanctioned by the Government of India, is a point upon which I am to request an expression of the views of the Madras Government.

10. The list of Provincial Executive and Judicial officers in Madras would then run as follows:—

APPOINTMENTS MADE BY THE GOVERNMENT OF INDIA THE LOCAL GOVERNMENT UNDER RULES FRAMED UNDER 33 VICT., CAP. 3, SECTION 6.

A = Executive, B = Judicial.

x = Number of appointments.

		Pay. Rs.
	I.	
A—Magistrate-Collectors (*x*)		
B—Civil and Sessions Judges (*x*)		1,800
	II.	
A—Magistrate-Collector (1)		1,200

Officers holding ungraded appointments.

EXECUTIVE.

Names.	Appointments.	Pay.
.....	Secretary to Board of Revenue	Rs. 1,200
.....	Under Secretary to the Government of Madras.	„ 700
.....	.....	.....

JUDICIAL.

Names.	Appointments.	Pay.
.....	.....	.....
.....	.....	.....

APPOINTMENTS MADE BY THE LOCAL GOVERNMENT NOT UNDER 33 VICT., CAP. 3.

		Pay. Rs.
	I.	
B—Subordinate Judges(*x*)		800
	II.	
A—Deputy Magistrates and Deputy Collectors(*x*)		700

	Pay. Rs.
III.	
B—Subordinate Judges(*x*)	650
IV.	
A—Deputy Magistrates and Deputy Collectors (*x*)	600
V.	
A—Deputy Magistrates and Deputy Collectors (*x*)	500
B—Subordinate Judges (*x*)	500
VI.	
A—Deputy Magistrates and Deputy Collectors (*x*)	400
B—Munsiffs (*x*)	400
VII.	
A—Deputy Magistrates and Deputy Collectors (*x*)	300
B—Munsiffs (*x*)	300
VIII.	
A—Deputy Magistrates and Deputy Collectors, Tahsildars (*x*)	250
B—Munsiffs (*x*)	250
IX.	
A—Tahsildars (*x*)	200—225*
B—Munsiffs (*x*)	200

NOTE.—Of the above (*x*) appointments in grade II, (*x*) in grade V, (*x*) in grade VII are subject to the claims of officers in the Indian Civil Service appointed before 1880. If no fit and competent member of the Provincial Service is available, or if the preponderant administrative needs of the province require it, an Indian Civil Servant may be appointed to any of the said appointments and to any of (*x*) appointments of Deputy Magistrates and Deputy Collectors in grade VIII.

* See paragraph 16 below.

Officers holding ungraded appointments.

EXECUTIVE.

Names.	Appointments.	Pay.
.....	.....	.....
.....	.....	.....
.....	.....	.....

JUDICIAL.

Names.	Appointments.	Pay.
.....	.....	.....
.....	.....	.....

Such a scale as the preceding will enable the Local Government to give promotion from one grade to the other, while if the Sub-Collectors', Head Assistants' and Assistants' charges, when held by Provincial officers, were shown separately, promotion would become more difficult. It is difficult to see how the retention of the designations Sub-Collector, Head Assistant or Assistant Collector for a Provincial officer would secure any practical advantage, while it would certainly lead to inconvenience.

11. With reference to the orders contained in paragraph 22 of the Despatch of 12th September last, I am to request that each Statutory Civilian appointed in the Madras Presidency before the close of 1889 may now be called upon to choose whether he will remain in 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. In this connexion it may be well to state that the claims to promotion of a Statutory Civilian who elects to retain his present position and who has shown the merit and ability necessary to justify his advancement, will only be considered after the claims of civilians whose covenants bear dates previous to that of his confirmation have been satisfied. The admission of the prior claims of civilians recruited before 1880, and after them of preferential claims of fit and competent Statutory officers recruited since that year, must be satisfied before any member of the Provincial Service can be appointed to listed posts under the rules now to be framed. The Governor General in Council will now be glad to learn how the choice has been exercised in each case.

It must not be forgotten that the number of appointments referred to in paragraph 4 of this letter as to be opened from time to time to the Provincial Services must for the time be reduced to the extent to which Statutory Civilians decline to join the Provincial Service and in the grade in which such Statutory Civilians hold offices. But once the claims of existing Statutory officers are satisfied, all officers of the Provincial Service would be placed on the same footing, as regards promotion to all grades. In other words, their promotion would be governed by the same rule, namely, seniority qualified by fitness.

12. With regard to the question of the Leave and Pension Rules to be applicable to officers holding the appointments under notice, I am to say that the Governor General in Council sees no reason why the present Uncovenanted Service Leave and Pension Rules, or in other words the provisions of Part III, Cap. XIV, Civil Service Regulations, regarding leave, and of Part IV, Caps. XV—XIX, regarding pensions, should not apply. Existing Statutory Civilians who refuse to join the Provincial Service would continue to be governed by the Leave and Pension Rules now applicable to them.

13. The next step will be to prepare rules to regulate (1) admission to the Provincial Service and (2) appointment from the Provincial Service to the offices of District Officer or District Judge, and the ungraded appointments to be made under the Statute. These rules should be prepared by the Government of Madras and submitted for the previous sanction of the Governor General in Council. Those on the former point should, as directed by the Secretary of State, make due provision (so far as this has not already been secured) for indispensable educational attainments, and must be adapted, on the one hand, to obtain thoroughly efficient candidates, and, on the other, to secure the due representation in the public service of the different classes of the community.

14. The Governor in Council will observe that the Secretary of State has declined to sanction the entire cancellation of the orders of April 1879, which in Madras prohibit the appointment of any one but a native of India to any office in the Executive or Judicial Service carrying a salary of Rs. 200 a month or upwards without the previous sanction of the Secretary of State. If, therefore, the Government of Madras desires to appoint to such an office a person who is not a Statutory native of India, it will still be necessary for it to obtain the previous sanction of the Secretary of State. Such appointments will often in the opinion of the Governor General in Council be desirable, and he therefore thinks that in the draft rules to regulate admission to the Provincial Service it should be made clear that the orders of 18th April

1879, though they restrict, do not prohibit the appointment of Europeans. It is to be remembered, however, that no European who does not satisfy the definition of native of India contained in section 6, 33 Vict., Cap. 3, is eligible for appointment to any of the scheduled offices opened to the Provincial Service, except in accordance with the procedure prescribed by 24 and 25 Vict., Cap. 54.

15. The rules regarding the appointment of Members of the Provincial Service to scheduled offices under the provisions of the Statute 33 Vict., Cap. 3, must, as directed by the Secretary of State, be drawn in accordance with the Act. They must, therefore, be prescribed by the Governor General in Council and sanctioned by the Secretary of State in Council. With reference to paragraphs 7 and 8 *supra*, the Provincial officers appointed in the place of Sub-Collectors, Head Assistants and Assistants will be styled Deputy Collectors and appointed by the Local Government. Whether appointments to higher posts and to the Under Secretaryship should also be made by the Local Government under rules to be framed under the Statute or by the Government of India on nomination by the Local Government is a question on which, as already stated, the opinion of the Governor in Council is requested. And I am now to ask that rules may be drafted under 33 Vict., Cap. 3, section 6, in accordance with the views of the Governor in Council and submitted for the consideration of the Governor General in Council. As it will be unnecessary to maintain for the Provincial Service, which is already a very large one, a reserve for men on leave and in training, such as is maintained for the strictly limited Civil Service and mixed Commissions, provision must be made in the rules for the making of temporary appointments from the Provincial Service to scheduled offices in place of men deputed to other duty or absent on leave. It should also be considered 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.

16. In paragraph 4 of Mr. Stokes' letter of 5th June 1888 it was indicated that the Governor in Council would draw the line between the Provincial and the Subordinate Services so as to exclude Tahsildars and include District Munsiffs and Presidency Magistrates and Small Cause Court Judges. In other provinces, the Governor General in Council is inclined to think that some grades of Tahsildars at all events ought to be included in the Provincial Service, and with this view he has suggested to them whether the line of demarcation between the Provincial and Subordinate Services might not properly be fixed according to pay, and all officers drawing pay proper of less than Rs. 200 be included in the Subordinate Service. I am to ask the Governor in Council to consider whether the circumstances of the Madras Presidency suggest the propriety of a similar arrangement being adopted in it.

17. With reference to paragraph 25 of the Despatch of the Government of India, dated 9th October 1888, I am directed to enquire whether His Excellency in Council thinks that the arrangements recently made by him for testing the educational qualifications of candidates for the public service are adequate, and if not, what proposals he would now make for establishing a Board of Examiners to test the educational qualifications of candidates for the Provincial Service. It will also be for the Governor in Council to consider whether any, and if so what, change is required in the existing rules for recruitment of the Subordinate Service.

18. Lastly, 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 from other provinces in which officers have complained of their supersession 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 recognised that mere length of service gives no claim to promotion in the Indian Civil Service above the rank of Sub-Collector, 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.

I have the honour to be,

SIR,

Your most obedient Servant,

A. P. MACDONNELL,

Secretary to the Government of India.

No. 58 OF 1888.

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 9th October 1888.

MY LORD,

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. $\frac{34}{1573-98}$, 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 confided 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 favor. 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 fulness 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, sec. 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, sec. 32, and the rules framed under 33 Vict., Cap. 3, sec. 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 arrangement 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 & 22 Vict., Cap. 106, sec. 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, sec. 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 re-consider 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 re-opened and carefully re-considered 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 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 $\frac{21}{621-30}$ 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.

Accounts, Archæology, Customs, Education, Forests, Geological Survey, Jails, Mint, Opium, Pilot Service, Police, Post Office, Public Works, Registration, Salt, Surveys, and Telegraphs.

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 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 Civilians 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 & 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 twofold 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, thould 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 disent, 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 Uncovenanted 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 thefr 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'élite* 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 not 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, *cæteris paribus*, the latter shall, if considered qualified, 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 consider that the adoption of 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 suggestions 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 exist-

ing 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 of 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 recommendation in question. The Commission was precluded by the terms of its instructions 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 Elliott, 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 it 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.

IV.

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 appointment 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 offices 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 leaving appears to be 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 intrusted 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. This recommendation we accept with the qualification that the barrister or advocate shall have practised his profession for three years in India. The 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 Branch 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 connection 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 effective 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. 133 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 formal 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 High Court Judgeships, we have no objection to offer, so far as the question concerns pay. But we consider it undesirable to reopen 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 considerations.

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 condiiton 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 possesion 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.

We have the honour to be,

MY LORD,

Your Lordship's most obedient, humble Servants,

DUFFERIN.

F. S. ROBERTS.

G. CHESNEY.

A. R. SCOBLE.

C. U. AITCHISON.

C. A. ELLIOTT.

J. WESTLAND.

Proposed Schedule as referred to in paragraph 13 of Despatch.*

General.	(1) Secretaries and Junior Secretaries to the several Governments in India, except Secretaries and Junior Secretaries in the Military, Marine, and Public Works Departments.
	(2) Comptroller and Auditor General.
	(3) Accountants-General except one.
	(4) Commissioners of Customs, Salt and Opium.
	(5) Opium Agents.
Judicial.	(6) Judicial Commissioners.
	(7) Two-thirds of Civil and Sessions 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 Punjab 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 Assistant 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.

G. C. Press, Simla.—No. 1166 H. D.—22-10 89—100.

LIST OF ENCLOSURES.

1. Circular to Local Governments and Administrations, No. $\frac{21}{611-30}$, 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. 2166A, dated 4th May 1888, and enclosures.
5. From the Government of the North-Western Provinces and Oudh, No. $\frac{1898}{12.-592-444.}$ dated 19th May 1888, and enclosure.
6. From the Government of the Punjab, No. 146S., 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 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. 181G., 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.

88

No.

1889.

GOVERNMENT OF INDIA.

HOME DEPARTMENT

PUBLIC.

No. 58, dated Simla, the 9th October 1888.

(Copy.)

LETTER TO HER MAJESTY'S SECRETARY OF STATE FOR INDIA.

Subject.

Communicates the conclusions of the Government of India on the principal questions discussed in the Report of the Public Service Commission.

87

India Office,
London, 12th September 1889.

Public.
No. 104.

His Excellency the Right Honorable 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.

Report of the Indian Public Service Commission.

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 inquiry; 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 Sayyid 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 offices 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 & 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 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".

* Report, para. 74.

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 & 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 (53 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 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.

* Report, para. 76.

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 its 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 these 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 reduc-"tion 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 dislocating 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 "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 12.

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 date 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 for higher employment in India which the pro-"visions 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 certian 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'élite*, 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 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.

* 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, para. 11.
Ditto to ditto, Public, No. 113, 22nd October 1872, para. 7.

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, Salt, 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 1888. 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 or 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 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.

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

* Paragraph 87.

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 organized 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 "*cæteris paribus*, they should, if consid- "ered 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 continue as hitherto to be specially treated outside both the Covenanted and 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 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.

* Paragraph 15.

23. The next subject to which the Despatch of the Government of India refer 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 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 "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

† Paragraph 47.

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, 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 suc- "ceed, they will then as Lord Macaulay said, 'enter the Service in the best and "most honourable way.' The establishment of simultaneous competitive ex- "aminations 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."

* Paragraph 18.

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 mimimum 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 subject 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 subjects.

* Paragraph 81.

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 a 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 bar 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 reconsider 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. I entirely agree with the Commission† that, 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.

* Despatch, paragraph 26. Report, paragraph 82.

† Report, paragraph 84.

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 careful revision in each province of the rules for the recruitment of the Subordinate Service.

‡ Despatch, paragraph 21. Report, paragraph 81.

§ Paragraph 82.

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 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 ground that the leave and pension allowances of

¶ Paragraph 85.

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. 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.

* Paragraph 32.

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 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 Department† 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.

† Accounts, Archæology, Customs, Education, Forests, Geological Survey, Jails, Mint, Opium, Pilot Service, Police, Post Office, Public Works, Registration, Salt, Surveys, Telegraphs.

I have the honour to be,
My Lord Marquis,
Your Lordship's most obedient, humble Servant,
(Signed) CROSS.

[W. F. C.]

G. C. Press, Simla.—No. 1172 H. D.—22-10-89.—300.

527

[9]

Public Department.

Confidential No 75

From

The G. of I.

Home Dept.

No. 300.

Dated 14

Received 19 2. 90.

Enclosures Two. (Spare copies
enclosed)

SUBJECT.

Steps proceeding copies of Correspondence to inform the Secy of State on the proposals of the Public Service Commrs in connection therewith Remarks and suggestions on the proposals of the Commissioners as regard the Judicial & Executive Branches of the Administration for consideration

Public Department.

C. No. 527.

From The G of I, Home Dept.

Dated 14. 2. 1890.

FOR ORDERS.

Ref. the Current year with letters in box 1886 Steps Public and two enclosures for Secretary, Three copies of the Rep. Rules

The above Current deals with the proposals of the Public Service Commission so far as they relate to the Judicial and Executive Branches of the Administration

2. The first point to be considered is the creation of a Provincial Service, and this first asked to consider how this account of the Secy of State should be carried out The Secy of State in connection with legislation being undertaken with the object of amending Section 6 of 33 Vict. Cap 3 and transferring definitely to the Provincial Service a portion of the appointments ordinarily held by Members of the Uncovenanted Service recruited in England. We would submit that the object contemplated by the Commissioners will be carried out by appointing each Govt. to place on a provincial list such

Offices and by declaring those to be
Offices to which members of the
Provincial Service may properly be
appointed, subject to the conditions
proposed by the Govt of India in their
Despatch dated 9. October 1888. These
conditions are enumerated in para 3
of this letter from the Govt of India—

3. The first point is the consideration
of what appointments should be declared
open to all members of the Provincial
Service. The many & very important
duties of this Presidency call for an ample
& well-selected number of Civilians
to fill the Executive & Judicial offices
of the Districts. The number of
Civilians must be sufficient to enable
the administration to maintain a staff
of Assistants & Joint Magistrates which
experience has shown to be necessary
for the efficient discharge of the
various duties of the Collectorate which
are ordinarily filled by Covenanted
Civilians. In the Schedule which
accompanies the Despatch from the
Govt of India & the Secretary of State
Para 20. Provision was made for
the maintenance of ½ of the District

and Sessions Judgeships in Madras
would make for Only 4 of these are
included in the 16 appts proposed to
be made Provincial — The Govt of India
point out that all the Collectorships are
at present possibly for a period as long as
12 years being filled by Provincial officers
and express a desire that the 3 appointments included
in the 16 appts which may not be
Civilians should be added to the
15 appts which would thus = a total of 18 or ⅔
of the present Cadre of 111 (94 + 17) —

4. The second point in the consideration
of this proposal is to attach to the appts
which hold ½ allowance of the Provincial
Service. The G. of S. proposals stand as

1st Grade Collector & Judge — Rs 1600.
Salary of the 13 Appts — £200
2nd Grade Collectorships — £200.
Sub. Collector — £70
Head Asst. Collector — 350
Salaried Asst — 300
Uncovenanted do — 262.
Under Secretary to Govt — 700.

This will abolish the 2/3 rate and create
Govt. to remunerate the Civilian appts. out of the
Grades of the Provincial Executive and
Judicial Services.

5. As regards the method of selecting
the persons to fill the Provincial appts
the Govt of India propose that Officers of the

* See remarks on para 6.

* The G. of S only contemplates a Magistrate-Collectorship being a second grade appt, but as Dr. Tanjore has often no Co.

Provincial Services bearing charge
of a Subdivision or an Assistants
charges should be styled "Sub Collectors"
in fact that so far as they are concerned
the terms "Sub Collector" "Head Assistant"
and "Assistant Collector" should be abolished.
Subject to the condition noted above,
as regards pay and denomination,
the Local Govt would be competent
to appoint members of the Provincial
Service to the Sub. Collectors' Head
Assistants' Assistants' charges for
which Provincial Officers are eligible
but not reserved subject to the Govt.
of India's Consolidating Rules and
promotion to the grade of 1st Class
Deputy Collectors are Subordinate
Judges & Magistrates in the ordinary way.
Members of these Govt are regarded
as Corresponding to Members of the Local
Govt should thus be competent to
appoint to this higher Office without
Reference to any of them already
Provincial and Commissioned by the Govt of
India.
6 The proposed Govt of India Rule
to be found in Forms to Criminal Proc
& Tahsildars and Munsiffs (Rs 200
7 The Govt of India Resolution
dated 14th Feby 1879 on the

Before 1889 Vacancies may be called upon to elect
whether he will remain in his present
position or be transferred to the Provincial
Service with an adequate provision for
provincial claims to promotion to the
Selection appointments. Such Officers
Civilians so elected to remain with their
after Civilians whose covenants have
and provision to their confirmation.
(Vide Letter 689 dt. 13 August 89.)
As regards promotion no Provincial Officer
can be appointed to this Selection post under
the rules other than those of the Civilians
of the Civilians recruited before 1892, and
after them of his own Provincial Service
Officers recruited since that date, are
satisfied
Power
Leave and Allowance Rules. The
Govt of India see no reason why those of the
present Covenanted Service should
not apply.
9. Rules for (1) admission to the Provincial
Service & (2) appointment from the Provincial Service
to the Posts of Collector and Judge and
Magistrate appointments under the Rules. These
should be prepared by the Govt of Madras
and submitted for the sanction of India.
These for admission to the Provincial Service
should provide for the appointment of Selected
Natives and should be adapted to
Natives throughout [illegible]

should then be added an observation
to the effect that Mir Shujaat Ali had been subsequently
promoted as officiating Judge to the 1st class
Court of Small Causes in order to bring the
list up to date. Mir Muhammad Raza Khan

3/3

India with Bills Letters
Commissioners Office

In these 24 India Section Heads of
24 appointments scheduled under
the Statute of 1861 amounting to 15
should be transferred to the Provincial
Civil
Service & that the cadre of the Service
should consist of the remaining 79
appointments plus 17 miscellaneous
appointments which are not scheduled
under the Statute of 1861. If
Civil
the Secretary of State Council
Council
sanctioned 1875

Yes

decide whether the Govt. of India
to transfer any of these miscellaneous
appts to the Prov. Service. I cannot
reply in the negative. The question
is really on the strength of the C.S.
proper. We may have to fill all these
appointments with convenanted officers
but there is nothing to prevent their
being held by Provincials Statutory
or any body else. If they are so held
they will appear in the third section
of the Provincial List, and persons
of them e.g. Dy Com. Rev. Coll. &c.
now to be held & shewn in Statutory
Civil
is necessary that the cadre should
covenanted
include them because we may
have to fill them. It is advisable
that we should have as large a
cadre as we can get, because
India wants certain specialists

as to recruitment and as to supplementing the Cadre for absentees & men in training which we content ourselves think give us too generous. In a separate letter they propose to add to our Cadre Officers for Service under India; so that they admit (79+17+5=) 101 as the new Cadre for recruiting upto from England. They add 38% to Cadre; we contend they ought to add 50%, if the Cadre is to be always filled. This calculation raises us 139 men; we want 143. or a Cadre of 97. We cannot therefore afford to consent to a reduction of the Cadre after they offer.

As to the 15 disappointments I think we may accept them as they almost what we can get. We cannot accept the Civil Service for the contract and they find to mean another Civil Service fill to the Colonies or foreign. With reference to the Local Conditions in para 3 and 4 of Secretary's despatch I consider we are bound to Hand to Lord Lansdowne's offer that we do not foresee Lord Cross's Local Conditions the Contracted Cadre of 1880 can be provided with Cadres of permanent officers of Native Cadres. Accordingly

? 145

Provided we are allowed also to appoint to the Cadre a few Civil Servants from Provincial Offices can be appointed Deputy on offg. DLG

1000 Mauritius & Dep. Ks. & Port Rs.

on the list mean of 1880 get a confirmed Collectorate or Judgeship the next two or three six vacancies can apparently to go to the Provincial list, if it contains men fit to fill them. This means two years retardation of promotion this grade for to all men also join the service after 1880, unless the rule that Non-Statutory Civilians are to rank as confirmed with covenanted men according to date of confirmation applies to collectorates & Judgeships as well as to other to confirmed offices. In laying down this rule about Date of Confirmation India seems to have forgotten that it means keeping the Members of Provincial Services to the Provincial Cadre by two years or into the Act of 1882 as provided for; whereas if it held that if it only the interests of Covt. taken appointed before 1880 must need consideration.

Should have that effect two years the rule ought to be altered. DLG

the acting Collectors & Judges could be made from the Provincial list until probably 1892; two permanent appts. probably before 1895 or 1896. By the time dates we may be able to find two Collectors & four Judges as soon as Para 6. I think Rs 6000 & Rs 1200 may be accepted as the pay of 1st & 2nd grade Judge or Collector & Sec. Rs of Hd. The Govt. of India forget that we have a 2nd grade Judge as often as a 2nd grade Collector, in fact often as C. Ramachandra is [illegible] continuously the latter should always be so as long as grading is determined, not by Seniority or length of service as Judge or Collector, but by position or standing in the Civil Service list. He being a Statutory Civilian of 1887 will probably never attain to the position of 1st grade Judge. It is clear that when the appointments are departmental offs, since the Local than two-thirds, of [illegible] grading will have to be found. I think [illegible] the Covenanted Service will have reason to complain if one of the second grade offs remains on their list & is transferred to the Provincial List as proposed by the Govt. of India. Accordingly the grant

of grading would then be decided as between inperial and provincial when separately by seniority on their own lists. If the pay of the Ins.t & the Board of Revenue is fixed at Rs 1200, I presume that Rajaratnam's pay will be raised to that figure there no objection to this being done.

With reference to the pay of the lower appointments dealt with in para 7 of the Govt of India circular, acting pay altogether. In fact the civil service appointments are treated throughout as if the service were in personally graded one, which of course it is not. Apart as regards the junior Collectorate of Jungle which dates back as far as 1880. The rates of pay for confirmed appts to correspond to Assistant Govt. Assistant & Sub Collectorships I think be Rs 250, 350, 500 Rupees 250, 300, 500 & 700 & 750. Statutory civilians are to have the preference for these two lowest appointments and I think that if Mr Wells the Civil Surgeon there is agreeable to the terms of these to be forwarded to me acting Govt. Assistant Collectorships as are present. There are still the acting allowances between the grades of Deputy Colrs & the Statutory civilians are absorbed as Govt Colrs in the second part of the Civil Pay with its members

Yes. I entirely agree to the 2 grade CSC. Thus in the present list - 2 Govt. posts in each grade.

Why should it be so? The first 9 duties appointments in Bengal & Madras are

Cost.
Rs 250 in annual 9 100 - 150 + 250 -

Yes. But what about the above

			Pay
Sub Govt.	15	2	750
H.A.C.	24	4	500
Standard	3	1	350
	42	7	

DSK Thirkell
24/5

Yes DSK

* Statutory civilians —

	Pay	Graded pay
Passed Asst Colr. 358 - 6 - 5	300	350
Do acting as HAC. 458 - 6 - 5	400	450
Do acting as Sub Colr. 617 - 3 - 11	500	500 *
HAC. 491 - 11 - 9	500	600 *
Do acting as Sub Colr. 661 - 11 - 0	600	650
Sub Colrs 746 - 10 - 8	700	750

On Indian steeple Rs Rupees hundred there would be Rs 137 - 3 - 11 monthly Rs 100 a month of Rupees Less than the Statutory civilians appointed to the Statutory Cadre.

† After the Statutory civilians are absorbed there will be no need to continue acting allowances between the grades.

Think this rule suffices - DSK

of a graded service come to be settled & when, under a Special order is passed the distribution of the 7 subdivisional appointments should be performed to the distribution of the 42 abst.t in S.t viz. 2, 4, 1; but I suppose that the Statutory civilians whose pay is fixed will get the Rs 350 step compared with the first that only one inspectorship of the 4 that are transferred in the Cadre appt.s is transferred in the grade of Assistant Assistant. The suggestion that a note should be added that the appointments when held by members of the civil service will be excluded by this observance is impracticable, because particular Sub Collectorates and Head Assistantships are not transferred. What will happen is that when it comes to the turn of a Statutory civilian to get an acting or confirmed H.A.C. ship or Sub Collectorship there will be one less of that rank in the imperial list; and the first of the Statutory civilians can be absorbed as appointments will be added and to the grades of Govt Colrs the lowest grades of Rs 750 will then consist of Rs 350.

Para 9. I consider that as regards appointments to Offices declared under the Statutory rules (Geo 6. 23 Vic. c. 3.) the Sanction of the Govt of India should be required only for appts made from outside the provincial list. Thus an order the appt should be by the Local Govt with the prior sanction of the Govt of India. A similar rule

be needed when after first appointment to the list. The rules therefore existing provide, as now, both appointments of persons of proved legal ability from other than Statutory services. Para 11. In this paragraph the Govt of India seem to have taken a too narrow view of the present position of Statutory civilians. And therefore must I think be definitely settled before Statutory civilians especially in regard thereto to the Prov. service on the latter elect.

It is held apparently that a Statutory civilian is now merely the holder of the office to which he stands appointed that each subsequent promotion or transfer is a fresh appointment which requires fresh sanction under the rules of 1879. It is firmly held that these rules as they stand are not in accordance with the Statute and that rules in accordance with the Statute to the effect stated by the Govt of India. What it is obviously important to avoid the hair-splitting results in denying the rules on the heads of the Statutory civilians, and to deny them the status which is conferred upon them by which has hitherto been recognized under the existing rules. When they are appointed for the Government on the Executive Council of the Province which is more difficult to induce them to join the Provincial Service, it frequently does

Even though on the Provincial list could not be appointed to under the Statutory rules. For example, Messrs Henderson Nicholls & Cole among 24 Calc. Mun. W. E. Clarke among Bom Judges. The procedure prescribed by the Statute of 1861 would seem to be open though in any and to them.

Lords. Lord Ripon [illegible] in which Lord Ripon [illegible]

Lord Lamington

Lord Curzon in Bombay Education

There is one expression in Para 11 of India's letter which seems to go too far. It is the word "satisfied". The Govt of India claim "absolute discretion" to refuse the "recommendation" of the Provincial Govt upon "Statutory grounds which are not "open to the satisfied Govt upon any "grounds on which the Provincial Government "is competent to withhold its sanction" to "rules now to be framed". Of course they must not go so much beyond the Secretary of State's despatch of 12/9/84 para 22 which lays down that the Provincial Govt is competent to withhold its sanction to rules framed by the Provincial Service that claim to [illegible] and [illegible] an [illegible] [illegible] [illegible]

...ppose it might be made that any
...Barristers advocate High Court Division
...& Dist Municipal Courts Registrars
...As to the Executive branch, it is consi-
...sible, consistently with the advan-
...ing paid for the claims of the Inferior
...Revenue Service, to introduce for
...some years to come any uniform
...system of recruitment; and
...which hardly could be possible to lay
...to members of the Subordinate Civil
...Service who have proved their merit in
...Admission to the Provincial Service
...Pub. Education
...test or to organize a system of
...recruitment contemplating inter
...beginning their service in the lowest
...grade of that Civil Service. I consider that
...for the body of officials serving
...from the Provincial Dr. Civil Ser-
...vice must be established
...mainly by selection, chiefly from
...the Subordinate Service, of persons
...who have passed the Examinations
...above prescribed, and that it should
...be declared that this system will
...be continued for at least 7 years.
...Pending which there must be some
...recruitment to provide for the 15
...vacancies
...Effect to be found from funding
...the recruitment for the Statutory
...Service which will be discontinued
...To provide this, I would offer an
...Open Civil Service Competition
...Such year for the next three years
...for one Examination similar to that
...now held by the Civil Service Commissioners
...and after the

...A calculation can of course
...be made as to the average number
...of vacancies falling in, & equable
...recruitment can be thus provided
...for. It is also important to
...know this in the Provincial
...Service as it has been proposed to
...fix in the Consolidated Service
...Justices.

...Although my Hon. colleagues
...have not made such a com-
...parison & contrast in
...his memo, I am sure that
...in the event of the Provincial
...Service being established
...on the basis of Examination
...under Statute & Regulation
...under Statute & Regulation
...of the Statute and Regulations
...in the Statute & Regulations
...in the Statute & Regulations
...in the Statute &

[illegible] any chance of the Constitution Scheme which will be a cost of [illegible] Scheme by the Britons. [illegible] which will [illegible] I think, become efficient candidates by this [illegible]. I do not see any necessity [illegible] any attempt to secure the [illegible] representation of the different classes of the community, because or [illegible] secured this. We may rely [illegible] interest at any rate on the [illegible] for selection left [illegible] Nominations [illegible]

Para 15. Rules will have to be drafted when the points above raised can be settled. I have already stated my opinion as to the way in which differences should be made from the [illegible] Provincial Courts, I don't quite understand [illegible] intended to be secured by [illegible] Para the Provincial Courts to select [illegible] Judicial officer in place of [illegible] [illegible] to whom Dist. Magistrates [illegible] [illegible] the first of Indian [illegible] [illegible] to wit "assistant [illegible] [illegible] Provincial Service to [illegible] of Assistants to Collectors [illegible] or Executive Line." Grades, and of Executive Establishments [illegible] the Secretariat above, there [illegible]

appts like [illegible] each class should have a certain proportion to each other - viz that proportion of each class * [illegible] it may [illegible] the Service competitively. It is [illegible] nominated by the Govt. - With the proportion once [illegible] it is difficult to [illegible] - Into. Speaking at random on the basis of the numbers, I should think that 60 p/c should be Hindus. 20 p/c Mahomedans and 10 p/c each of Europeans

* Qy. what classes are meant? Europeans, Eurasians, Hindus & Mahomedans.

The question, however, is a difficult & complicated one & if the number of appointments [illegible] by Competition [illegible] to keep up the [illegible] proportion [illegible] Should any thing [illegible] the Service competitively [illegible] I should [illegible] the [illegible] by nomination [illegible] the Service [illegible] proportions. D.L.

DLS

Should this [illegible] nomination [illegible] appts in reduced [illegible] will be filled up from the Provincial Service, which [illegible] the Service [illegible] by competition [illegible] in a similar manner.

DLS

This is what I have [illegible] existing [illegible]. All duties now [illegible] work and [illegible] any [illegible] as Judicial Officers before being [illegible] Dist. Judge [illegible] then ought to be [illegible] (3rd [illegible] & Deputy [illegible]) and 2nd Cl. Judges entitled [illegible] Special Judges [illegible] purposes of [illegible] & Deputy [illegible] Judges of the 1st Class, Statutory Civil and Sessions Judges and Assistant Sessions Judges [illegible] Subordinate Judges [illegible] Munsifs [illegible] Sub-Judges [illegible] Munsifs [illegible] Sub-Judges [illegible] Munsifs [illegible] Sub-

[illegible] Examinations [illegible]
than is always time [illegible] Cost, Caste and
festival or civil rivalry, understood.

Para 16. I am strongly opposed
to passing any Candidates in the
Provincial Service. The distinction
is made by Indian rulers themselves
when two Candidates are personally
equal; but [illegible] the purely test.
Exam. than marks of 12 or 15. 250, and
equal Value about 20 or 25 or 225.
Should nothing disqualify our
Candidates during, if there appear-
ance when once taken into the
Provincial Service. Indian appoint-
ments ought to [illegible] appointments
on the Executive side to provide with
this [illegible] Memorandum on the Law
Bottom of the Scale. Memorandum
for Judgeships [illegible] main Road Ma
grading of the Dist. Office. So as
to be comparable with the Native Grades.
I cannot object to appointing
Talukdars, Assistant Collectors
Collr's Head Clerks & Dist Judges on
the Civil according to a regular
Gradation of Rs 225; but when we pro-
pose appointing of Talukdars before,
Indian appointments Classes of the Civil
Service from a competition
uniform Judicial & Executive
Service Service should be taken
the official Appointments under

I am disposed to agree with my
Hon: colleagues on this point. Because
all Dist Thomasships of the higher grades
are to belong to the Civil service Europe
all Dist Thomasships will belong to it, but
on the foot of Indian scheme only
certain selected one graded Talukdars
belong to it. I think we should
belong to it. I propose of 4/3 3/4 4/
which the Hon: colleagues appear
to think on the same terms of grading
Talukdars, and not in the lower
but with some [illegible] the Govt has an
opportunity [illegible] the [illegible] this
Ground it to my colleagues, when
they in the first Pl, but they disap-
prove of it. but I hold to the same
view I held in regard to Talukdars
Rs to graded & appointed from Dist
& Dist Judge Court - Rs and Civil
and Sessions Court - Rs Thomasships
& Dist Judge Court - Rs and Civil
& High Court - Rs and Civil
I have them [illegible] to me

This arrangement can be made:

Present			Proposed		
25	@ Rs 400	= 10000	2	@ 400	= 8000
25	300	= 7500	25	350	= 8750
25	250	= 6250	30	280	= 8400
33	200	= 6600	33	250	= 8250
108		30350	108		34400

Or
25 @ 400 = 10000
40 @ 300 = 12000
43 @ 250 = 10750
32750

[illegible] Judgeships 1883 & 1884.

[illegible] are and paid from the funds
of the [illegible] Judicial Service by
appointment. 1/3 of vacancies by
appointment of Talukdars - Civil
Service [illegible] 1st Class
appointment by Govt: although
[illegible] for training the [illegible] of Dist
Judges of High Court class. The

[illegible] Dist Judgeships, Sheristadars
Dist Judges, Talukdars, Sheristadars
Dist Judges, Revenue Inspectors &
Deputy Collrs, Superintendents
Collrs' Head Clerks &
[illegible] Collrs' Head Clerks &
[illegible], be included in it.
[illegible]

[illegible]

[illegible]

a central authority. The examin
would be about 350 strong. The
Educational qualifications were
prescribed viz. F.A. & Lower Grade
Special tests would be quite sufficient
I should much prefer this arrange-
ment to that suggested at the close
of § 16 of Indian Letter.

Para 17. I think the present
arrangements for testing the Educa-
tional qualifications of Candidates
are adequate. In practice they
will in the near future consist
of this, that all members of the
Provincial Service will be Graduates
and will have passed besides either
the B.L. degree Exam[n] or the higher
Special tests; and all members of
the Subordinate Executive Service
will be F.A. Exam passed at least
the Lower Special tests. I don't think
there is any need to change the
arrangements for Exam[n] as the
U.C. Exam[n] Comm[rs] works well.
The Director of Public Instruction
of this Office can help
both arrangements as he did this year
for the Special Competitive Exam
nations. But if Indian Civilians
there will be no difficulty (though
there may be some Expense) in
making a B.L. by calling upon the
U.C. Exam[n] the Board of Exam[rs]

new body

Para 18. I think this paragraph with [illegible] Executive promotion to the higher offices is the cause of the [illegible] in all branches of the administration.

I observe that the Govt of India says nothing as to para 36 of the Secretary of State's despatch which says that the new Provincial Civil Service is to be called the "Madras Civil Service". This I think is a gratuitous & unnecessary cruelty to the members of that honourable body. Call them Indian Civil Service or Imperial Civil Service or what you will; take from them offensive hereditary distinctive features of the public interest requires this necessary; but do not inflict on them the humiliation of losing the name of which they have been proud, borne by a parallel of Govt Colonial & District Magistrates. I think we should remember a story respecting Caleb, an Irish Govt of India.

Presidency Magistrate & Judges of the S. C. Courts should be included in the third part of the Provincial Service List.

Gld
26 March

We have nothing to say regarding the proposal to abolish the Provincial Civil Service in Madras. CA

I am glad my Hon. colleague has noticed this point with disapproval. If the present Madras Civil Service is to be allowed to retain its name & connexion what is the reason to be called? In my respect a Madras [illegible] I think Provincial Service name.

C.S. is done with as many things but the name and date of the Civil Service the higher service Govt of India Imperial C.S.

4/4/90

As I know little or nothing of the Subject under consideration, having seen or read the case before, I do not wish to express an opinion. Especially as I see that H.E. the Governor has already recorded his opinion on my Hon'ble Colleague's minutes.

C.G.A.

26.4.90.

Mr. The ordinal word of circulation is "initial" not "minute" in Madras. CA

I understand the exception contained in the 3rd clause of the Order under reference to mean that the "Classified list" of Officers in the Provincial Service is not to be, at any one time, more than 1/6 of the 94 Officers usually held by Executive Civil Servants.

That the rate at which members of the Provincial Service are to be admitted to the Classified list is to be regulated by circumstances and by reference to the preferential rights of the Civil Servants who entered the service before 1880 i.e. are on leave to the Provincial service is to be admitted to an Office on the "Classified list" in preference to a civil servant who has entered the service before 1880 — and that at all times, if no member of the Provincial Service is eligible to an Office in the "Classified list" the Executive Council of Servants is to be at liberty to appoint —

I certainly would not wish to transfer any other Officers than I am now ordering to the 17 Offices which are now to be filled by members of the Civil service, to the Classified list — ~~I therefore were confined~~

I also think that the effect of the ruling of the Government to limit the number to be placed on the classified list (excepting those by Statute) would be a benefit to the Service —

I think that the Provincial Secretary and Collector should continue to receive the emoluments for their

1880

and 1,200 will be sufficient for the 2nd
grade Collectorships = 140 131
I should prefer to put the 2nd
grade first into the 2nd Collectorships
in the Provincial list
I recollect one objection to the establishment
of second grade appointments — Salaries
this might be a good opportunity of
transferring both second grade appointments
to the Provincial list =
I do not understand the power to suggest the raising of the Pay of
the Surveyors of the Board of Revenue from
1,000 to 1,200 rupees. Nagarathna Mudaliar
is no doubt a very good servant but
if what his predecessor will be worth
more than 1,000 rupees —
and Nagarathna Mudaliar will probably
be promoted to one of the Appointments
in the Classified list —
I agree with any Board Collectors
as to the Pay of Town Surveyors
referred to in Paras 7 & 8 of the Secretary
of India letter — and as to the Clerks
of the Secretary Civil's note to Govt. of
Bengal —

as to Para 9 I agree that the Secretary
of the Government of India should be
required only to obtain the opinions from
the Provincial Govts —

As to the proposed Statutory Civilian
proviso, for a declaration as to vacancies
Statutory Civilians also on the rule
vacancies in States which Civilian
holds out as an inducement to
join the Provincial Service
posting out to Govt Secretariat
as of posting already engaged that
States —

As to the suggestion that we should make
rules for the admission to the Provincial
Service — I think as to the present
Mauds the Suggestion of Reg Hobbs
Colleagues are sufficient — and as to
the Executive Maud it is clear
that the recruitment should continue
as it is at present, as ~~a Service~~ posting
only of the Hobbs Dear Stokes — and
I agree with his proposal as to
the annual appointment of Deputy
Collector & Consultation and as to the
Deputy ~~Collector~~ position of that officer —

HP. 135

I believe that the problem proposed by the Provincial Legislature of procuring an Electoral Statement; and of the same time Accurately showing representation of the different classes of the Community, is almost impossible to solve, without imposing, both the important of the State Census, and of the Statistical returns which may possibly enable Provincial Legislature to procure "due representation of the different classes" —

As to the Census, I am clearly of opinion that it ought to be taken by the Provincial Government, as the Civil Power in Canada, and that the first alternative offered by the Act of Assembly is the best —

As to the proposal that the Census should be taken by Parishes, Townships, Wards, Polls, Counties, or Districts, I am clearly of opinion that the Provincial Government should take the Census, and that the returns should be made to them in the first instance —

I also concur in the opinion that the Statistical qualifications for the Provincial Franchise — Page 17 —

Re to the Principle of Selection 137

I concur — the number of both my Noble Colleagues — 17

I also concur entirely as to the principles of Mr Noble as to the new nomenclature — I would allow to the words "Empress" and "Provincial"

C

23-4-90

Copied 2nd 9.0

which has been borne with pride by

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bore be felt by every member of it as

to any Supplies Rec^d for the Service of the
Year more of the Orders of the Year
should be laid before the Parliament
of Ireland when the Bill is passed & there remain
in the Treasury any more Money should be
disposed of by the Parliament of Ireland
Other the Land Tax Commissioners for Ireland
for the Time being or any three of them
for the Purpose of Carrying into Execution
the Duties & Powers hereby vested in
& Collectors Duties & Powers of Officers & Persons employed
& Powers & Duties &c.

Provided also that nothing herein
contained shall be deemed
to alter the Duties
Powers Privileges

Bill Lords

Draft

TH MAY 189 , No. , PUBLIC.

CONFIDENTIAL.

PUBLIC DEPARTMENT.

LETTER—from

THE CHIEF SECRETARY TO THE GOVERNMENT OF
FORT ST. GEORGE,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

SIR,

I am directed to acknowledge the receipt of your letter No. 300, dated 14th February 1890, forwarding for information copies of the Government of India's Despatch on the final report of the Public Service Commission and the reply of the Secretary of State thereto. In this you communicate certain remarks and suggestions on the proposals of the Commission so far as they relate to the Judicial and Executive branches of the administration and request to be favored with the views of His Excellency the Governor in Council on the several points dealt with.

2. In para. 2 of your letter it is pointed out that, though averse to any legislation being undertaken with the object of amending Section 6 of 33, Vict., cap. 3, and to the definite transfer to the Provincial Service of appointments now ordinarily held by covenanted civilians, the Secretary of State approves of the creation of a Provincial Service and is of opinion that the object contemplated by the Commission will be practically attained by requiring each Provincial Government to place on a classified list certain offices in the different grades and departments and publicly declaring these to be offices to which members of the Provincial Service may, subject to certain conditions, properly be appointed. The lists referred to are to 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 are from time to time to be determined and varied accordingly. The conditions subject to which it will be possible to appoint a member of the Provincial Service to an office in the classified list are enumerated in paragraph 3 of your letter, and it is there requested that this Government will carefully consider how the decision of the Secretary of State can be best carried out. I am directed in reply to communicate the views of His Excellency the Governor in Council on this subject.

Legal para 17
HCo
31 May

Ist
28 May.

Sec.
29/5/90

To Rev Govt.

I do not venture to express an opinion
E.G.C.
30.5.90

3. The first point on which an expression of the opinion of this Government is requested is as to what appointments in this Presidency may be declared those to which, subject to the necessary qualifications, members of the Provincial Service shall be eligible. The Government of India suggests that of 94 appointments scheduled under the Statute of 1861, 15* should be transferred to the Provincial Service, and that the *cadre* of the Covenanted Civil Service should consist of the remaining 79 appointments *plus* the 17† miscellaneous appointments noted in the margin, which, though not scheduled under the Statute of 1861, are ordinarily held by members of the Madras Civil Service, and asks whether His Excellency the Governor in Council would wish to transfer any of these miscellaneous appointments to the Provincial Service. In Mr. Lyall's letter No. 58, dated 7th March 1890, it is intimated that it has been decided to add 5 posts under the Government of India to the *cadre* of the Madras Civil Service, and these together with the 94 scheduled appointments and the 17 miscellaneous appointments noted above will give a total of 116 *cadre* appointments. The transfer of 15 appointments to the Provincial Service will reduce this total to 101 as the new *cadre* to be recruited up to from England; and I am to say that, for the reasons stated in para. 3 of my letter No. 926 dated 22nd September 1888, His Excellency the Governor in Council is of opinion that the 15 appointments proposed by the Government of India is the highest number, that can for a very considerable period, be allotted to the Provincial Service. In regard to the 17 miscellaneous appointments, I am to say that His Excellency in Council is distinctly of opinion that they should be excluded from the Provincial List. In para. 5 of your letter it is pointed out that the schedule attached to the Despatch of the Government of India of the 9th October 1888 provided for the inclusion of 7 District Judgeships, and that only 4 of these have been entered in the present list as that schedule is intended as a final settlement of the claims of the Provincial Service to be gradually worked up to within "a generation of official life," and the necessity of holding the remaining 3 appointments in reserve is dwelt on. His Excellency the Governor in Council not only agrees with the opinion there expressed that neither the administrative needs of the Madras Presidency, nor the aptitudes of its people, nor the claims of Civilians recruited before 1870, permit at present or will permit for many years to come of the appointment so many as 7 Provincial Officers to be District and Sessions Judges but also considers that even the scale now allotted can only be gradually worked up to. I am to suggest that instead of dividing 6 posts in the Provincial List between Collectors and Judges as proposed in para. 4 of your letter, it would be better to allot all 6 posts to District Judges.

*Heads of District	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

†Members of Council	2
High Court Judges	2
Director of Public Instruction	1
Private Secretary to H. E. the Governor	1
Inspector General of Police	1
Deputy Commissioners Salt Revenue ...	2
" " Revenue Settlement	1
Resident, Travancore and Cochin ...	1
Assistant Resident " " ...	1
Assistant Secretary	1
Registrar, High Court Appellate Side	1
Inspector General of Jails	1
Deputy Conservator of Forests ...	1
Reserve	1
Total ...	17

4. Adverting to the second of the conditions laid down in para. 3 of your letter, it is there observed that no member of the Provincial Service can be appointed as acting or permanent Collector or District Judge save in the exceptional circumstances contemplated in para. 21 of the Secretary of State's Despatch of 12th September 1889, until all the Covenanted Civilians of 1880 are provided with acting or permanent appointments of this class. As soon as there are as the last Covenanted Civilian of that year is confirmed as a Collector or Judge, the next six vacancies in this

class should, it is understood, be provid for from the Provincial List if it contains men fit to fill them. As far as can be s present calculated, the first appointment of an Acting Collector or Judge from th Provincial List will, under these circumstances, take place about 1892, nd the first permanent appointment about 1895 or 1896. In para. 11 of ur letter, however, it is ruled that the claims of such Statutory Civilians as ect to retain their present position will only be considered after those of Covenanted Civilians whose covenants bear dates previous to ~~their~~ confirmations, and that the preferential claims of Statutory Officers recruited since 1870 must be satisfied before any member of the Provincial Service can be appointe to the listed posts. As, however, there ~~earliest confirmation of a~~ Statutory Civilian in this presidency ~~bears date~~ 1882, I am to point out that this ruling, which fixes the date of confirmation as that by which a Statutory Civilian is to take rank in the Covenanted List, will have the effect of postponing the transfer of appointments to the Provincial Service until the Covenanted Civilians of 1882 are provi d for, or two years later than appears to be the intention of the Government of dia. I am to request the instructions of the Government of India on this point.

5. His Excellency the Governor in Council, I am to say, agrees to the proposal contained in para. 6 of your letter suggesting Rs 1,600 as the pay of a first grade Judge or Collector when that post is held by an officer belonging to the Provincial Service, and to the transfer of one of the second grade appointments with a salary of Rs. 1,200 to the Provincial Service. I am however to point out that the Government of India is under a misapprehension in supposing that it is only the appointment of Collector-Magistrate that is a second grade ~~appointment~~ in this Presidency, for it is the practice here to treat the posts of the two Junior Officers, whether Collector or Judge, as second grade, and it thus happens that there is a second grade Judge as often as a second grade Collector. In this connection I am to draw attention to the correspondence ending with Mr. Stokes's communication dated 10th May 1888, No. 496, and especially to the remarks contained in para. 8 of his letter No. 1685, dated 21st December 1887, and to urge once more upon the Government of India the consideration of the question of the abolition of these second grade appointments. If, however, the Government of India is still averse to complying with this request, His Excel , the Governor in Council would prefer one of the second grade appointments being transferred to the Provincial Service as a Judgeship and the other retained in the Covenanted List as a Collectorship. As regards the pay of the Uncovenanted Secretary to the Board of Revenue I am to observe that there appear to be no reasonable grounds for raising it beyond the sum drawn by the present incumbent and to suggest that on the inclusion of the appointment in the Provincial List the pay may remain at Rs. 1,000.

6. With reference to the pay of the lower appointments, dealt with in paras. 7 and 8 of your letter, I am to say that in the opinion of this Government the rates of pay for confirmed appointments to correspond with those of passed and unpassed Assistant, Head Assistant, and Sub-Collector should be Rs. 250, 350, 500, and 750 respectively instead of Rs. 250, 300, 500, and 700. In this connection I am to point out that the Government of India appears to have overlooked the question of acting allowances and to treat the Civil Service of this Presidency throughout as if it were a personally graded one, which it is not except as regards the Junior graded offices introduced by the Government of India in 1881, referred to in ~~to have the~~ the last para. As Statutory Civilians are moreover preference for the transferred appointments, His Excellency in Council is of opinion that it should be ruled that when it comes to the turn of one of them to be promoted to an Acting Head Assistantship or Sub-Collectorate acting allowances should be granted as at present. There are no acting allowances between the different grades of Deputy Collectors and if the Statutory Civilians

Note By Hon'ble Mr. Stokes's Note has been followed but it is submitted that as Mamavedan Raja was confirmed on the 28 August 82, he would be entitled before the first cadition of that year which seems to commence on 1st Sept. with no fraction

are absorbed as such in the second pa[illegible] the list they will, as members of a [illegible] permanent their
graded service, cease to be entitled [illegible]em unless a special order is passed.
The justice of this measure will be seen f[illegible] the accompanying table which shows [illegible]
the amount at present drawn by Statutor[illegible]ivilians and that proposed to be drawn
by members of the Provincial Service, [illegible]ermanent and acting in the different
appointments:—

	Statutory Civilian.	Provincial Service.	
	At present draws.	As proposed by Government of India would draw.	As proposed by Madras Government would draw.
	Rs. A. P.	Rs.	Rs.
Passed Assistant	258 6 5	300	350
Do. acting as Head Assistant ...	486 6 5	400	450
Do. do. Sub-Collector ...	617 3 11	440	500
Head Assistant	1 11 9	500	500
Do. acting as Sub-Collector ...	661 11 0	640	650
Sub-Collector	746 10 8	700	750

His Excellency is of opinion that in fairness to the Statutory Civilians this concession as regards acting allowance should be made, as otherwise some of them will draw less pay than they did before appointment to the Statutory Service.

7. It is understood by this Government that the distribution of the 7 Sub-Divisional appointments (Sub-Collector Head and passed Assistant) allotted to the Provincial Service should be proportional to the distribution of the 42 district appointments as proposed in para. 4 of your letter, that is in the proportion of 2, 4, and, 1.

8. The suggestion contained in para [illegible] of your letter regarding the change in the denomination of the appointments [illegible]he Sub-Divisional Officer class when these are held by officers of the Pro[illegible] Service does not, I am to say, meet with the approval of His Excellency [illegible]overnor in Council. I am to point out that particular Sub-Collectorates [illegible]ead Assistantships will not be transferred to the Provincial Service and th[illegible]or this reason it will not be practicable to add a note stating that when held [illegible] members of the Civil Service these appointments will bear their old des[illegible]tion. There is, however, nothing to prevent the wishes of the Secretary [illegible] State being carried out as regards the exhibition of these offices on the [illegible]vincial Service List in a connected and graduated series, for as each Statute[illegible]vilian obtains an acting or permanent appointment as Head Assistant Collec[illegible]r Sub-Collector, there will be one less of that rank in the Imperial List, and [illegible]all the Statutory Civilians are absorbed the appointments will be added to th[illegible]sent grades of Deputy Collectors and new grades of Rs. 750 and 350 will t[illegible]arise. I am further to point out that after this occurs, it will be unnecessary [illegible]continue the grant of acting allowances as between the grades.

9. In para. 9 of your letter the vi[illegible] of this Government is requested as to whether, under Statutory Rules to [illegible]'amed, the sanction of the Government of India should be necessary to ap[illegible]nents from the Provincial list to Offices higher than that of Sub-Collector, [illegible] whether the Local Government should be competent to make such appointmen[illegible] In reply I am to say that His Excellency in Council is of opinion that [illegible] regards appointments to offices under Section 6, 33 Vic., Cap: 3., the san[illegible]n of the Government of India should be required only for appointments made [illegible]n outside the Provincial List. And no

further sanction be needed for promotions
framed, should, in the opinion of His Ex
for the appointment of natives of proved

10. In paragraph 11 of your letter,
paragraph 22 of the Secretary of State,
each Statutory Civilian appointed in this
may be called upon to choose whether he
transferred to the Provincial Service with
claims to promotion to scheduled appoint
claims to promotion of a Statutory Civilian
and who has shown the merit and ability
only arise after the claims of Civilians who
his confirmation have been satisfied, and t
before 1880 and after them the preferential
Officers recruited since that year must be
vincial Service can be appointed to the
Governor General in Council desires to
exercised in each case. In this connection
my letter, I am to say that, as the views of this Government differ from those of the
Government of India on the question of the present position of Statutory Civilians,
it has been thought advisable to address you further on the point before calling
upon the existing members of that body to make the choice referred to.
In my letter No. 732, dated 30th August last it was stated that this Government
was of opinion that under the rules framed in 1879 with reference to Section 6
of 33 Vic. Cap. 3, its powers were limited only in regard to first appoint-
ments to the Statutory Service and that the sanction of the Government of India
was required only for nominations under the rules for employment, and the practice obtaining in this Presidency under which acting
appointments were made from the ranks of Statutory Civilians without reference to
the Government of India, was pointed out. In Mr. Lyall's reply thereto, dated
30th October 1889, the views of the Government of India were intimated demi-
officially, as the despatch from the Secretary of State now forwarded by you was under
consideration. It was pointed out that acting appointments are con-
cerned the question is set at rest by the order contained in para. 22 of the despatch,
under which such Statutory Civilians as do not elect to enter the Provincial Service
will have to be appointed under the Act of 1870 upon each occasion on which they
obtain promotion. In regard to acting appointments, however, it was stated that
the terms of the rules issued under the Government of India Notification, dated
22nd August 1879, universally admitted to be faulty, would admit of temporary or
even permanent promotions being made by the head of a local Government; that
that His Excellency the Governor-General in Council would not interfere with
any past appointments; that the point would be made clear in the rules now to be
issued; and that meanwhile the present practice might be continued. In the des-
patches to and from the Secretary of State which form enclosures to your letter
now under reply, it is held that a Statutory Civilian is now merely the holder of
the office to which he stands appointed and that each subsequent promotion or
transfer is a fresh appointment requiring sanction under the Rules of 1879. I am
however to advance that Statutory Civilians appointed for employment in the
Covenanted Service, and that their status members of that service has hitherto
always been acknowledged in this Presidency. While willing to admit
that the Rules of 1879, as they now stand possibly not in accordance with the
Statute and that rules in accordance with would be to the effect stated by the
Government of India, His Excellency the Governor in Council is nevertheless of
opinion that it would be unjust to visit the Statutory Civilians the error
which has arisen in drawing up the rules to deny them the status conferred upon them and hitherto recognised, advantage held out as an induce-

ment to join the Provincial Service, I am to (ve, is in view of what has just been noticed precisely that which they alr enjoy; they will gain nothing but lose their more favorable leave and pen ules. In consideration the facts noticed above and of this being a fitting y to decide the question raised in my letter No. 732, dated 30th August las nether Statutory Civilians do or do not possess the status which the Govern t of India now offers as a con- sideration for joining the Provincial Service s Excellency in Council has not thought it advisable to make the reference al to in para. 11 of your letter.

11. I am further to draw attention e of the expression "satisfied" in the last sentence of the 1st clause of par our letter, where the priority to be given to the claims of Civilians recruit 1880, and after them of fit and competent Statutory Officers recruited late, is dwelt on. The use of this expression, I am to say, appears d and to be at variance with para. 22 of the Secretary of State's desp 12th September last, which lays down that the position to be occup tory Civilians after joining the Provincial Service, will depend entir merit and ability they may display. I am accordingly to suggest that in framing any rules in this connection the word "considered" should be substituted for "satisfied."

12. His Excellency the Governor-in-Council agrees with the Government of India in regard to the leave and pension rules applicable to officers of the Provincial Service and as to the continuance of the present Leave and Pension Rules in the cases of such Statutory Officers as decline to join the Provincial Service.

13. As regards the submission of rules to reg admission to the Provincial Service, I am to say that a definite plan can be devised at present in regard to either the Judicial or the Executive Bran In the former, Subordinate Judges are at present appointed in this Presiden y Government entirely by selection, but the appointment of District Mun ler Act III of 1873, lies in the hands of the High Court, the qualification being regulated by rules made by the High Court subject to their ap ent. This system cannot therefore be discontinued until the law on th t is altered, and in view of the fact that it has hitherto worked very satisf rily, His Excellency the Governor in Council sees no necessity for such a step might however be ruled that only Barristers, Advocates, High Court Vakils, District Munsifs should be eligible for the post of Subordinate Judge. As Executive branch, this Government is of opinion that it is not possible, ently with a due regard for the claims of the present Revenue Service, t educe, for some years to come any uniform system of recruitment, and consi hat it will hardly ever be possible to deny to members of the subordinate se who have proved their merit in it, admission to the Provincial list as De lectors, or to organize a system of recruitment which would contemplate ginning their service in the lowest grade of that list. His Excellency in C of opinion that for the bulk of appointments forming the present Deputy C s list the recruitment must be carried out as hitherto mainly by selection, from the subordinate service, of persons who have passed the examinatio prescribed, and that it should be declared that this system will be c for at least 7 years. Meanwhile the recruitment to provide for the ferred Civil Service appointments, and corresponding to the recruitm e Statutory Service which will be discontinued, should be provided offering one Deputy Collector's appointment for competition each ye henext seven years at an examination similar to that dealt with in terNo. 263.A, dated 30 April last, such appointment being ad rly to the present sanctioned scale of Deputy Collectorsh is. At the en e seven years, two- thirds of the vacancies in the whole list might b y filled by similar

competitions, the remaining third being re from the subordinate service and from one pers of proved merit and ability. Arrangemen of His Excellency the Governor in Counc dates being obtained and at the same im service which contains many excellen men as the goal of their service and who are per will also provide for the Provincial Servic mainly from the best of the native youth and be on probation until they pass the pr revenue by the special tests, which might as the standard examinations. As to the e sensable, HisExcellency is of opinion that the scheme detailed above sufficient securit ates can appear for the special test ~~[illegible]~~ a small in the competitive examinations examination by the B.A. course. As regards service of the different classes of the com meant Europeans, Eurasians, Hindus and M opinion that the scope for selection left to indicated above will provide for this.

for appointment by selection in the service of Government nature will, in the opinion e thoroughly efficient candi- the claims of the subordinate spire to a Deputy Collectorship worthy of the promotion. They tually becoming one recruited will begin their service in it examinations in law and re- they are concerned replace nal attainments deemed indi- ready exists or will exist under to the current year, only gradu- chances of others will be very will be a species of honours representation in the public by which it is inferred are Muhadans, His Excellency is of vernment under the scheme

14. In regard to the rules regarding Provincial Service to scheduled appointments drafted when the points above alluded to ar *supra*, this Government is of opinion tha ~~Service~~ should be made by the Governmen Government, and that all subsequent promot be in the hands of the latter; and in para. 8 th denomination of appointments has been pro in the Provincial Service for men deputed will be met by the scheme for recruitmen vacancies of this kind in the Provincial S Excellency the Governor in Council ~~as now~~. Deputy Collectors

ointment of members of the to say that these can only be l of. As intimated in para. 9 ppointments ~~to the Provincial~~ on nomination by the Local ~~e Provincial Service~~ should icability of any change in the The question of provision er duty or absent on leave roposed. Any temporary ould in the opinion of His by appointments of acting

15. In the concluding portion of para. officers of the Provincial Service exercising undergo some period of probation in crimina District and Sessions Judges, and I am to say this Government would suggest the creation and the employment of about the same numb Sessions Judges; a rule being laid down that no of District Judge unless he has had 5 y Court vakil; a year's service as Sub-Judge years' service as a Presidency Magistrate, all Sub-Judges to be Additional Sessions to be open. But in this case, ~~because~~, it District Judges as regards civil work, but t frequently passing from civil to criminal cases loss of time.

letter it is suggested that vil judicial functions should ss before they are appointed to carrying out this proposal, additional Sub-Judgeships Judges as Additional Ses- d be appointed to the post tice as a barrister or High tional Sessions Judge or two course which is to appoint ppears to this Government probably necessary to in- their numbers, for the time saved to ~~t~~ Judges in the matter of Sessions trials would not enable them to do a vil work as the Sub-Judges could get through in the same time; this no te to any inferiority in the that in a court which is versed there must always be

16. In para. 16 of your letter it is point His Excellency the Governor General in Council is disposed to ~~inclue~~ provinces certain grades of Tahsildars at all events in the Provincial S d to fix the line of demar-

cation according to pay, all officers drawing les
subordinate service. The propriety of a
Presidency is suggested. In reply I am to say
in Council is unable to alter his opinions as e
letter No. 500, dated 5th June 1888 in
should be excluded altogether from t rovinc
that the Tahsildars in this Preside. are not
appointments are purely territorial. The
Rs. 250, 25 drawing Rs. 225 and 38
entirely disorganize the subordinate service
ments were absorbed into the Provincial lis
subordinate service. As however the object
India appears to be to obtain appointments in
with those of District Munsifs on Rs. 200
the Provincial List, I am to say that His Exc
to revise the grading of the District Munsifs
and in view of the moderate additional cost
consideration of the Government of India.
and proposed scale:—

Present Scale.		(2)	
25 at Rs. 400 = 10,000	20 at Rs. 400 = 8,0	25 at Rs. 400 = 10,000	
25 at ,, 300 = 7,500	25 at ,, 350 = 8,7	30 at ,, 300 = 12,000	
25 at ,, 250 = 6,250	30 at ,, 300 = 9,0	33 at ,, 250 = 10,750	
33 at ,, 200 = 6,600	33 at ,, 250 = 8,2		
108 30,350	108 34,0	108 32,750	

His Excellency in Council would have no ob
Sheristadars, Deputy Tahsildars, Revenue I.
a list, working up to a maximum of Rs. 225.
uniform subordinate executive service and
appointments and promotions under one cent
about 350 strong and the educational qualifica
standard of the Madras University and lowe
cient. The question of regrading of Tahsildar
by the Government of Madras and negatived
805 Finl., dated 16th April 1884.

17. In reply to the question conta
His Excellency the Governor in Council is
ments in this Presidency for testing the educ
the public service are adequate. I am to p
will practically amount to the exclusion fro
who have not graduated and passed at the
the Local University or the Higher Special
vice of all those who have not passed the Fi
University and at least the Lower Special T
a Board of Examiners for the Provincial Se
is of opinion that the present arrangements
for the U. C. S. Examination has worked we
tion and that officer can arrange for an

200 being included in the
ngement in the Madras
Excellency the Governor
in para. 4 of Mr. Stokes'
as held that Tahsildars
e list. I am to point out
lly graded and that their
at present 12 drawing
Rs. 200, and it would
residency if these appoint-
remainder retained in the
ted by the Government of
itive branch to correspond
of the Judicial Branch of
Council would much prefer
olish the grade on Rs. 200
ggest this course for the
g table exhibits the present

regrading of Tahsildars,
Huzur Sheristadars, on
ould create a compact and
be possible to concentrate
ity. The service would be
scribed, namely, the F. A.
pecial Tests would be suffi-
wever, I am to observe raised
overnment of India in letter

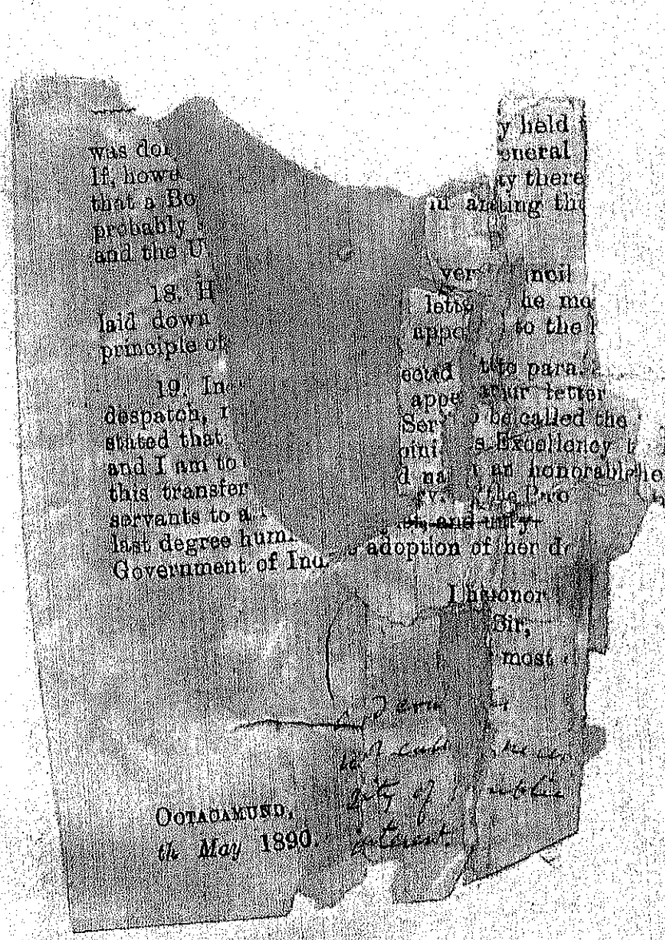
para. 17 of your letter,
that the present arrange-
qualifications of candidates for
that, in the near future they
Provincial Service of all those
e either the B. L. degree of
from the Subordinate Ser-
Examination of the Local
egards the establishment of
to say that His Excellency
change. The Commission
e Director of Public Instruc-
ompetitive examination as

The Hon. Mr. Stokes's note refers only to those who draw above Rs. 200 but the G.O. says Rs. 200 and below Rs. 225.

The lower grade of District Munsiffs can by no means be paid at present considering the quantity & excellence of the work they turn out.

Nagore Sheristadars
Hon'ble Mr. Stokes says Tahsildars Dy Tahsildars & Collrs H.Q. Clerks
" " Gunjam " Tahsildars, Sheristadars, Dy Tahsildars, Revenue Inspectors and Nagore Sheristadars
I don't agree to Revenue Inspectors. They cannot in my opinion always remain in the inferior civil service & when appts be left to Govt. I would ask Govt. to consider how & if they could be promoted to appts Rev. Insp. from Madras. I included Collr's H.Q. Clerks because they get Rs 150 I am sorry that I overlooked the point about Rev. Insps when the draft came round before

159



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Ootacamund,
th May 1890.

NOTES CONNECTED WITH G.O., No. 401, PUBLIC, DATED 4TH JUNE 1890.

[SUBJECT.—*Public Service Commission.*]

From the Government of India, Home Department (Public), dated 14th February 1890, *No.* 300.

Chief Secretary—

The above current deals with the proposals of the Public Service Commission so far as they relate to the Judicial and Executive branches of the Administration.

2. The first point touched on is the creation of a Provincial service, and this Government is asked to consider how the decision of the Secretary of State can be best carried out. The Secretary of State is averse to any legislation being undertaken with the object of amending section 6 of 33 Vic., Cap. 3, and to transferring definitely to the Provincial service a proportion of the appointments now ordinarily held by members of the Covenanted service recruited in England. He considers that the object contemplated by the Commission will be carried out by requiring each Provincial Government to place on a classified list certain offices and by declaring these to be offices to which members of the Provincial service may properly be appointed, subject to the conditions proposed by the Government of India in their despatch, dated 9th October 1888. These conditions are enumerated in paragraph 3 of the letter from the Government of India.

3. The first point is the consideration of what appointments should be declared open to members of the Provincial service. The cadre requirements of this Presidency so far as appointments scheduled under 24 and 25 Vic., Cap. 54, are concerned number 94, and in paragraph 4 the Government of India suggests that 15 of these appointments should be thrown open to the Provincial service. It is left to this Government to decide whether it would be advisable to include any of the 17 local appointments which, though not reserved, are ordinarily filled by Covenanted Civilians. In the schedule which accompanied the despatch from the Government of India to the Secretary of State of 29th October 1888 provision was made for the inclusion of one-third of the District and Sessions Judgeships. This for Madras would make 7. Only 4 of these are included in the 15 appointments proposed to be made Provincial. The Government of India points out that present circumstances could not possibly permit of so large a number as 7 being filled by Provincial officers, but requests that the 3 appointments not included may not be lost sight of. Their addition to the 15 appointments would give a total of 18 or one-sixth of the full cadre of 111 (94 + 17).

4. The second point is the consideration of the pay to be attached to the appointments when held by members of the Provincial service. The Government of India proposes the following :—

	Rs.
First-grade Collector and Judge	1,600
Secretary to the Board of Revenue *	1,200
Second-grade Collectorship †	1,200
Sub-Collector	700
Head Assistant Collector	500
Passed Assistant	300
Unpassed Assistant	250
Under Secretary to Government	700

* See remarks in paragraph 6.

† The Government of India only contemplate a Magistrate-Collectorship being a second-grade appointment, but a District Judgeship is often so too.

This will abolish the two-third rule and enable Government to incorporate the listed appointments in the grades of the Provincial Executive and Judicial services.

5. As regards the method of exhibiting the posts in the list of Provincial appointments, the Government of India suggests that officers of the Provincial service holding charge of a sub-division or an Assistant's division should be styled "Deputy Collector," in fact that so far as they are concerned the terms "Sub-Collector", "Head Assistant" and "Assistant Collector" should be abolished. Subject to the conditions noted above, as regards pay and denomination, the local Government would be competent to appoint members of the Provincial service to the Sub-Collectors,' Head Assistants' and Assistants' charges for which Provincial offices are eligible without reference either to the Government of India or to Statutory rules and promotion to the grade of first-class Deputy Collector or first-class Subordinate Judge would run in the ordinary way. The views of this Government are requested as to whether the local Government should be competent to appoint to the higher offices or whether these or any of them should be made and sanctioned by the Government of India.

6. The proposed list of appointments will be found in paragraph 10, carried down to Tahsildars and Munsifs on Rs. 200.

7. In paragraph 11 the Government of India directs that each Statutory Civilian appointed before 1889 shall be called upon to choose whether he will remain in his present position or be transferred to the Provincial service with an acknowledgment of his preferential claims to promotion to the scheduled appointments. Such Statutory Civilians as elect to remain will rank after Civilians whose covenants bear date previous to their *confirmation* (*vide* letter No. 689, dated 13th August 1889). As regards promotion no Provincial officer can be appointed to the listed posts under the rules to be framed till the claims of all Civilians *recruited* before 1880, and after them, of fit and competent Statutory officers recruited since that date are satisfied.

8. *Leave and Pension Rules.*—The Government of India sees no reason why those of the present Uncovenanted service should not apply.

9. *Rules for* (1) *admission to the Provincial service and* (2) *appointment from the Provincial service to the offices of Collector and Judge and ungraded appointments under the Statute.*—These should be prepared by the Government of Madras and submitted for the sanction of India. Those for admission to the Provincial service should provide for indispensable educational attainments and must be adapted to obtain thoroughly efficient candidates and to secure the due representation in the public service of different classes of the community. It should also be made clear in those rules that though the appointment of Europeans is restricted, it is not prohibited. The lines on which the rules for the appointment of members of the Provincial service to scheduled appointments under 33 Vic., Cap. 3, should be drawn up are enumerated in paragraph 15 of the Government of India letter.

10. In paragraph 16, this Government is asked whether a similar arrangement to that proposed in other provinces might not obtain in Madras whereby the line of demarcation between the Provincial and subordinate service might not properly be fixed according to pay, the limit being fixed at Rs. 200.

11. In paragraph 17 the Government is asked to report on the adequacy of the examination rules at present in force for admission into the public service, to submit proposals for the establishment of a Board of Examiners to test the educational qualifications of candidates for the Provincial service, and to state whether any changes are required in the existing rules for recruitment of the subordinate service.

12. In paragraph 18 attention is drawn to the importance of the principle of special selection being rigidly enforced on all occasions of appointments from the Provincial service to the posts of District Officer, Sessions Judge, and the ungraded appointments made under the Statute, and it is pointed out that this principle should be more rigidly enforced even in the cases of Covenanted Civilians.

C. M. Scrimgr.—3-3-90.

Honourable Member and circulate—

Perhaps it would be better to give six Judgeships than two Collectorates and four Judgeships to the Provincial service. Rs. 1,000 seems to me to be enough for the Uncovenanted Secretary to the Board (paragraph 6). The term "Deputy Collector" might cause confusion and mistakes. Why not use the term "Special Sub-Collectors"? The term "Special Assistant Collectors" has been already appropriated. I do not see why the examination rules need be altered. The selection of man for the appointment of District Judge ought to depend on selection only and be left entirely to the local Government. The entry into the Provincial service might be determined by promotion to a particular rate of pay. Nothing more than general orders can safely be issued about the proportion of the various classes to be employed.

2. The Government of India seem to have determined that Statutory Civilians are to take seniority according to date of confirmation, not of entry into the service on promotion, but they do not expressly order this to take effect till the Statutory Civilians have made their election as to whether they will belong to the Provincial service or not. Should it be acted on at once? *e.g.*, Mir Shujaat Ali has been lately promoted as if he were 102 on the list. According to the new order he ought to be 109 and far below Muhammad Razá Khán.

J. Gross.—3-3-90.

In paragraph 4, India proposes that of 94 appointments scheduled under the Statute of 1861, 15 shall be transferred to the Provincial service and that the *cadre* of the Civil service shall consist of the remaining 79 appointments *plus* 17 miscellaneous appointments which are not scheduled under the Statute of 1861. It asks whether the Governor in Council would wish to transfer any of these miscellaneous appointments to the Provincial service. I would reply in the negative. The question is really as to the strength of the Civil service proper. We may have to fill all these appointments with Covenanted Civilians but there is nothing to prevent their being held by Provincial service men or anybody else. If they are so held they will appear in the third section of the Provincial list, and some of them, *e.g.*, Deputy Commissioners, Revenue Settlement, are now so held and should be entered when held by natives. It is necessary that the Covenanted *cadre* should include them because we may have to fill them. It is advisable that we should have as large a *cadre* as we can get, because India insists on certain principles as to recruiment and as to supplementing the *cadre* for absentees and men in training which we contest and which give us too few men. In a separate letter they propose to add to our *cadre* 5 men for service under India; so that they admit (79 + 17 + 5 =) 101 as the new *cadre* to be recruited up to from England. They add 38 per cent. to *cadre*; we contend they ought to add 50 per cent. if the *cadre* is to be always filled. Their calculation gives us 139 men; we want 143 or a *cadre* of 97. We cannot therefore afford to consent to a reduction of the *cadre* of 101 they offer.

So would I.
J. H. G[ARSTIN].

Yes.
J.H.G.

145?
J. H. G.

2. As to the 15 appointments I think we may accept them as the utmost that we can accept at present. We could not at once find 6 men outside the Civil service fit to be Collectors or Judges. With reference to this second condition in paragraph 3, no acting or permanent appointments can be made to headships of districts or District Judgeships until the covenanted men of 1880 are provided with acting or permanent appointments of this class. Accordingly no acting Collectors or Judges can be made from the Provincial list until probably 1892, and no permanent appointment probably before 1895 or 1896. By these dates we may be able to find two Collectors and four Judges. As soon as the last man of 1880 gets a confirmed Collectorate or Judgeship, the next six vacancies are apparently to go to the Provincial list, if it contains men fit to fill them. This means two years' retardation of promotion to this grade for all men who join the service *after* 1880, unless the *rule* that the Statutory Civilians are to rank as compared with covenanted men according to dates of confirmation applies to Collectorates and Judgeships as well as to other transferred appointments. In laying down this rule about *date of confirmation*, India seems to have forgotten that it means postponing the transfer of appointments to the Provincial service by two years or till the covenanted men of 1882 are provided for; whereas it is held that it is only the interests of covenanted men appointed before 1880 that need consideration.

We may accept the number 15, but I should prefer to substitute 6 Judges for 2 Collectors and 4 Judges.
J.H.G.

Precisely and as I understand it, so long as there is one of the covenanted men of 1880 unprovided with a confirmed Collectorate or Judgeship no Provincial officer can be confirmed in such an appointment.
J.H.G.

It will have that effect no doubt and we should notice it prominently.
J.H.G.

3. As to paragraph 6, I think Rs. 1,600 and Rs. 1,200 may be accepted as the pay of first and second grade Judge or Collector and Secretary, *Board of Revenue*. The Government of India forgets that we have a second-grade Judge as often as a second-

1,700 rupees a month will do for the Provincial Secretary to the Revenue Board.
J.H.G.

grade Collector; in fact oftener as C. Ramachandrayya is continuously the latter and must always be so as long as the grading is determined, not by seniority or length of service as Judge or Collector, but by position or relative standing in the Civil Service list. He being a Statutory Civilian of 1887 will probably never attain to the position of first-grade Judge. It is clear that when the appointments are separated off, some other plan than now obtains of settling the grading will have to be found. I think the Covenanted service will have no reason to complain if one of the second-grade appointments remains on their list and one is transferred to the Provincial list as proposed by the Government of India. The question of grading would then be decided as between Imperial and Provincial men separately by seniority on their own lists. If the pay of the Secretary to the Board of Revenue is fixed at Rs. 1,200, I presume that Rajaratnam's pay will be raised to that figure and have no objection to this being done.

Yes, but instead of putting the second-grade Collector-Magistrate on the Provincial list I would put the second-grade Judgeship on it.

J. H. G[ARSTIN].

Why should it be so? The Government of India suggest that the present pay of Rs. 1,000 is enough and I think so.

J.H.G.

4. With reference to the pay of the lower appointments dealt with in paragraphs 7 and 8, the Government of India overlooks acting pay altogether. In fact the Civil Service appointments are treated throughout as if the service were a personally graded one, which of course it is not except as regards the junior Collectorates and Judgeship foisted into it in 1879 or 1880. The rates of pay for confirmed appointments to correspond to Assistant, Head Assistant and Sub-Collectorate appointments should, I think, be Rs. 250, 350, 500 and 750 and not 250, 300, 500, and 700. Statutory Civilians are to have the preference for these transferred appointments and I think that it should be laid down that when it comes to the turn of one of them to be promoted to an acting Head Assistantship or Sub-Collectorate he should get acting allowance as at present*. There are now no acting allowances between the grades of Deputy Collectors and if the Statutory Civilians are absorbed as Deputy Collectors in the second part of the list, they will as members of a graded service cease to be entitled to them, unless a special order is passed. The distribution of the seven Sub-Divisional appointments should be proportional to the distribution of the 42 appointments in paragrap 4, viz., 2, 4, and 1; but I suppose that the Statutory Civilians who are still unpassed will get the Rs. 350 irrespective of the fact that only one *cadre* appointment is transferred in the grade of passed Assistant. The suggestion that a note should be added that the appointments when held by members of the Civil Service will be called by their old names is impracticable, because particular Sub-Collectorates and Head Assistantships are not transferred. What will happen is that when it comes to the turn of a Statutory Civilian to get an acting or confirmed Head Assistant Collectorship or Sub-Collectorate there will be one less of that rank in the Imperial list; and that

that is increments of 100, 150 and 250.

J. H. G[ARSTON].

	Rs.	A.	P.	Would get on: India's scale.	Would get on: My scale.
*Statutory Civilian—					
Passed Assistant gets	358	6	5	300	350
Do. acting as Head Assistant Collector.	486	6	5	400	450
Do. acting as Sub-Collector.	617	3	11	440	500
Head Assistant Collector	491	11	9	500	500
Head Assistant Collector acting as Sub-Collector.	661	11	0	640	650
Sub-Collector	746	10	8	700	750

On India's scale, P. Ramachandra Row would lose Rs. 177-3-11 a month and draw less than he did before appointment to the Statutory Civil service.

		Pay Rs.
Sub-Collectors	15	750
Head Assistant Collectors	24	500
Passed Assistants	3	350
	42	

I should think so.

J. H. G[ARSTIN].

Yes.

J.H.G.

Yes. They should not lose by the change.

J.H.G.

after the Statutory Civilians are all absorbed their appointments will be added to the grades of Deputy Collectors and new grades, of Rs. 750 and 350 will then arise. After the Statutory Civilians are absorbed there will be no need to continue acting allowances as between the grades.

Paragraph 9.—I consider that as regards appointments to offices under the Statutory rules (section 6, 33 Vic., Cap. 3), the sanction of the Government of India should be required only for appointments made from outside the Provincial list. The appointment should be by the local Government with the prior sanction of the Government of India; and no further sanction should be needed after first appointment to the list. The rules should certainly provide, as now, for the appointment of natives of proved merit and ability. Persons other than Statutory natives even though on the Provincial list could not be appointed A under the Statutory rules. For example Messrs. Underwood, Richetts and Cole among Deputy Collectors and Mr. W. E. Clarke among Sub-Judges. The procedure prescribed by the Statute of 1861 would have to be gone through in regard to them.

I think this will suffice.
J. H. GARSTIN.

Yes.
J.H.G.

A to the higher transferred officer.
J.H.G.

Paragraph 11.—In this paragraph the Government of India seem to me to take an erroneous view of the present position of Statutory Civilians, and the point must, I think, be definitely settled before Statutory Civilians are called on to make election in regard to transfer to the Provincial service. It is held apparently that a Statutory Civilian is now merely the holder of the office to which he stands appointed and that each subsequent promotion or transfer is a fresh appointment which requires fresh sanction under the rules of 1879. It is possibly true that these rules as they stand are not in accordance with the Statute and that rules in accordance with it should be to the effect stated by the Government of India. But it is obviously unjust to visit the mistake made in drawing the rules on the heads of the Statutory Civilians, and to deny them the status which is conferred upon them and which has hitherto been recognized under the existing rules. They are appointed for employment in the Covenanted service and the advantage which is now offered to them to induce them to join the Provincial service is precisely that which they already enjoy. They gain nothing, but lose their more favourable leave and pension rules. If those who do not join are to forfeit their present clear status, they will be treated with great injustice. The point about the rules is that referred to in

There is one expression in paragraph 11 of India's letter which I do not like and which seems to me to go too far. It is the word "*satisfied*". The last clause of that paragraph says that "the admission of the prior "claims of Civilians recruited before 1880, "and after them of preferential claims of fit "and competent Statutory officers recruited "since that year, must be *satisfied* before any "member of the Provincial service can be "appointed to listed posts under the rules "now to be framed". It seems to me moreover to go much beyond and to be at variance with the terms of the Secretary of State's despatch of 12th September 1889, paragraph 22, which lays down the position hereafter to be occupied Statutory by Civilians and says that after they join the Provincial service their claims to advancement would depend entirely on the merit and ability they might display. This is a proper rule to lay down and it should apply to men in the Civil Service of India as well as to those in the Provincial service. Therefore when the proposed rules are drawn up it should be carefully borne in mind that the word "*considered*" should be substituted for the word "*satisfied*" in the India despatch in declaring the rights of members of either service to promotion.
J.H.G.

Is this the case in Bombay and elsewhere?
J.H.G.

Quite so. It is Mr. Taggett's case over again in which I urged the same principle and the Government affirmed it.
J.H.G.

Government Order to which India has given a very indefinite reply. I consider that a definite declaration should be extracted whether Statutory Civilians appointed under the existing rules possess or do not possess the status which India offers as consideration for joining the Provincial service. If the rules framed under the Statute are faulty let them be amended, but the amended rules should not affect men who took service under the old rules.

Yes.

J. H. GARSTIN.

This only seems fair.

J.H.G.

Paragraph 13.—As to admission to the Provincial service, whether we look to the Executive or Judicial branches, a definite plan can hardly be now devised. As to the Judicial branch, Sub-Judges are now appointed by Government entirely by selection but District Munsifs are appointed by the High Court under Act III of 1873, and the qualification is regulated by rules made by the High Court, subject to the approval of Government. Until the law is altered this system cannot be changed.* I see no necessity for changing it, as it has worked exceedingly well. For Sub-Judges' posts it might be ruled that only Barristers, Advocates, High Court Vakils and District Munsifs should be eligible. As to the Executive branch it is not 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 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 service list as Deputy Collectors or to organize a system of recruitment contemplate men beginning their service in the lowest grade of that list. I consider that for the body of appointments which form the present Deputy Collectors' list, the recruitment must be 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 there must be some recruitment to provide for the 15 Civil Service appointments transferred, and corresponding to the recruitment for the Statutory service which will be discontinued. To provide this I would offer one Deputy Collector's appointment for competition each year for the next seven years at an examination similar to that which was recently held, such appointment being added yearly to the number of Deputy Collectorships now sanctioned; and after the end of the seven years I would give two-thirds of the vacancies

Note.—Under paragraph 8 of G.O., No. 351, Educational, dated 20th June 1889, the High Court were to be moved to make certain alterations designed to raise the general educational standard. Has this been done?

H. E. S[TOKES].

Note for the Government Member?—

The Government Order itself was communicated to the High Court with covering letter. No separate communication was sent as the Government Order is thought, is sufficient intimation. No reply has been received but reminder has been sent.

C.M.S.

Yes.

J.H.G.

Sessions Judges; but even then I suspect that it would be necessary to increase their number, because the time saved to the District Judges in the matter of sessions trials would not enable them to do as much civil work as the Sub-Judges would do in the time. I don't mean that the District Judges are inferior as regards civil work, though some will doubtless say so; but that in a court which is frequently passing from civil to criminal cases and *vice versâ* there is always time lost, cases not posted or not ready, and so forth.

Paragraph 16.—I am strongly opposed to grading any Tahsildars in the Provincial service. The suggestion is made by India under the idea that our Tahsildars are personally graded; but the appointments are purely territorial. There are only 12 on Rs. 250, and I think about 20 or 25 on Rs. 225. It would entirely disorganise our subordinate service, if these appointments alone were taken into the Provincial service. India apparently wants to get appointments on the executive side to grade with District Munsifs on Rs. 200 at the bottom of the scale on the Judicial side. It would be far preferable to revise the grading of the District Munsifs so as to do away with the Rs. 200 grade.* I would not object to regarding Tahsildars, Huzur Sarishtadars, Collectors' Head Clerks and Deputy Tahsildars on one list working up to a maximum pay of Rs. 225; but when we proposed regrading of Tahsildars before, India refused to hear of it.† We should then have a compact and uniform subordinate executive service and might be able to get the appointments and promotions under a central authority. The service would be about 350 strong. The educational qualifications now prescribed, viz., F.A. and lower grade special tests, would be quite sufficient. I should much prefer this arrangement to that suggested at the close of paragraph 16 of India's letter.

I am disposed to agree with my Honourable Colleague on this point. Because District Munsifs of all the higher grades are to belong to the Provincial service therefore all District Munsifs should belong to it, but as the Government of India scheme only contemplates one grade of Tahsildar belonging to it I think none should belong to it. The papers of 1883 and 1884, to which my Honourable Colleague refers as bearing on the question of grading Tahsildars, are not in the box. I was not aware that the Government had ever proposed the scheme to the Government of India. I proposed it to my colleagues, when I was in the Revenue Board, but they disapproved of it, but I hold to the same view still, and consider that Tahsildars should be graded and moved from district to district by Government just as District Munsifs are by the High Court. It would tend to make them honester than some of them now are and would give them greater experience. I would not reduce the pay of first class Tahsildars, but I am not averse to my Honourable Colleague's scheme for raising the pay of District Munsifs of the lowest class. The subordinate executive service should consist of Tahsildars, Sarishtadars Deputy Tahsildars, Revenue Inspectors and perhaps of Huzur Sarishtadars but Collectors' Head Clerks should not, I think, be included in it.

J. H. G[arstin].

* This would not cost very much.

Present.		Proposed.			
	Rs.		Rs.		Rs.
25 at 400 =	10,000	20 at 400 =	8,000	Or 25 at 400 =	10,000
25 at 300 =	7,500	25 at 350 =	8,750	40 at 300 =	12,000
25 at 250 =	6,250	30 at 300 =	9,000	43 at 250 =	10,750
33 at 200 =	6,600	33 at 250 =	8,250		32,750
108	30,350	108	34,000		

† See papers of 1883 and 1884.

Paragraph 17.—I think the present arrangements for testing the educational qualifications of candidates are adequate. In practice they will in the near future come to this, that all members of the Provincial service will be graduates and will have passed besides either the B.L. degree examination or the higher special tests; and all members of the subordinate executive service will be F.A.'s and have passed at least the lower special tests. I don't think there is any need to change the arrangements for examination as the Uncovenanted Civil Service Examination Commissioner works well under the Director of Public Instruction and this officer can very well arrange as he did this year for the special competitive examinations. But if India insists there will be no difficulty (though there may be some expense) in making a Board by rolling up the Uncovenanted Civil Service Commissioner and the Board of Examiners into one body.

Yes.

J. H. G[ARSTIN].

No.

J.H.G.

This paragraph bears me out with justice of my remarks on the expression "*satisfied*" in paragraph 11 of India's letter. The principle of selection should certainly be adhered to strictly in filling up all appointments above that of a Sub-Collectorate whether from the Provincial or Indian Civil Service.

J.H.G.

Paragraph 18.—I hail this paragraph with pleasure. Seniority promotion to the higher offices is the curse of the service in all branches of the administration.

I observe that the Government of India says nothing as to paragraph 36 of the Secretary of State's despatch which says that the new Provincial service is to be called the "Madras Civil Service." This I think is a gratuitous and unnecessary cruelty to the members of that honourable body. Call them Indian Civil Service or Imperial Civil Service or what you will; take from them appointments if the public interest and justice to natives requires this measure; but do not inflict on them the humiliation of seeing the name of which they have been proud borne by a parcel of Deputy Collectors and District Munsifs. I think we should make a strong representation on this point to the Government of India.

I am glad my Honourable Colleague has noticed this point with disapproval. If the present Madras Civil Service is to be allowed to retain its old cognomen what is the new one to be called? We must suggest a name. I think Madras Provincial Civil Service would do as well as anything, but the recommendation of the Committee was the best, the higher service should have been the Imperial and the lower the Provincial Civil Service.

J. H. G[ARSTIN].—4-4-90.

Presidency Magistrates and Judges of the Small Cause Court should be entered in the third part of the Provincial Service list.

H. E. S[TOKES]—26-3-90

I understand the suggestion contained in the 3rd paragraph of the letter under reply to mean that the offices in the "*Classified list*" are to be not more than one-sixth of the 94 now usually held by Covenanted Civil Servants. That the rate at which members of the Provincial service are to be admitted to the offices in the Classified list is to be regulated by circumstances and by reference to the preferential rights of the Civil Servants who entered the service before 1880, *i.e.*, no one from the Provincial service is to be admitted to an office on the "Classified list" in preference to a Civil Servant who has entered the service before 1880, and that at *all times*, if no member of the Provincial service is fully fit for an office in the "Classified list" then a member of the Covenanted service is to be appointed.

I certainly would not wish to transfer any of the other 17 offices which are now ordinarily filled by members of the Civil Service to the Classified list.

I also think that the effect of the rulings of the Government of India with respect to the date of confirmation of Statutories should be pointed out.

I think when the Provincial Judge and Collector come into existence 1,600 will be enough for them and 1,200 will be sufficient for the second-grade Collector or Judge.

I should prefer to put the second-grade Judge not the second-grade Collector in the Provincial list.

(1) பக்கங்களின் எண்ணிக்கை .....

(2) புதுக்கித் திருப்பிய நாள் .....

(3) ஆதாரங் குறிப்பவர் சுருக்கொப்பம் .....

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

..... துறை

அரசாணை எண்.	அச்சகம்
மு. நோப்புத் தாள் எண். 1101	பலவகை
நாள் : 22.5.1891	199 .

மடிக்கவோ கண்டபடி கையாளவோ கூடாது.

ஆவண. கா. 1—18,006—6-9-90.

பாதுகாப்பு பிரிவு:-

செய்யுபவர் பெயர்: S. மாணிக்கம்

செய்யவேண்டிய வேலை - 4.03

கொடுக்கப்பட்ட நாள் :

கரிபார்க்கும் முதல் நிலை உத்தியோகம்

இரண்டாம் நிலை உத்தியோகம்

தலைமை உத்தியோகம்

1319
1891

COLONIAL SECRETARY'S OFFICE, MALTA

8 April 1891

CHIEF SECRETARIAT
14 MAY 91
GOVERNMENT OF INDIA

Sir

I have the honour, by direction of Governor Sir Charles Bullen Hugh Mitchell, to acknowledge the receipt of your letter (Public No 46) of the 19th January last, respecting the condition of a leprous Indian returned from this Colony to India per SS Umtata in December 1890, and to forward for your information copies of reports on the subject by the Protector of Immigrants of this Colony and of the Depot Surgeon.

His

The Hon
The Chief Secretary
Madras

His Excellency also desires me to explain that there is no Law in Natal which would authorise the detention in this Colony of an Indian entitled to his return passage

I have the honour to be

Sir

Your obedient Servant

C Reid

Asst: Col: Secretary

for the Colonial Secretary

A

Educational (1897) Department.

CURRENT No.

Ordy No. 341 of 18-6-97

The exemption asked for cannot be granted

Published with notice 14/6/97

For Orders

as to whether the exemption solicited may be granted!

From H. A. Sim. Esq. Ag.
by Private Secretary to
H. E. the Governor

No.

Dated 21st May 1897.

Received 3/6/97

Forwarded 3/6/97

Registered 3/6/97

Enclosures 4

Spare copies

SUBJECT.

Transfers a petition dy 19th May 1897 from Mohmd Hanif Abi Khalimi Sahib, Triplicane, Madras, praying that he may be exempted from passing the Govt. Upper Secondary Exam

(By mail)

3/6/97 Ag.

I think the exemption from the Upper Secondary should not be granted. If a man cannot qualify by the L.S. he is not likely to be much use. Nor are there cases in this case which may not be found in a very large number of other Mahomedan cases

8/6/97

Exemption should not be granted

H. A. Sim

10/6/97

Ag Private Secretary

BACK PAPERS

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"	2	
"	6261	

FURTHER PAPERS

G.O.	No.	Department.	Date

To.

His Excellency The R[illegible]

Sir Arthur [illegible] G.C.S.I.

&c &c &c

Governor of Fort St. George.

In Council

The humble petitio[n] of Muhammad Shar[if] Kalimi, great gran[d]son of the late Sam[s]ul Bahram Jung Baha[dur] Jaghirdar of the [fo]rmer Jaghir of Talvanoor [in] the South Arcot Distr[ict]

Most humbly sheweth,

That your poor petitione[r] father, the late Ahmad Ali Khan Bahadu[r] grandson of the Jaghirdar of Talvanoor was in the enjoyment of two monthly all[owan]ces of Rs 11-10-8 granted by G.C. No. [illegible] dated 21st January 1860 and the other of Rs 2[illegible] sanctioned by G.C. No. 2 dated 2[illegible] January [illegible] Revenue Department.

Your humble petitioner [fa]ther submitted his [pe]tition to the Dy. Collector and His Excellency the Governor in Council, but his case was not at all taken into consideration. The Dy. C[ollector] in his Order No. [illegible] dated 16th August [illegible] stated that the pension gran[ted] to your humble petitioner's father [illegible]

Therefore it is hoped
plea that your merciful Excellency will
enough to take this matter especially into con-
and will kindly procure him as many cla
of his station, who also
respectable families have
-ten from securing a passin Govt. Upper
secondary Examination) that he may thus be
enabled to get himself employed in the
public service and relieve his dependants
from the daily starvation.

For this act of kindness and
benevolence your humble petitioner shall be
gratefully ever bound to pray.

Parwana of the Jaghir, Order of
the Dy. Collector, certificate of Govt. Lower
secondary Examination and testemonial
from the head of the institution in which
your humble petitioner had been receiving
education are hereunto submitted for your
excellency's kind and noble perusal.

19th May 1877.

Address.

M. Sharif Ul Hakeem
C/o Syed Abdul Aty Saheb,
Jungy Jahan Khan's Road.
Triplicane
Madras.

Your humble and poor pet
besides being the direct great grandson and
only fourth life in the male line from the
original grantee (who was drawing a monthly
pension of Rs 1225) and also the pension granted
to his father, by G.O. No 104 dated 21st January
not being for life, is totally deprived of h
share in his fathers' pension.

Such being the case your
humble and helpless petitioner is left
destitute and is unable to prosecute his studies
to get himself qualified in the University so
that he may meet the requirements of the pub
service.

Your humble petitioner has
passed the Lower secondary Examination
December of last year he had appeared for
the Matriculation and Govt. Upper secondary
Examination, but he was unfortunate enough
to secure a pass in any one of these

Thus it is your humble petitio
although he derives his descent from a gr
and noble family being deprived of an
share in his fathers pension is now owing
to the stress of circumstances beyond his
control reduced to extremities and his
penurity has been a bar to his progress and
remains an insurmountable barrier before him
getting himself qualified for the public service
and moreover owing to the strain of circum
-stances he is unable to maintain
his widowed mother in h

BACK PAPER, No. OF 1

FURTHER PAPER, No. OF 16

...R OF GOVERNMENT, DATED
No. , MISCELLANEOUS.

Rec'd 3 of 5 91

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...TO.

...PY, WHICH MUST FOR COMPARISON
...ST (not pages).

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ORDINARY, MS.

Public Department.
G.O., dated 22-8-91
No. 401 4,

INDEXED.

When given for copying

[Despatch Abstract.]

Regarding a leprous
Indian intending from
Natal for Straits
to return 98—

J.