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Public DEPARTMENT.
G.O., DATED 29. 9. 90
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[Despatch Abstract.]

Statutory Civil Service

Communicating to the officers concerned
extracts from letters from the Government of
Madras (together with the paragraph of the
Secretary of State's Despatch referred to therein)
requesting that each Statutory Civilian
promoted in the Madras Presidency before the
close of 1889 may be called upon to choose
whether he will remain in his present
position, or be transferred to the Provincial
Service.

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3-9-10

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11-6-14

24-4-15

30-1-23

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READ AGAIN ORDER OF GOVERNMENT, DATED
No.

BACK PAPER, No.

FURTHER PAPER, No. 3288

ENCLOSURE.

CERTIFICATE No.

STATEMENT WITH PAPER.

ORDER, No. of GOVERNMENT-A.

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Gobt. of {1890} Madras.
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G.O., 29th Sept. 1890, No. 662.

SEPTEMBER.

Statutory Civil Service.

Communicating to the officers concerned extracts from letters from the Government of India (together with the paragraph of the Secretary of State's Despatch referred to therein) requesting that each Statutory Civilian appointed in the Madras Presidency before the close of 1889 may be called upon to choose whether he will remain in his present position, or be transferred to the Provincial Service.

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WARRANT No.

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29TH SEPTEMBER 1890, No. 662, PUBLIC.

GOVERNMENT OF MADRAS.
PUBLIC DEPARTMENT.

READ—the following papers:—

Extracts from letters from the Government of India, Home Department, dated 14th February and 8th August 1890, Nos. 300 and 1543, respectively.

* * *

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. His present position under the Statute is fully defined in that paragraph, and it will be remembered that, so long ago as March 1883, it was decided by the Secretary of State that it was simply that of an incumbent of a particular office. But, in order that each officer may clearly understand the nature of the alternatives placed before him, it seems desirable to go somewhat more into detail and to define the relative claims of all those classes which will in future be eligible for appointment to the scheduled offices.

The claims of Civilians who passed the competitive examination in or before the year 1879 must be satisfied before the question of promoting any Statutory Civilian, whether he elects to retain his present position or enters the Provincial Service, can be entertained. The Civilians of succeeding years are equally entitled to have their legitimate claims to promotion safeguarded by providing that the extent to which promotion in the listed posts may be given to Statutory Civilians and members of the Provincial Service combined shall not, except in the special circumstances contemplated in paragraph 21 of the Secretary of State's Despatch of 12th September 1889, exceed the extent to which, at the time of their recruitment, statutory appointments might have been made under the rules of 1879: it will be remembered that the ultimate object of these rules was to open one-sixth of the appointments in the Civil Service to natives of India, but that the limit of such appointments to be made in any one year was one-fifth of the number of Civilians recruited by open competition. The advancement of a Statutory Civilian who elects to remain in his present position will depend entirely on the merit and ability he may display; should his merit and ability justify his advancement, his promotion will be effected by making a fresh special appointment under the Statute, and the post to which he is advanced will, so long as he holds it, have to be deducted from the number of posts open to the Provincial Service. Should he, however, elect to join the Provincial Service, he will be entitled to an acknowledgment of his preferential claims to the listed appointments, as they gradually become open to members of the Provincial Service, after recognition of the claims of Civilians recruited in England.

It may assist Statutory Civilians in the exercise of their choice if the decision conveyed above is made clearer by an illustration, and for this purpose A may be taken to be an Indian Civilian who passed the examination in 1879 and whose covenant was signed in 1881, B an Indian Civilian recruited in 1881 with a covenant signed in 1883, C, D and E Statutory Civilians confirmed in their appointments in 1881, 1882 and 1883, respectively, and F and G Provincial officers. The claims of

Show proof
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A will have to be considered before any Statutory Civilian or member of the Provincial Service can be appointed to a listed post, except in the case of a special appointment made in accordance with paragraph 21 of the Secretary of State's Despatch of 12th September 1879. B will be entitled to claim that the number of Statutory Civilians and members of the Provincial Service combined appointed to superior posts without his claims to promotion having been considered shall not, except in the case of such a special appointment as has just been mentioned, exceed the number of Statutory Civilians who might have been appointed under the Rules of 1879 in the Presidency or Province in which he may be serving prior to the date on which he signed his covenant in 1883. The advancement of C, D and E to higher posts than those now occupied by them will, if they elect to remain in their present position, depend entirely on the merit and ability which they may display, and can only be effected by means of fresh appointments under the Statute. If, on the other hand, they join the Provincial Service, their claims will be preferred to those of F, G and other members of the Provincial Service, provided that they are fit and competent; and they will also be entitled to have their claims considered before those of a member of the Indian Civil Service who passed the competitive examination in or after 1880, subject to this limitation, viz., that the number of listed appointments held by members of the Provincial Service and Statutory Civilians combined shall not exceed the number of statutory appointments which might have been made under the Rules of 1879 before the particular member of the Indian Civil Service signed his covenant. Subject to the same limitation, the claims of F and G may be considered at any time, and of course they would be promoted before any statutory who had joined the Provincial Service but was, at the time in question, judged to be incompetent or deficient in the experience required for the particular office. I am to request that the above position may be explained to the Statutory Civilians appointed in the Madras Presidency before the close of 1889, and that the Governor-General in Council may in due course be informed of the manner in which each of them has exercised his choice.

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.

ENCLOSURE.

Paragraph 22 of Despatch from the Right Honorable the Secretary of State for India, dated 12th September 1889, No. 104, Public.

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,

* Paragraph 87.

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 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 favor of the Statutory Civilians, it proposed that "*ceteris paribus*," they should, if considered qualified, have a preferential claim over members of the Provincial Services for promotion to the transferred appointments."

While it seems to me that there can be little doubt that, at least in the great majority of cases, the transfer of the Statutory Civilians to the Provincial Service would, as the Commission believed, be really beneficial and not injurious to their interest, I am aware, from memorials that have been submitted to me, and from other sources of information, that this view is not held by all of these officers themselves. I am anxious to avoid even the appearance of injustice or want of due consideration towards these gentlemen. As observed in paragraph 15 of your predecessor's Despatch, "the question is not free from difficulty, because the status of a Statutory officer is now superior to that of an officer in the Uncovenanted Judicial and Revenue Service, and any measure of amalgamation, if not carefully qualified, might be regarded as an infringement of just expectations." I think that the course least open to objection will be to give to every Statutory Civilian the option of remaining in his present position, or of being transferred to the Provincial Service, with an acknowledgment of his preferential claims in the manner proposed by your predecessor's Government. In the former case, the maintenance of the *status quo* would simply mean, as is said in the Despatch, that his appointment would continue, as hitherto, to

* Paragraph 15.

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 rule 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.

ORDER—dated 29th September 1890, No. 662, Public.

The foregoing extracts from letters from the Government of India, Home Department, together with the paragraph of the Secretary of State's Despatch referred to therein, will be communicated to the officers concerned, who will be requested to make the election required of them within the period of one month from date of receipt of this order.

(True Extract.)

Chief Secretary.

To Messrs. ~~Statutory Civilians~~
 H. C. Manasdan Raja ~~Esq.~~
 Muhammad Raja Khan ~~Esq.~~
 C. Venkata Raja Rao ~~Esq.~~
 M. S. S. Ali Khan ~~Esq.~~
 R. Ramachandra Rao ~~Esq.~~
 T. M. Srinivasa Aiyar ~~Esq.~~
 C. Ramachandra Aiyar ~~Esq.~~
 T. Vasudha Rao ~~Esq.~~
 Exd. P. L. Pereira.
 P. Rajagopala Rao ~~Esq.~~

Gobt. of {1890} Madras.
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G.O., 29th Sept. 1890, No. 662.

SEPTEMBER.

Statutory Civil Service.

Communicating to the officers concerned extracts from letters from the Government of India (together with the paragraph of the Secretary of State's Despatch referred to therein) requesting that each Statutory Civilian appointed in the Madras Presidency before the close of 1889 may be called upon to choose whether he will remain in his present position, or be transferred to the Provincial Service.

மேல்க்குள்ளே உள்ள பத்திரிகைகளில்
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பத்திரிகைகளில் உள்ள பத்திரிகைகளில் உள்ள
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பத்திரிகைகளில் உள்ள பத்திரிகைகளில் உள்ள

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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 "ceteris paribus, they should, if considered qualified, have a preferential claim over members of the Provincial Services for promotion to the transferred appointments."

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* Paragraph 15.

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.

Order. 29th Sep. 1879 No 662.

The foregoing extracts from Letter from the Govt of India, Home Dept. together with the paragraph of the Secretary of State's Despatch referred to therein, will be communicated to the officers concerned who will be requested to make the election required of them and to advise Govt. within the period of one month from date of receipt of this order.

To. 9 Statutory Civilians (by name).

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conveyed above is made clear by an illustration, and this purpose be taken to be an Indian Civilian who passed the examination in 1879 and whose covenant was signed in 1881, B an Indian Civilian recruited in 1881 with a covenant signed in 1883, C, D and E Statutory Civilians confirmed in their appointments in 1881, 1882 and 1883 respectively, and F and G Provincial officers. The claims of A will have to be considered before any Statutory Civilian or member of the Provincial Service can be appointed to a listed post, except in the case of a special appointment made in accordance with paragraph 21 of the Secretary of State's Despatch of 12th September 1879. B will be entitled to claim that the number of Statutory Civilians and members of the Provincial Service combined appointed to superior posts without his claims to promotion having been considered shall not, except in the case of such a special appointment as has just been mentioned, exceed the number of Statutory Civilians who might have been appointed under the Rules of 1879 in the Presidency or Province in which he may be serving prior to the date on which he signed his covenant in 1883. The advancement of C, D and E to higher posts than those now occupied by them will, if they elect to remain in their present position, depend entirely on the merit and ability which they may display, and can only be effected by means of fresh appointments under the Statute. If, on the other hand, they join the Provincial Service, their claims will be preferred to those of F, G and other members of the Provincial Service, provided that they are fit and competent; and they will also be entitled to have their claims considered before those of a member of the Indian Civil Service who passed the competitive examination in or after 1880 subject to this limitation, viz., that the number of listed appointments held by members of the Provincial Service and Statutory Civilians combined shall not exceed the number of statutory appointments which might have been made under the Rules of 1879 before the particular member of the Indian Civil Service signed his covenant. Subject to the same limitation the claims of

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Enclosure.

Paragraph 22 of Despatch from the Right Honourable Secretary of State for India No 104 Public D. 12th September 1879.

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* Paragraph 87.



PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following papers—

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Nos 300. and 1543 dated 14th February + 8th August 1890
respectively: —*

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